THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

Opinion No. 2016-UP-039

RECEIVED
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SC SUPREME COURT

The State

Respondent,

v.

Fritz Allen Timmons

Petitioner.
~~Appellant.~~

APPENDIX

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Part One of Two

THE STATE OF SOUTH CAROLINA
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APPEAL FROM CHESTERFIELD COUNTY
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J. Michael Baxley, Circuit Court Judge

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The State — Respondent,

v.

Fritz Allen Timmons — Appellant.

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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

State of South Carolina, Respondent,

v.

Fritz Allen Timmons, Appellant.

Appellate Case No. 2013-001415

Appeal From Chesterfield County
J. Michael Baxley, Circuit Court Judge

Unpublished Opinion No. 2016-UP-039
Submitted November 1, 2015 – Filed January 20, 2016

AFFIRMED

Fritz Allen Timmons, of Hartsville, pro se.

Attorney General Alan McCrory Wilson and Assistant Attorney General Vann Henry Gunter, Jr., both of Columbia; and Solicitor William Benjamin Rogers, Jr., of Bennettsville, for Respondent.

PER CURIAM: Fritz Allen Timmons appeals a circuit court order dismissing his appeal from a magistrate's court order finding him guilty of ten animal abandonment and neglect offenses. Among an array of other raised issues, Timmons argues the circuit and magistrate's courts erred in finding probable cause

existed to support the issuance of a search warrant for his property. We affirm pursuant to Rule 220(b), SCACR, and the following authorities:

As to whether probable cause existed to support the issuance of the search warrant: *State v. Baccus*, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006) ("In criminal cases, the appellate court sits to review errors of law only."); *State v. Kinloch*, 410 S.C. 612, 617, 767 S.E.2d 153, 155 (2014) ("In reviewing a magistrate's probable cause determination, [the circuit court] must determine whether the issuing magistrate had a substantial basis upon which to conclude that probable cause existed."); *State v. Jones*, 342 S.C. 121, 126, 536 S.E.2d 675, 678 (2000) (providing this court must give great deference to a magistrate's court's determination of probable cause); *Kinloch*, 410 S.C. at 617, 767 S.E.2d at 155 ("A warrant is supported by probable cause if, given the totality of the circumstances set forth in the affidavit, there is a fair probability that . . . evidence of a crime will be found in a particular place.").

As to Timmons's remaining issues on appeal: *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial [court]. Issues not raised and ruled upon in the trial court will not be considered on appeal.").

AFFIRMED.[1]

SHORT, GEATHERS, and MCDONALD, JJ., concur.

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

The South Carolina Court of Appeals

State of South Carolina, Respondent,

v.

Fritz Allen Timmons, Appellant.

Appellate Case No. 2013-001415

ORDER

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

Paul G. Shorty, Jr. J.

J.

J.

Columbia, South Carolina

cc: Fritz Allen Timmons
William Benjamin Rogers, Jr., Esquire
Vann Henry Gunter, Jr., Esquire
The Honorable J. Michael Baxley

FILED
March 24, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

Opinion No. 2016-UP-039

The State — Respondent,

v.

Fritz Allen Timmons — Appellant.

MOTION TO REHEAR

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With the Constitution of he United States as Supreme Law of the Land and Supposedly known and defended by the Officers of this Court System, This Court can not and Shall not prevent any Rights granted by the Constitution by any method wither it be by State Code, State Regulation, Court process or procedure, nor by any Case Law. This Court Also does not have the Right and Shall not re-interpret nor produce an alternative interpretation to The plain language and meaning of the Constitution of he United States nor its Amendments. Any Actions to deprive a citizen of these Rights is a Criminal Action and considered as Treason against the Constitution. Any judge or lawyer that willfully ignores any illegality of a Warrant is not fit for office , ipso facto, neglects all Duties and Oaths of office and must be removed to ensure the integrity of the Justice System. Failure to remove such judge or lawyer only promotes corruption throughout the System.

With An Affidavit and a Search Warrant as substantial evidence "On its Face" and in front of all judges and Lawyers involved, Both the Affidavit and Warrant must be considered as a Whole and pass ALL of the particulars and Probable Cause requirements of the Constitution. With Warrants signed by a judge and accompanied by an Affidavit, ipso facto, in its self. has been heard and Ruled upon, Therefore, is preserved for ANY and All Appeal Courts on ALL Constitutional arguments. Any Judge that willfully denies any Constitutional Rights is in direct violation of TITLE 18, U.S.C., SECTION 242, §16-5-10, §16-17-10, §16-17-735, §16-17-410 and many others as well as neglect of duty(§8-1-60), Rule 501,SCACR Canon 3, Judges Oath of Office ("will preserve, protect and defend the Constitution") and Lawyers Oath of Office ("will preserve, protect and defend the Constitution", where applicable). Ipso Facto, implements Criminal Intent.

Although the Record shows substantial evidence that Constitutional Intrusion and an unlawful search and seizer was conducted prior to the issuance of a warrant, Ipso Facto, provide the Criminal intentions of the Magistrate, Deputy, and Dog Catcher to cover up the Constitutional Violations by the State of which has been conspired by the Circuit Court, Lawyers and now by this Court by Court Procedure , the ignoring of substantial evidence, the violations of Federal and State Laws and the violations of Court Rules. With Both the Magistrate and Dog Catcher being subpoenaed as witnesses and Circuits Courts failure to permit the testifying of along with the Dog Catchers failure to comply with a disclosure subpoena for all Dogs seized, Ipso Facto, the Appellant was denied to present his case in full.

The provided Affidavit, Warrant, and itemized list is in Direct Violation of the Fourth Amendment of which Can not be denied by this Court. The **judge is obligated not to consider the evidence** from an unconstitutional search and seizure in determining the issue of the defendant's guilt. (Jackson v. Denno, 378 U.S. 368, 84 S.Ct., 1774, 12 L.Ed.2d 908 (1964),. There is no evidence in support of the States False Claims as to the Double Jeopardized Charges (that is not within the Jurisdiction of a County Dog Catcher's Authority, §4-9-145 B)," the governing body of a county may appoint and commission as many **code enforcement** officers as may be necessary for the proper security, general welfare, and convenience of the county. These officers are vested with all the powers and duties conferred by law upon **constables**" , Ipso Facto, enforcement of County Ordinances only, not State Codes.) that the Appellant abandoned and neglected animals inside Appellant's residency and Property's Curtilage. Animal Control and County Deputies unlawfully Broke into the Appellant's Residency without Cause and

without authority. The charges of Rabies fall under the "Fruit of the Poison Tree" Doctrine. Also, the Appellant was prosecuted by a Dog Catcher (Practicing Law without a license) in and determined to be by the Dog Catcher during the hearing, a Criminal Case. The Dog Catcher also using unlawfully issued and perjured **County** uniform summons tickets for **State Law** Codes. The Appellant was convicted and fined (of which part went to the County Shelter as Court own Record proves) by a Shame Legal Process and Still being continued through this Court System, Ipso Facto, Committing Barratry §16-17-10 and falls within the "**RICO**" statute.

With the Affidavit stating (and written in same hand writing as Warrant);

(A) "1827 Tabernackle Church Rd. McBee" as items to be Seized., Ipso Facto. Fails to Meet the Constitution particularly Requirements and invalidates Affidavit. In said case, does not describe any K-9s, dog food nor pet carrier that was seized

(B) "Property and Dwelling" as description of place to be searched, Ipso Facto. Fails to Meet the Constitution particularly Requirements and invalidates Affidavit. In said case, does not limit place to be search such as curtilage or surrounding woods nor barn or RV that was also searched and not listed.

(C) "malnourished and dead animals outside and evidence of worse animals outside. no food or water for animals" as reason for affiants belief, Ipso Facto. Fails to Meet the Constitution Probable Cause Requirements and invalidates Affidavit In said case. does not state any action of nor timing of any criminal activity nor belief of any. Ipso Facto, Does not provide probable Cause nor support Warrant.

Many of the same points of law discussed under the Arrest Warrant section are applicable to search warrants. A search warrant may issue only upon a finding of probable

cause. State v. Weston, 329 S.C. 287, 494 S.E.2d 801 (1997). A search is not reasonable unless there was probable cause to believe that the search would produce evidence of a crime or contraband. Probable cause is defined as a state of facts which would lead a man of ordinary care and prudence to believe that the object sought is presently located at the designated place. Therefore, the Affidavit Totally Fails to support the Warrant in any way possible. A mere hunch, suspicion, guess or unfounded opinion that evidence or contraband will be produced by the search is not probable cause. The person seeking the search warrant must reasonably believe that the evidence or contraband is there, and must be able to point to facts which would create in any prudent and careful man a similar belief.

As stated in **Supreme Court Opinion - 27473** (The State v. Bryant Kinloch), " If no supplemental testimony is taken, a magistrate's probable cause determination is **limited to the four corners of the search warrant affidavit**. *See, e.g., State v. Herring*, 387 S.C. 201, 214, 692 S.E.2d 490, 497 (2009) ".

As stated in **Supreme Court Opinion - 25188** (*State v. Jones*). "the Court of Appeals reversed the trial court and remanded for a new trial. The Court of Appeals held that the evidence should be suppressed because the **false affidavit circumvented the affidavit requirement of S.C. Code Ann. § 17-13-140** (1985) and *State v. McKnight,* 291 S.C. 110, 352 S.E.2d 471 (1987). A defendant has the right to challenge misstatements in a search warrant affidavit. See *Franks v. Delaware*, [2] 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978); *State v. Sachs*, 264 S.C. 541, 216 S.E.2d 501(1975). A defendant is entitled to an evidentiary hearing if the following criteria are met: (1) the defendant's attack is more than conclusory and is supported by more than a mere desire to

cross-examine; (2) the defendant makes allegations of deliberate falsehood or of reckless disregard for the truth which are accompanied by an offer of proof; and, (3) the affiant has made the allegedly false or reckless statement. Further, if the foregoing criteria have been met, and the remaining content is **insufficient to find probable** cause after the allegedly false or reckless material has been set aside, the defendant is entitled to his hearing, under the Fourth and Fourteenth Amendments. *Franks*, 438 U.S. at 171, 98 S.Ct. at 2684, 57 L.Ed.2d at 677. The General Assembly has imposed stricter requirements than federal law for issuing a search warrant. Both the Fourth Amendment of the United States Constitution and Article I, § 10 of the South Carolina Constitution require an oath or affirmation. before probable cause can be found by an officer of the court, and a search warrant issued. U.S. Const. amend. IV; S.C. Const. art. I, § 10. Additionally, the South Carolina Code mandates that a search warrant "shall be issued only upon affidavit sworn to before the magistrate, municipal judicial officer, or judge of a court of record. . ." S.C. Code Ann. § 17-13-140 (1985). " and ""so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable." *Leon*, 468 U.S. at 923, 104 S.Ct. at 3421, 82 L. Ed. 2d at 699."

As stated in **Supreme Court Opinion** State v. Winborne, 273 S.C. 62, 254 S.E.2d 297 (1979). "In order for affidavit in support of search warrant to show probable cause, **it must state facts so closely related to time of issuance** of warrant as to justify finding of probable cause at such time; **affidavit which fails altogether to state time of occurrence of facts alleged therein is insufficient.** "

With the Warrant stating (and written in same hand writing as the Affidavit);

(A) "1827 Tabernackle Church Rd. McBee" as description of place to be searched,

Ipso Facto. Fails to Meet the Constitution particularly Requirements and invalidates Warrant. Description is Void for vagueness.

(B) "abandoned or neglected animals" as items to be seized, Ipso Facto. Fails to Meet the Constitution particularly Requirements and invalidates Warrant and also produces contradicting Duplicity and Void for vagueness. "Animals" includes all wildlife, domesticated and feral.

Both the affidavit and the search warrant must particularly describe the place to be searched and the objects to be seized. It is inadequate if the descriptions are so general that the executing officer has discretion to search more than one place or seize more than that specifically intended. For example, if the place to be searched is an apartment, the apartment number as well as the address should be specified. Or for example, if the item to be seized is a gun, it must be described so as to distinguish it from other firearms that may be found.

The purpose of the particularity requirement is to prevent the issuance of general warrants which could be used for general exploratory searches. A search warrant cannot be issued for "the search and seizure of evidence of a crime." A search warrant cannot authorize a fishing expedition. The search itself must be limited in its scope and intensity. That is, the search must be limited to those items specified in the warrant. If the warrant is for the search and seizure of "one Brand Y 25 inch color TV, serial #2541," the police must search only in those places of the specified location where such an item could be hidden, i.e., they could not search in desk drawers for a 25 inch TV set.

With both the Affidavit and Warrant being in direct violation of Constitutional

Laws and Appellant Prosecuted by a Dog Catcher, Judge Davis was acting without jurisdiction and the Continuation of this criminal activity by the Attorneys, Solicitors, and Judges involved is a violation of State Code §16-17-10 (**Barratry**). Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge). The Supreme Court has also held that **if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution,** Ipso Facto, renders Both Lower Court Judgment Void. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce. Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts. Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. Of which include both Magistrate and Circuit Court Judges and that of the Appeals Court.

With the above said and the Refusal to disclose evidence by the State, (in said case, the Dog Catcher), the actions of the State is willful, conspiratorial, and criminal

actions. As in **Court Order - 2004-05-25-01,** "A willful act is defined as one 'done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done: that is to say, with bad purpose either to disobey or disregard the law." Id. at 82-3, 370 S.E.2d at 874. *See also* S.C. Code Ann. §16-17-410 (2003 & Supp. 2014) (defining a criminal conspiracy as "a combination between two or more persons for the purpose of accomplishing an unlawful object or lawful object by unlawful means"); *State v. Gunn*, 313 S.C. 124, 134, 437 S.E.2d 75, 80 (1993) (stating that the "gravamen of the offense of conspiracy is the agreement or combination," not merely a common crime of conspiracy is the agreement itself, the State need not show any overt acts in furtherance of the common scheme or plan. Nonetheless, substantive crimes committed in furtherance of the conspiracy may constitute circumstantial evidence from which a jury could infer the existence of the conspiracy, its object, and scope. *Id*. Moreover, "[t]o establish the existence of a conspiracy, proof of an express agreement is not necessary, and direct evidence is not essential, but the conspiracy may be sufficiently shown by circumstantial evidence and the conduct of the parties." *State v. Kelsey*, 331 S.C. 50, 63, 502 S.E.2d 63, 70 (1998). Withholding of evidence violates *due process* "where the evidence is material either to *guilt* or to punishment. " Brady v. Maryland, 373 U.S. 83 (1963) "An abuse of discretion occurs when the trial court's ruling is based on an error of law or, when grounded in factual conclusions, is without evidentiary support." *State v. Jennings*, 394 S.C. 473, 477–78, 716 S.E.2d 91, 93 (2011) (quoting *Clark v. Cantrell*, 339 S.C. 369, 389, 529 S.E.2d 528, 539 (2000)). (*State v. Lyles*, 379 S.C. 328, 338, 665 S.E.2d 201, 206 (Ct. App. 2008) "Unfair prejudice means an undue tendency to suggest a decision on an

improper basis.", Lisenba v. California., 314 U.S. 219, 236, 62 S.Ct. 280, 86 L.Ed. 166 (1941) that fundamental fairness essential to the very concept of justice, *State v. Blackwell-Selim*, 392 S.C. 1, 4, 707 S.E.2d 426, 428 (2011) trial court failed to make specific findings of fact to support its ruling, Ipso Facto, the Dog Catcher acting as Prosecutor has also violated **18 U.S. Code § 2071 "** (a)Whoever willfully and unlawfully conceals, ...in any public office,... shall be fined under this title or imprisoned not more than three years, or both". "(b)Whoever, having the custody of any such record... willfully and unlawfully conceals... shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States...".

This Court has Failed to be Faithful to the Law that Requires a Defendant to be Prosecuted by a Licensed member of the State Bar Association §40-5-310. "**No person may either practice law or solicit** the legal cause of another person or entity in this State **unless he is enrolled as a member of the South Carolina Bar** pursuant to applicable court rules, or otherwise authorized to perform prescribed legal activities by action of the Supreme Court of South Carolina. The type of conduct that is the subject of any charge filed pursuant to this section must have been **defined as the unauthorized practice of law by the Supreme Court of South Carolina** prior to any charge being filed. **A person who violates this section is guilty of a** felony ....", §**23-15-110** "**No** sheriff, deputy sheriff or sheriff's clerk, while in office, **shall act as an attorney at law or solicitor** in equity in his own name or in the name of any other person **or be allowed to plead or practice in any of the courts in this State**, ...", Ipso Facto, is Fraud upon the Court and a Sham Legal Process

With Paul E. Short subverting Court Rules that Allowed Respondent (no longer a party to the case) to Re-enter the Case (4/18/14) without petitioning the Court and file out of time (not extension of time as permitted by Rule 263(b), SCACR) without Cause and Five Months after Respondent had Withdrawn from Case (11/18/13), Ipso Facto has placed Fraud upon the Court and Violated Appellant's Rights to Due Process for Causing an unreasonable Delay that does not include the unreasonable Delay of Eleven Months between being Ready for Consideration (12/18/14) and being placed upon the Roster (11/02/2015). This Court Has Also Committed Barratry for the Action for the Order that ordered the Appellant to Amend the Appellants Initial Brief After the filing of the Appellants Final Brief as well as having to Amend the Record on Appeal and permitting the Respondents to File a Supplemental Record in Direct Violations of Court Rules. This Action as well as enforcing Court Rules (other then Clerical errors) upon the Appellant while subverting Court Rules on behalf of the State has show Extreme Bias against the Appellant and Abuse of Discretion by this Court. "An abuse of discretion is a plain error, discretion exercised to an end not justified by the evidence, a judgment that is clearly against the logic and effect of the facts as are found." Rabkin v. Oregon Health Sciences Univ., 350 F.3d 967, 977 (9th Cir. 2003) (citation and internal quotation marks omitted).

With Fraud placed upon the Court and Numerous Constitutional Violations and Perjury by the State that produced a Sham Legal Process (§16-17-735), Therefore, *State v. Dunbar*, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial [court]. Issues not raised and ruled upon in the trial court will not be considered on appeal.") has NO MERIT. With both the Affidavit and Warrant as well as the actions of

the State is in Direct Violations of Constitutional Laws and State Laws, Therefore, this Court must Review the Whole Record of Both the Circuit and Magistrate Courts With the Magistrate Court having both a preliminary Hearing and a Case hearing, ipso facto, being part of the Whole Record, This Court must also consider the issues raised to and ruled upon the Magistrate Courts without regards to the lack of Record due to being a summary court or lacking of due to criminal intent by the magistrate or criminal intent by a Circuit Court judge as this case has proven by substantial evidence. This Case along with the Pam Conley Case provides the unlawful Practices and Habits between Chesterfield Animal service personnel and Magistrate John Davis.

With All Judges, lawyers and the Dog Catcher bound by Rule 1101, SCRE, Rule 37, SCRCrimP, Rule 81, SCRCP as well as Rule 407, SCACR and Rule 501, SCACR , The refusal to take disciplinary Action for the Action of the Counsels and Judges in said Case is in fact a Direct violations of the said Rules and violation of §8-1-60 (Neglect of duty), Ipso Facto, causes Barratry (§16-17-10) and Conspiracy (§16-5-10)

With the above said, The Order of this Court that Violates The Appellants Constitutional Rights is produced without Jurisdiction, under Abuse of discretion, and in violation of TITLE 18, U.S.C., SECTION 242 and is treason against the Constitution of the United States along with Conspiracy after the facts with the Lower Court and State officials involved and of which waivers any and all Immunity from criminal prosecution and civil actions and as well as not upholding the disciplinary duties of which they are bound by, they not fit for their Official Duties. Therefore, the Appellant request this case to be reheard.

January 27. 2016

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County
Honorable J. Michael Baxley, Circuit Court Judge
Appellate Case No. 2013-001415

RECEIVED
FEB 11 2016
SC Court of Appeals

THE STATE,

Respondent,

vs.

FRITZ ALLEN TIMMONS,

Appellant.

RESPONDENT'S RETURN TO PETITION FOR REHEARING

On January 20, 2016, this Court issued an unpublished opinion in which it unanimously affirmed Appellant Fritz Timmons' conviction for ten animal abandonment and neglect offenses. State v. Timmons, Op. No. 16-UP-039 (S.C. Ct. App. filed Jan. 20, 2016). Pursuant to Rule 221(a), SCACR, Timmons petitioned this Court for rehearing, and this Court requested that Respondent ("the State") file a return to Timmons' petition. For the following reasons, Timmons' petition for rehearing should be denied.

Appellant's Petition for Rehearing

In his Petition for Rehearing, Appellant makes a variety of unclear arguments seemingly alleging error on the part of this Court in determining there was sufficient probable cause to support the search warrant. Appellant also makes confusing allegations of professional and judicial misconduct on the part of the State and various levels of the judiciary. The State submits that Appellant's Petition for Rehearing should be dismissed out of hand, as it fails to comply

with Rule 221(a), SCACR. Rule 221(a), SCACR provides "A petition for rehearing shall be in accordance with Rule 240, and shall state with particularity the points supposed to have been overlooked or misapprehended by the court." Appellant's petition contains a wide array of vagueries that are not in compliance with the Appellate Court Rules whatsoever. As such, the State requests Appellant's Petition be dismissed. Furthermore, as to Appellant's allegations of misconduct on the part of the State and the judiciary, the State would note that this Court is not the proper forum to raise his complaints.

Search Warrant Issue

In his Petition for Rehearing, Appellant seems to continue to contend there was not probable cause to justify the issuance of the search warrant. To the extent Appellant alleges Constitutional violations, that issue was fully addressed in the opinion of this Court. The warrant issued by the magistrate judge was sufficiently supported by probable cause because the officers viewed the incriminating evidence on the property from a lawful vantage point free from Fourth Amendment intrusion.

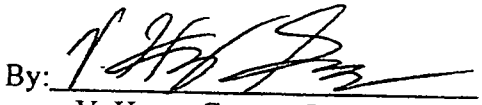
Conclusion

Based on the foregoing coupled with the arguments raised in the Final Brief of Respondent, the State respectfully requests that Timmons' petition for rehearing be denied.

Respectfully submitted,

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February 11, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

The State — Respondent,

v.

Fritz Allen Timmons — Appellant.

BRIEF OF APPELLANT

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STATEMENT OF ISSUES ON APPEAL

1. DID THE TRIAL COURT ERR WITH A BIAS AND UNFAIR HEARING?

2. DID THE TRIAL COURT ERR IN FAILING TO PRODUCE PRIMA FACIE EVIDENCE OF PROBABLE CAUSE?

3. DID THE TRIAL COURT ERR BY HAVING THE STANDARDS OF A PRO SE AT THE SAME LEVEL AS A LAWYER?

4. DID THE MAGISTRATE COURT ERR IN PERMITTING A SEARCH AND SEIZER THAT VIOLATES FOURTH ADMENDMENTS RIGHTS OF THE APPEALANT?

5. DOES THE AFFIDAVIT SUPPORT THE SEARCH WARRANT ?

6. DOES THE SEARCH WARRANT VIOLATE THE APPELLANTS FOURTH ADMENDMENTS RIGHTS?

7. WAS THERE A SEARCH WARRANT AT TIME OF SEARCH AND SEIZER?

8. DID THE MAGISTRATE COURT ERR IN THE PERMITTING OF SAID E-MAIL AS PROBABLE CAUSE WITHOUT PRIMA FACIE EVIDENCE OR COMPLAINT UNDER OATH?

9. DID THE MAGISTRATE COURT ERR IN PERMITTING MULTIPLE DOUBLE JEOPARDY CHARGES AND VIOLATING?

10. DID ANIMAL CONTROL VIOLATE APEALLANTS 4th ADMENDMENTS RIGHTS?

11. WAS CASE BASE ON ASSUMPTION, CONSPIRACY, BARRATRY AND PURGERY?

12. WAS EVIDENCE TAMPERED WITH AFTER MAGISTRATE HEARING ?

13. DID THE CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT TRY TO MISLEAD THE COURT WITH ONLY PARTIAL EVIDENCE ?

14. ARE THE COUNTY ORDINANCE SUMMONS INVALIDE?

15. DID CHESTERFIELD COUNTY ANIMAL COTROL PROVIDE PUREBRED DOGS TO CHESTERFIELD COUNTY ANIMAL SHELTER AND OTHER RESCUES FOR THE PURPOSE OF FINACIAL GAIN?

16. DID CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT VIOLATE COURT ORDER AND LITTER CONTROL LAWS?

17. DID CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT BASE THEIR CHARGES ON INVESTIGATION AND FACT OR ON PURELY ON ASSUMTION?

STATEMENT OF THE CASE

On Jan 23, letter in reference to case number 2009-CP-16-540 as to status of case sent to appellant from Darlington Clerk of Court (signed by Jennifer Sanders)

On approximately Jan 31, contacted and informed Darlington Clerk of Court that decision of the hearing was never delivered. DCCoC inform appellant that they would contact Judge Paul M Burch's office as to status.

On approximately Feb 20, appellant contacted DCCoC as to status of case, DCCoC replyed they have had no response from Judge Paul M Burch's office (used as a possible torte accusation for anonymous E-mailor call used as probable cause).

On March 4, 2013, Chesterfield Animal Control and Chesterfield Sheriff Department conducted a search and seizer at 1827 Tabernackle Church Rd in Chesterfield county while appellant was at work. Search was conducted in front and back yard along with residency and barn(not supported by warrant) and seized appellants dogs along with one bag of dog food and one large pet carrier(not supported by warrant) . No papers was left at residency or given to appellant. Interviewed Geneva Timmons and her neighbors of Darlington County. Approximately 7pm, appellant informed by a deputy sheriff that

search was conducted and to contact James Lewis. After returning to residence, appellant found damage done by actions of search and seizer and dog food containers strewed throughout yard and residency.

On March 5, 2013 appellant was interrogated by Chesterfield sheriff deputies, a preliminary hearing was held with motion to dismiss refused and court ordered custody of dogs given to Animal Control, ACO Jim McGonigal stated "you wont get out of this on a technicality". Court ordered temporary custody to Chesterfield Animal Control. Asked for copy of anonymous E-mail and was denied.

Appellant shown one complete intact dog carcass and pictures of others (unknown dogs at time of viewing) by ACO Jim McGonigal at Chesterfield County Animal Shelter. Compared appellants dog list to that seized by Animal Control. Appellants list of dogs was identical to Animal Controls list of seized dogs. Warrant was executed by James Lewis. ACO Jim McGonigal threatened appellant with if appellant don't give custody of dogs over to county then he would charge appellant with 31 charges of abandonment and ill-treatment. Dogs was taken to and examined by Hartsville Animal. Appellant took pictures of bowls with food and water. Inspected grave site and found dog carcuses found was dug up, paw and claw marks found on and around grave hole. Search warrant and affidavit dated 3/4/2013, warrant return dated 3/5/2013 of which list dated 3/7/2013@6:07am.

On March 6, seizer was broadcast on WCCB with statements "...anonymous tipster called it in...animal control officers say...abandoned trailer housing..", " , Animal Control appellant receive summon tickets 1884 through and including 1892. ACO Jim McGonigal stated "will deliver rest of the tickets later, too much filling out to do all at

one time"and "I will have the search warrant amended ". Summons tickets numbers 1893 through and including 1897 for Pamela Conley was filed.

On March 7, Danielle Bowe sent James Lewis seizer list used on warrant return on March 5.

On March 8, Summon ticket was filed.

On March 11, ACO Jim McGonigal delivered summons tickes 1898 through and including 1909. Statements "ATTENTION!! To everyone that is interested in the dachshund we have seized", " For Adoptions We need to have everyone interested to fill out an adoption application", and "For Rescue We need your 501c3 or state certification along with our rescue application filled out" posted on Chesterfield County, SC Animal Services face book page

On March 12, local newspaper "The Link" published article as to seized dogs reported to them by Danielle Bowe.

On March 18, Appellant requested motion of dismissal along with a list of violations at beginning of hearing, refused by Judge John A Davis giving belief to appellant of a bias and unfair hearing. Appellant was charged and fined for 10 counts of abandonment/neglect (47-1-70 not a county ordinance), 3 counts of Ill-treatment (47-1-40 not a county ordinance and not supported by warrant), and 8 counts of rabies (415.60 not a county ordinance and not supported by warrant). Appellant was fined a total of $3500 reduced down from $8100. Appellant forced to sign custody of dogs over to Animal Control due to financial distress caused by fines imposed. Asked for copy of anonymous E-mail and was denied.

On March 20, "Ok everyone the Dachshunds have been released to us!!! " and " Everything will be aranged with rescues tomorrow 3-21-13. Pick up and transport will not start until Friday 3-22-13." posted on Chesterfield County, SC Animal Services face book page (prior to appeal time limit).

On March 21, Statements "So, we are taking four of the Chesterfield case Dachshunds...yep! ", "Marie Bowman I saw all of them last night. They are all so beautiful. Thank you for saving these girls. Do you know if the others will be rescued as well? It looked like there was a lot of interest from other rescues too.", "Yvonne Stollmaier So thankful you have rescued these babies! Saw an update early this afternoon. There are still 11 of these doxies that need homes-so sad ! Thank you for rescuing the ones for CLHR! March 21 at 11:34pm via mobile " was posted on Carolina Loving Hound Rescue face book page.

On March 23, Statements "Jim Mcgonigal thanks for pulling them Brenda Like · Reply · 4 March 23 at 5:53pm.", "Furever Angels Animal Rescue of Charlotte My pleasure Jim! Like · March 23 at 6:18pm..","Roxanne McQuaid Daugherty thank you Jim Mcgonigal! Like · March 23 at 8:01pm.", and "Furever Angels Animal Rescue of Charlotte Erin, we just got her in our rescue today so we will be learning more about her in the next few days. Like · March 23 at 6:20pm." was posted on Furever Angels Animal Rescue of Charlotte face book page.

On March 25, Appellant filed for appeal.

On March 28, Return of the criminal appeal filed.

On May 7, The Link (Chesterfield County local newspaper) published "County confiscates 40 dogs from breeder" article about Pamela Conley being bullied and dogs

being seized by Chesterfield County Animal Control.

On May 8, Appeal hearing in front of Judge J. Michael Baxley. Asked for copy of anonymous E-mail and was denied due to no prima facie evidence.(CT P. L) Appeal was denied

On June 6, Notice of intent to appeal served On June 11, Proof of service of notice of intent to appeal served On June 14, Notice of appeal served On June 17, Request for transcript served On June 27, Appellant received request for transcript payment of $103.50 On August 7, Payment for transcript served On August 15, Appellant received transcript and refund of difference minus expediting expense, total of $81.25 and refund of $16.25

On June 15, Served order of transcripts and notice of appeal\

On June 23, 2013 Received letter of payment notification

On August 7. 2013, Payment for transcripts was served

On August 15, Received transcript with omitted statements by Judge J. Michael Baxley

On August 28, Acquired return from Chesterfield County Clerk of Court and from Magistrates office (warrant return seized items list from clerk of courts office (not dated) differed from magistrates office(dated))

On Sep 4, Reorder transcript with omitted statements by Judge J. Michael Baxley

ARGUMENTS

I. BECAUSE JUDGE BAXLY WAS IMPATIENT AND HAD A PREJUDGEMENTAL ATTITUDE

With a prejudgment attitude and the outburst statement "With all this evidence against you, your lucky your not in jail" (purposely omitted by Pamela Ozment-Cartee, court reporter) by Judge Baxley (State v. Gillian, 373 S.C.601, 613, 646 S.E.2d 872, 878 (2007);State v. Gaster, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002); State v. Wilson, 345 S.C. 1, 5, 545 S.E.2d 827, 829 (2001) while leaning towards appellant with papers in hand and arm outstretched, thereby giving belief that the decision of the hearing was already decided (Lisenba v. California., 314 U.S. 219, 236, 62 S.Ct. 280, 86 L.Ed. 166 (1941),State v. Lyles, 379 S.C. 328, 338, 665 S.E.2d 201, 206 (Ct. App. 2008). With an inpatient attitude and consistence of interrupting appellant while giving testimony thereby not aloud to give full testimony and terminated court prior to full presentation of case and total disregard to facts of law. Appellant stated 4 times (R. p4 L17, p5 L2-3, p6 L4-5, and p7 L24 - p8 L1) as to affidavit (R. p. 31) did not support the search warrant (R. p. 33). The above statement also gave belief that the outburst was due to either due to the possible torte accusation made upon Judge Paul M. Burch (contacted by Darlington Clerk of Court in Feb 2013) for violating appellants rights to due process for case #2009-CP-16-540 (Rule ---3B(8), CJC, Rule 501, SCACR., of which have not received any decision as

of this date from hearing (State v. Chapman, 289 S.C. 42, 344 S.E.2d 611 (1986); State v. Smith, 307 S.C. 376, 415 S.E.2d 409 (Ct. App. 1992); State v. Robinson, 335 S.C. 620, 518 S.E.2d 269 (Ct. App.1999)) or from possible pictures of carcasses shown to appellant at Chesterfield Animal Shelter on 3/5/13 and that was not presented at magistrate court due to carcasses being found was not contested, thereby added after hearing for the sole purpose of emotional persuasion (State v. Holder, 382 S.C. 278, 288, 676 S.E.2d 690, 696 (2009)). With the statement "I don't have that E-mail in my possession to give to you" by Baxley (R. p. 4, line 1-2) and lack of probable cause on stated on the affidavit or search warrant and the statement "I find that there was sufficient probable cause here" (R. p. 9, line 2) also by Baxley therefore Judge Baxley has violated Rule ---1A, CJC, Rule 501, SCACR, and Rule ---3B(2),B(4),B(5),B(8), B(9), CJC, Rule 501, SCACR.

II. WITHOUT PRIMA FACIE EVIDENCE OF SAID E-MAIL, STATE CAN NOT PROVE COMPLAINT USED AS PROBABLE CAUSE ACTUALLY EXIST AND ALSO WOULD VIOLATE PROBABLE CAUSE REQUIREMENTS.

With no prima facie evidence of said anonymous E-mail (Carlyle v. Tuomey Hosp., 305 S.C. 187, 193, 407 S.E.2d 630, 633 (1991),Conner v. City of Forest Acres, 363 S.C. 460, 467, 611 S.E.2d 905, 908 (2005)),stated by Foard "the e-mail is not actually contained in the return" (R. p. 3, line 23-24) and stated by Baxley "I don't have that e-mail in my possession to give you" (R. p. 4, line 1-2) although Baxley stated "I see the E-mail" (R. p. 3, line 22), (§22-3-710, State v. Gillian, 373 S.C. 601, 613, 646 S.E.2d 872, 878 (2007), State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006), State v. Baker, 251 S.C. 108, 160 S.E.2d 556 (1968)) with the statement "..an anonymous tip of poor conditions for more than 30 canines.." (R. p. 5, L17-20) on the magistrates court

order (R. p. 2), and with only the appellant being the only person inside of residency within the past 4 years and with only 15 dogs outside and 6 of the dogs were one week old puppies, therefore it was impossible for anyone to have know how many dogs the appellant had prior to the search, State v. Pittman, 373 S.C. 527, 578, 647 S.E.2d 144, 170 (2007), (Rule 402, SCRE), to provide probable cause thereby animal control could not collected any information without conducting constitutional intrusion (State v. Weston, 329 S.C. 287, 494 S.E.2d 801 (1997), U.S. Const. amend. XIV). A welfare check can not be used to bypass the requirements of the Fourth Amendment for the purpose of a search especially when an anonymous complaint would also violate the Fourth Amendment or completely based on torte. With the above said, no requirements have been met to provide probable cause for a search warrant (Brinegar v. United States, 338, U.S. 160 (1949). With the above said, the State must prove the anonymous complaint, regardless as being E-mailed or called in, does not violate §16-17-725(A), and without prima facie evidence as to complaint, therefore the torte allocations and §16-17-725(A) violations fall upon ACO Jim McGonigal, Chesterfield County Animal Control, and Chesterfield County Sheriffs Office.

III, DUE TO THE AUTHORITY TO CORRECT CLERICKLE ERRORS AND AMEND PLEADINGS

With the appellant as being a pro se, therefore the standards of which are applied should not be of the same level of standards as that of a lawyer Haines v. Kerner, 404 U.S. 519, 520-21, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); Estelle v. Gamble, 429 U.S. 97, 106, 97 S.Ct. 285, 292, 50 L.Ed.2d 251 (1976); Gillihan v. Shillinger, 872 F.2d 935, 938

(10th Cir.1989). With stating four separate times as to the affidavit not supporting the search warrant (R. p4 L17, p5 L2-3, p6 L4-5, and p7 L24 - p8 L1) also stated "the affidavit, the property that was sought is actually my address and does not have nothing to do with animal." (R. p. 7, line 24) and "the search warrant has duality" (R. p. 8, L 6, p. 33), Thereby Judge Baxley ignored all errors of law (§18-7-170. §18-7-180, §18-7-190) and with the failure to permit to call subpoenaed witnesses (ACO Jim McGonigal and Judge John A Davis due to a premature judgment an hearing closure) to testify towards their own errors of law and evidence due to inferior court not being conducted under oath (thereby based on false statements by ACO Jim McGonigal and not sworn testimony) and caused a bias and unfair hearing.

IV. WITHOUT PROBABLE CAUSE REQUIREMENTS MET, THEREBY THE SEARCH WARRANT VIOLATES THE FOURTH AMEMDMENT AND STATE CONSTITUTION.

Without probable cause established by affidavit (R. p. 32), (Carlyle v. Tuomey Hosp., 305 S.C. 187, 193, 407 S.E.2d 630, 633 (1991),Conner v. City of Forest Acres, 363 S.C. 460, 467, 611 S.E.2d 905, 908 (2005),State v. Weston, 329 S.C. 287, 494 S.E.2d 801 (1997)), and without reason stated for probable cause (State v. Winborne, 273 S.C. 62, 254 S.E.2d 297 (1979),McDonald v. United States, 335 U.S. 451, at 455-456, 69 S.Ct.191, 93 L.Ed. 153 (1948)), search and seizer conducted without a search warrant on 3/4/13 (see warrant return dated 3/5/13 (R. p. 34), appellants yard totally enclosed by woods with no possibility of plain view (R. p. 48), (State v. Crane, 296 S.C. 336, 341, 372 S.E.2d 587, 589 (1988), (State v. Missouri, 361 S.C. 107, 115, 603 S.E.2d 594, 598

(2004), (State v. Rivera, 384 S.C. 356, 361, 682 S.E.2d 307, 310 (Ct. App. 2009),(United States v. Gray, 491 F.3d 138, 145 (4th Cir. 2007) , making "good faith" unreasonable, with no prima facie complaint/probable cause (Silverthorne Lumber Co. v. United States, 251 U.S. 385, 40 S.Ct. 182, 64 L.Ed. [1920])) for actions of animal control to commit constitutional intrusion (State v. Richburg, 250 S.C. 451, 461, 158 S.E.2d 769, 773 (1968). Therefore causing search warrant in be invalid (State v. Blackwell-Selim, 392 S.C. 1, 4, 707 S.E.2d 426, 428 (2011)). Without requirements of probable cause, particular items to be seized, and particular place to be search being met, along with committing Barratry (§16-17-10), Conspiracy (§16-5-10,§16-17-410), and Tampering with evidence, ipso facto, Judge John A Davis violates Rule ---3B(2),B(5), CJC, Rule 501, SCACR and Rule ---3D(1), CJC, Rule 501, SCACR

V. THE AFFIDAVIT DOES NOT SUPPORT THE SEARCH WARRANT DUE TO THE PARTICULAR REQUIREMENTS FOR ITEM SOUGHT AND PLACE TO BE SEARCHED ALSO DOES NOT STATE REASON FOR BELIEF, IPSO FACTO, NO PROBABLE CAUSE STABLISHED

The affidavit fails to meet the requirements of particular items sought with having appellants physical address as item being sought (R. p. 32). Affidavit also fails to meet particular place to be search with only "property and dwelling" (R. p. 32) to be searched, at said address has approximately 11 acres of wooded land with residence, barn and yard in middle completely surrounded by wood. Affidavit does not give a reason for belief (R. p. 32), it gives a list that resembles wildlife (state owned). It does not state what type of crime was committed, when it was, where it was, or who committed it (State v. Winborne, 273 S.C. 62, 254 S.E.2d 297 (1979);State v. Randolph, 239 S.C. 79, 121

S.E.2d 349 (1961); State v. Williams, 297 S.C. 404, 377 S.E.2d 308 (1989), (See Silverthorne Lumber Co. v. United States, 251 U.S.385, 40 S.Ct. 182, 64 L.Ed. [1920]). Appellant also stated lack of support to Judge Davis at preliminary hearing and criminal hearing as motions to dismiss, ipso facto, knowingly and willing violate the appellants 4th amendments rights and cause for belief for a bias and unfair hearing along with conspiracy among Chesterfield sheriffs office, Chesterfield animal control and magistrate Judge John A Davis (State v. Williams, 297 S.C. 404, 377 S.E.2d 308 (1989). At the end of preliminary hearing ACO Jim McGonigal stated "you wont get out of this on a technicality" directly to appellant and with the actions of the magistrate court, ipso facto, has committed Barratry (§16-17-10), Conspiracy (§16-17-410), and a Sham Legal Process (§16-17-735). Also, Mr. Foard stated "James Lewis the Affiant, did view malnourished and ill-treated animals, and a lack of food. He stated in the trial, which is contained in the return of the magistrate," (R. p. 7, L 9-12) of which, James Lewis was only partially at the preliminary hearing and not at all at the hearing on march 18, along with no statement as in reference to viewing. Therefore Mr. Foard gave misleading and untrue statements to the court. (violating Rule 407, CJC, SCACR)

VI. THE SEARCH WARRANT VIOLATE THE APPELLANTS FOURTH ADMENDMENTS RIGHTS DUE TO THE PARTICULAR REQUIREMENTS FOR ITEM SOUGHT AND PLACE TO BE SEARCHED NOT MET AND EXICUTED ONE DAY AFTER THE SEARCH CONDUCTED

The search warrant (R. p. 33) fails to meet the particular requirements, with having appellants address as premises searched and "abandoned or neglected animal" as

description of items sought (U. S. Const., Fourth Amendment, S. C. Const., Art. I, Section 10) thereby making the warrant too vague (§47-1-10,(1), "Animal" means a living vertebrate creature except a homo sapien. This would also include any wildlife and causing duplicity as to true nature of search warrant. With the interviewing of Geneva Timmons of Darlington and her neighbors on 3/4/2013 for the purpose of gaining information on appellants residency, finances and intelligence along with WCCB TV broadcast statement "...animal control officers say..abandoned trailer housing..", on Wed, 06 Mar 2013 11:39:44 EST, ipso facto, the true nature of warrant is abandonment (§47-1-70). Therefore, the warrant does not support any charges of neglect, ill-treatment (§47-1-10), or rabies. Without probable cause established (without being constitutional intrusion) and an invalid affidavit, therefore Judge John A Davis has violated §47-1-150 (A), ipso facto. has committed Barratry (§16-17-10), Conspiracy (§16-17-410, §16-5-10), Malfeasance, Neglect of duty(§8-1-60), and a Sham Legal Process (§16-17-735). With the above, therefore the denial of a motion to dismiss gave strong believe to the appellant that the magistrate hearing was bias and unfair and would be futile to provide all evidence of the case.

VII. WITH THE SEACH AND SEIZER EXICUTED ON MON 3/4/2013 AND WARRANT EXICUTED ON TUE 3/5/2013 ACCORDING TO WARRANT RETURN.

As stated on warrant return (R. p. 34), without witnessed, the warrant was executed on 3/5/2013 one day after animal control conducted a search and seizer on 3/4/2013, ipso facto, has violated §23-15-60 for the search of the residency and barn on

property. The return also contained an item list of seized items (R. p. 35) not including a large pet carrier (that contained a mother dog and 6 one week old puppies) or an open 50# bag of dog food (Purina puppy chow) that ACO Jim McGonigal stated was there, the list is dated on 3/7/2013 6:07 am (R. p. 35) two days after return and three days after search. The Return of the Criminal appeal states "A memo from Chesterfield Animal Control Director Danielle Bowe to Chesterfield County Deputy Jay Lewis detailing 31 canines removed from the property of 1827 Tabernackle Church Road" and the warrant return (R. p34) stating that James lewis received and executed the warrant on 3/5/2013 with the inventory of property taken pursuant to the warrant, thereby who made up the seized items list (R. P 35, 36) (Bowe or Lewis?) and where was James Lewis when the search and seizer was conducted, also where was the search warrant when the seizer was conducted and was warrant produced after the search and seizer took place?

VIII. STATE CODE REQUIRE MAGISTRATE COURT TO BE CONDUCTED ON INFORMATION UNDER OATH, THEREBY CAUSING ANONYMOUS E-MAIL TO BE INVALID, IPSO FACTO, NO PROBABLE CAUSE

Without being under oath per SC Code §22-3-710, and with the statement "I used an anonymous E-mail as probable cause to get a search warrant" (§47-1-150 (A)) by Jim McGonagall and "...anonymous tipster called it in...animal control officers say" stated and broadcasted on Wed, 06 Mar 2013 11:39:44 EST by WCCB TV Charlotte (and with pictures taken from inside and outside of appellants residency, ipso facto, Chesterfield Animal Control has violated §8-13-725(A)) and without prima facie evidence, ipso facto, probable cause requirements has not been met an has been established based on torte or constitutional intrusion. Also all probable cause used by Chesterfield Animal Control was

based totally upon assumption without fact, therefore causing multiple different charges that's not supported by search warrant.

IX. STATE CODE REQUIRES MAGISTRATE COURT TO ELECT WHICH OFFENSE TO TRY ACCUSED WHEN SEVERAL DIFFERENT OFFENSES ARE CHARGED.

With Ordenance summons tickets numbers 1884, 1885, 1886, 1887, 1888, 1898, 1899, 1903, 1904, and 1905 all being for abandonment/neglect (duplicity with contradictive description), numbers 1889, 1890, 1891, 1892, 1906, 1907, 1908, and 1909 for rabies , and ticket numbers 1900,1901, and 1902 for ill-treatment, therefore caused multiple double jeopardy(§17-23-20, S.C. Const. art. I, § 12, U.S. Const. amend. V, Benton v. Maryland, 395 U.S. 784, 794 (1969). With all of the summons being charged, ipso facto, Judge John A Davis has violated §22-3-740 and without the defendant signing the written testimony violating §22-3-790.

X. CHESTERFIELD ANIMAL CONTROL VIOLATE APEALLANTS FOURTH ADMENDMENTS RIGHTS BY CONSTITUTIONAL INTRUSSION WITHOUT PROBABLE CAUSE OF WHICH THERE IS NO PRIMA FACIA EVIDENCE

With only the authority of a constable and without a proper search warrant and no probable cause, animal control officers had to travel 1/10 of a mile onto appellants land to the yard that's completely surrounded by woods (R p 48) with no possibility of plain view by any public means, thereby gained any possible information upon constitutional intrusion. Also broke into residence during working hours without trying to contact

appellant. With uniform summons dated 3/4/2013(R p 11 - 31), warrant dated 3/4/2013, return dated 3/5/2013(R p 33) with item seized inventory (original dated 3/7/2013 @ 6:07 am from magistrates court (R p 35) and different one without date (R p 36) submitted as evidence for appeal return by Judge John A Davis (Tampering of evidence (§16-13-10(3)) with conspiracy with sheriffs department and animal control personnel (§16-13-10(1)) of which was never given to appellant (§16-9-10(2))

XI. WITH ALL ACCUSATIONS BY ANIMAL CONTROL AND THE SHERIFF DEPARTMENT BASE ON ASSUMPTION, AND TO WILLFULLY AND KNOWINGLY VIOLATE STATE CODES AND UNITED STATES CONSTITUIN FOR THE PURPOSE TO STEAL APPELLANTS PUREBRED DOGS, A SHAME LEGAL PROCESS CONTRUDE THROUGH BLACKMAIL, CONSPIRACY, BARRATRY, PURGERY, AND TAMPERING WITH EVICENCE.

On 3/4/13, a search and seizer was conducted at appellants residence without a search warrant (R p 34). Ordinance summons states violation dates as 3/4/13 and 5/4/13 with time as 12:15 and violation time as 12:30 (15 min after written)(R p 11 - 31) ,ipso facto, with pictures of food and water (state evidence #24, 25) and with state laws and not county ordinance as ordinance section number violated §16-9-10(A)(2) for each individually numbered summons ticket. Affidavit and warrant signed on 3/4/13 while return stated warrant executed on 3/5/13 @ 14:14pm and signed 3/5/13 (one day after search and seizer) with attachment of items seized sent to Lewis from Bowe on 3/7/13 @ 6:07 am (two days after return and violating §16-9-10(A)(2)). Return receipt also was not given to appellant and the items 1 large pet carrier (contained mother & 6 one-week old puppies) and a open 50# bag of dog food (Purina Puppy Chow) was not on receipt and

had no witnesses (also violating §16-9-10(A)(2)). With the statement by ACO Jim McGonigal "I used an anonymous E-mail as probable cause to get a search warrant" at magistrates hearing, (contradicting statement by James Lewis as to obtaining a search warrant after constitutional intruding on appellants property and without stating anything as to probable cause for the constitutional intrusion according to the Chesterfield Sheriff incident report, also does not indicate as to what animals on property as in regard too (wildlife ?)), "you wont get out of this on a technicality" at end of the preliminary hearing, "I will have the search warrant amended " stated directly to appellant when given summon tickets 1884 through and including 1892 on 3/7/2013, along with the actions of the court as to not to dismiss due to constitutional violations, ipso facto, knowingly and willfully conducting a shame legal process (§16-17-735(A)(1)(2)). With being Blackmailed (§16-17-640 (1) (3)) by ACO Jim McGonigal as to either signing custody of dogs over to county or being charged with 30+ charges of abandonment, neglect, and ill-treatment, same as in the case involving Pamela Conley (2013CP1300231) of which the missing summons tickets 1893,1894,1895,1895, and 1897 of whom without probable cause and dogs seized, was also blackmailed and yielded to for being threatened to either give custody of her dogs or be charged with 40+ counts of abandonment, neglect, and ill-treatment, (THE LINK [May 7,2013], County confiscates 40 dogs from breeder, Page 1,2). With Chesterfield Sheriff Officer James Lewis (only partially at preliminary hearing due to self excusing himself from during hearing) or Danielle Bowe (only attended preliminary hearing) not being present at magistrate court hearing on 3/18/2013, and using preliminary hearing (for custody of dogs) evidence for the 3/18/2013 hearing (for charges) therefore acting as a prosecutor for the county and causing a bias and unfair

hearing, (ipso facto, Judge John A Davis has committed perjury (§16-9-10(A)(2)) and without complainant (anonymous E-mail), Chesterfield County has violated §17-23-60 and appellants 6th amendments rights (Motes v. United States, 178 U.S. 458 (1900),Davis v. Alaska, 415 U.S. 308 (1974),Tennessee v. Street, 471 U.S. 409 (1985)) by not permitting the cross-examination of the complainant/accuser, thereby the 'indicia of reliability' is insufficient. With the stating of testimony of Danielle Bowe at the preliminary hearing only (R. p. 10) of which describes water bowl in unused pens. Danielle Bowe also testified that ""Hanna" has tumors "of which the examination report (R. p. 40) does not support and also testified that the "overbite was due to too much inbreeding" of which "Hanna" was purchased with ACK certificate showing ancestral history of with absolutely no inbreeding of any ancestors, therefore Danielle Bowe has committed perjury, violated §16-9-10(A)(1) along with the testimony being added to the return of the criminal appeal as evidence in the criminal hearing, ipso facto, Judge John A Davis has tampered with evidence and violating §8-1-60, §16-5-10 §16-13-10(3),

XII. AFTER MAGISTRATE HEARING PICTURES OF DOG CARCUSES WAS ADDED TO EVIDENCE ALTHO PICTURE WAS NOT PRESENTED AT HEARING OR FINDING OF CARCUSES WAS NO CONTESTED TO. ALSO WARRANT SEARCH ITEM LIST WAS NOT ORIGINAL DUE TO THE ORIGINAL DATED (3/7/2013) WAS SENT TO JAMES LEWIS TWO DAYS AFTER RETURN WAS DATED (2/5/2013)

With the Item seized list original from magistrates office dated 3/7/2013 (R p. 35) and the same list from appeals record without date(R p. 36) , and pictures of dog

carcasses that was not presented at magistrate hearing due to appellant not contesting the finding of carcasses (have had animal carcasses dug up by wildlife and dragged into yard on prior occasions), therefore the only purpose to the addition of these pictures (shown to appellant by ACO Jim McGonigal at the Chesterfield animal Shelter on 3/5/2013 and at the time, the dogs was unidentifiable until grave site was inspected and saw that they were actually dug up and not strays) was to arouse prejudice State v. Torres, 390 S.C. 618, 623, 703 S.E.2d 226, 228 (2010),(State v. Gilchrist, 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct. App. 1998));(State v. Holder, 382 S.C. 278, 290, 676 S.E.2d 690, 697 (2009)); State v. Wilson, 345 S.C. 1, 7, 545 S.E.2d 827, 830 (2001). in appeals with Judge Baxley (of whom is a dog owner).

XIII. CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT TRY TO MISLEAD THE COURT WITH ONLY PARTIAL EVIDENCE WITH PICTURS OF ONLY OF EMPTY FOOD AND WATER BOWLS WHILE OMITTING FILLED ONES. ALSO ONLY 5 OF 31 EXAMINATION REPORTS ON DOGS WAS ADMITTED AND THE 5 WAS OF TWO UNDER TREATMENT FROM PARVO, TWO OF OLDEST DOGS AND NONE SHOWED ANY SIGNIFICANT FINDINGS.

With only 5 examination reports of the 31 dogs examined by Hartsville Animal Hospital and the examination of 2 of 3 corpse found with the 3rd completely intake and when shown to appellant by ACO Jim McGonigal at the Chesterfield animal Shelter on 3/5/2013 was frozen without fur and looked like was wet when froze. By waiting one week after seizer before examination, thereby giving Chesterfield Animal Control to wash any dirt or sand from corpses to hide the evidence of burial. The examination report

states that both specimens were severely decade, ipso facto, the corpses was not the sole food source as stated by Animal Control and Sheriff department. With pictures of food and water purposely omitted by Animal Control except for evidence #24 and #25 , if magnified and with defendants evidence of the same bowls taken the next day during daylight (R. p 43 - 47), would prove perjury. Therefore the only thing that Chesterfield Animal Control and Sheriff Department has proven is that (1) the two dogs under treatment from a Parvo outbreak has not regained their full weight back, (2) the oldest dog has started losing her teeth, (3) low headers on dog house doors caused fur loss by rubbing, (4) dogs drag dead things they find into open yard, (5) highly active outdoor dogs has a tendency to have less weight then non-active indoor dogs, (6) dogs don't brush their teeth after eating, (7) some food bowls may be empty in-between feeding schedule, (8) some dogs has a tendency to play with their food/water bowls and dumping substance out, (9) invades a citizens property during working hours while residence is not home, (10) does not try to contact home owner prior to any investigation, (11) pries into the financial and intellectual levels of citizen (for the purpose of target selection), (12) Chesterfield Animal Control, Sheriff Department, and Magistrates Office commits Constitutional intrusion, perjury, barratry, malfeasance, neglect of duty, conspiracy, invasion of privacy, torte, and violates citizens rights under the 4th, 5th, 6th, and 14th Amendments. Animal Control has not proven that the appellant abandoned his animals in his yard at his residency and neglecting or ill-treatment of same animals.

XIV. THE COUNTY ORDINANCE SUMMONS INVALIDE DUE TO NOT STATING COUNTY ORDENANCE VIOLATIONS INSTEAD STATES

STATE CODE VIOLATIONS.

With the only authority of a constable to enforce only county ordinances(§56-7-80(A)) and with state code stated and not ordinance number on the summons and instating §19-3-10, Animal Control can not enforce state code, only county ordinances of which and only through which can state code be enforced. With tickets numbered 1884, 1885, 1886, 1887, 1888,1898,1899, 1903, 1904, and 1905 has 47-1-70 as ordinance section number and abandonment/neglect as description of ordinance, of which state code does not state nothing about neglect and Animal Control has not proved the appellant abandoned (§47-1-70(A)) his dogs. With ticket numbers 1900,1901, and 1902 with state code 47-1-40 as ordinance section number and ill-treatment as description with animal control has not proved any type of ill-treatment of which search warrant does not support. With ticket numbers 1889, 1890, 1891, 1892, 1906, 1907, 1908, and 1909 states 415.60 for ordinance section number that is also not a county ordinance number and is also not supported by the search warrant. Thereby state must provide proof of ordinance §19-3-10. With only 21 uniform ordinance summons written for 31 dogs, therefore 10 dogs has not been charged for and none has been specifically charged for while unconstitutionally forced by Animal Control to sign **ALL** or non (appellant offered to relinquish part of dogs) of the dogs custody over and due to financial distress caused by multiple double jeopardy charges of magistrate courts shame legal process. With all the county ordinance summons stating (1) time as "12:15pm" and violation as "12:30pm" therefore written 15 minutes prior to violation and not written at time of search violating §56-7-15 and with ticket numbers 1993, 1994, 1995, 1996, and 1997 written for Pamela Conley on 3/6/2013

as prima facie evidence, therefore ACO Jim McGonigal has committed perjury (§16-9-10(A)(2) for each individually numbered ticket, (2) "Green street" as summons to appear location, (3) does not state title or fist name of officer, there for ACO Jim McGonigal has violated §56-7-80 (A), (C)(2),(3),(4) .

XV. CHESTERFIELD COUNTY ANIMAL COTROL PROVIDED PUREBRED DOGS TO CHESTERFIELD COUNTY ANIMAL SHELTER AND OTHER RESCUES FOR THE PURPOSE OF FINACIAL GAIN AND PRIOR TO APPEAL TIME LIMITS.

By stealing purebred dogs (appellants and that of Pamela Conley(THE LINK [May 7,2013], County confiscates 40 dogs from breeder, Page 1,2)) that violates §16-13-60, with attempted blackmail (§16-17-640 (1) (3)) and forced to sign custody of dogs over under unconstitutional conditions (§16-13-240), and animal control releasing of the dogs within appeal time limit (§22-3-310) (27 dogs released within 4 days of hearing) along with the statements published by Carolina Loving Hound Rescue (facebook)March 31 "a pup her color is...so the average cost is $1200...yes they all have papers,,", March 27 " This must be our profit dog..", ".yep I see profit all over these two…", March 25 "you can either pay-pal directly to us at donate@carolina-loving-hound-rescue.com " March 18 "E-Mail of the day---(I did NOT edit, with the exception of removing the profanity) I am sick and tired of you rescues stealing all the good dogs out from under us. I wanted that dashund and you stealhim from me. Dont you make enuf cash with your rescue and can leave them to the people? you are a _____ and i am

calling the shelter tomorrow and i will get him to my house. Just wait and see all the good ones get to go to resue peeps like you and i am a tax payer and will not stand by no more. Angela's response: Dear Madam, I was beginning to think that no one was able to lift the rocks theylive under today due to the rain. I am thrilled to see you made it to the surface. I would love to dissect your rant and tell you what I think, however I do not think you would get past the second sentence. Please let me know if I can provide the direct e-mail and or phone number to the shelter.. I hope you have a blessed day. Oh, he is a Dachshund so perhaps you sent this e-mail to the wrong person? Sincerely, Angela". March 21 at 11:33pm "Marie Bowman I saw all of them last night. They are all so beautiful. Thank you for saving these girls. Do you know if the others will be rescued as well? It looked like there was a lot of interest from other rescues too. ", March 21 at 11:34pm "Saw an update early this afternoon. There are still 11 of these doxies that need homes-so sad !" (https://www.facebook.com/pages/Carolina-Loving-Hound-Rescue/194905907277585). Also from Furever Angels Animal Rescue of Charlotte March 23 at 5:53pm "Jim Mcgonigal thanks for pulling them Brenda", March 23 at 6:18pm "Furever Angels Animal Rescue of Charlotte My pleasure Jim!", March 23 at 8:01pm "Roxanne McQuaid Daugherty thank you Jim Mcgonigal!", March 23. "Meet SweetPea! One look at those eyes and they will melt your heart ?! SweetPea was rescued from a puppymill and is such a sweetheart! She is very tiny and is considered a "Toy" Dachshund. She is 2 years old, has beautiful chocolate colored fur and the biggest brownest eyes you will ever see! For more information or an application, please contact her foster mom at wagntailsfoster @gmail.com", March 24 at 6:42am via mobile "Nancy Sessler Burton Sweet pea rode home from the shelter in my lap and i can honestly say she

is one of the most calm, sweet dogs ever. She speaks to you through her beautiful honey colored eyes." (https://www.facebook.com/pages/FurBabies-Animal-Rescue/107443549372798#! /pages/Furever-Angels-Animal-Rescue-of-Charlotte/103871083004154). With the above statements as prima facie evidence , ACO Jim Mcgonigal has violated §22-3-310 and §8-13-725(A). With magistrate court hearing on 3/5/2013 and the relinquishing of seized dogs prior to the appeal time limit of 3/15/2013 and with the subpoenaing of all 31 dogs for court examination (primary evidence) of which ACO Jim Mcgonigal has willfully violated §16-9-330(A) and §15-47-140 .

XVI. CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT VIOLATE COURT ORDER AND LITTER CONTROL LAWS BY LEAVING OPEN CONTAINERS OF DOG FOOD AROUND APPELLANTS PREMISES AND REFUSED TO TAKE ANY WILDLIFE AND STRAYS INTO CUSTODY.

On 3/4/2013 during search and seizer, 17 containers of dog food (used to trap dogs) was left in front yard, rear yard, and inside residence (§16-11-700(A)). With magistrate court order stating "..that all animals at 1827 Tabernacle Church Road shall be taken into custody of Chesterfield County.." (§47-1-10(1) "Animals" means a living vertebrate creature except a homo sapien.), with only pets taken into custody without any wildlife from the approximately 11 acres of land, therefore Chesterfield County Animal Control has committed contempt of court (§20-7-1350, Wilson v. Walker, 340 S.C. 531, 538, 532 S.E.2d 19, 22 (Ct. App. 2000) (quoting Spartanburg County Dep't of Soc. Servs. v. Padgett, 296 S.C. 79, 82-83, 370 S.E.2d 872, 874 (1988)).

XVII. CHESTERFIELD ANIMAL CONTROL AND SHERIFF DEPARTMENT BASE THEIR CHARGES PURELY ON ASSUMTION.

ACO Jim Mcgonigal stated "I used an anonymous E-mail as probable cause to get a search warrant", therefore was warrant obtained by use of an E-mail as stated by ACO Jim Mcgonigal or by affidavit signed by James Lewis. With the statement " we used dogs barking as probable cause to search inside the house" and the statement (anonymous tip of poor conditions for more than 30 canines on property and several of those dogs is varying degrees of poor health in plain view of officers." from the magistrate's court order, with only 15 of the dogs outside and number of dogs only known by appellant, therefore was knowledge of the number of dogs would have been obtained only after the search and impossible to be in any type of tip to base a search or welfare check on.. Since a welfare check constitutes as constitutional intrusion therefore any evidence gained from it cannot be used to gain a search warrant (Silverthorne Lumber Co. v. United States, 251 U.S. 385, 40 S.Ct. 182, 64 L.Ed. [1920]). With the finding of dog carcasses that was dragged into yard, did Chesterfield Animal Control and/or Sheriff Department search surrounding woods for the rest of the remains? Who determined the condition under which each of the charges was based on and what facts was used for the determination? What evidence proved that the appellant abandoned his dogs at and on his residency. With all the examinations by Hartsville Animal Hospital stating "no significant findings", therefore what was factual basis for the ill-treatment (§47-1-40) charges? Without the charges of rabies being on search warrant, what is the factual basis for the charges? With all of the dogs being dachshunds and classified as hunting dogs and was not checked by

Chesterfield Animal Control for identifiable marks as per §47-1-70 (C) (including tattooing and modern by micro chipping) therefore was dogs seized unlawfully? Without reason for or probable cause set on the affidavit, what was the reasoning of Judge John A Davis for issuing the search warrant (§17-13-141 (a) (4)? With only "ABANDONED OR NEGLECTED ANIMALS" as description of property sought, what is the description on record (§17-13-141 (a) (5))? What was the time line of events of the search? With appellant feeding and watering dogs at 9am and leaving residency at 9:15am on 3/4/2013 and with the summons ticket wrote at 12:15pm on same day then when was said anonymous E-mail created, sent to what E-mail address and to whom, when received and by who? When did Chesterfield Animal Control and Sheriff Department first arrived at residency, received search warrant, and conducted search warrant with approximately 30 miles in-between residency and magistrates office. Was the search warrant issued to provide evidence for charges or was charges based on evidence from the search thereby violating the probable cause requirements, A search warrant cannot be issued for "the search and seizure of evidence of a crime." A search warrant cannot authorize a fishing expedition.

CONCLUSION

With the above said, ipso facto, and news paper article, Eo ipso, with Mens rea and Actus reus, thereby creating a shame legal process that included Barratry, Conspiracy, Perjury, Tampering with evidence, Cover up, Malfeasance, and Misconduct in office for the soul purpose of violating the appellants 4th and 5th Amendment rights in order to

provide financial gain for Chesterfield Animal Shelter (31 purebred dogs of appellants and 40+ from Pamela Conley's case) and rescues of which Chesterfield Animal Control officers and Chesterfield Animal Shelter personnel are acquainted with and of which has published complete torte statements about. For the reasons stated, this Court should reverse the judgment of the circuit and magistrate courts.

Thereby the Appellant requests the following.

(1) The return of all of the dogs seized

(2) Due to the destruction of 15 yeas of selective breading for the purpose of specific size, coloring, temperament, personality and hair length and with the impossibility of continuance of these specific genetic lines due to sterilization of the dogs through the shelters adoption process, therefore the appellant is requesting $2,000,000.00 a dog for the loss of future generations of these selective dogs.

(3) With the Torte statements given to and broadcasted by TV networks, the appellants request that a public apology that includes the violations committed, the county agencies and employees involved and court actions (for the purpose of reinstating public belief in South Carolinas legal and justice system especially with recent events of Chesterfield Animal Shelters dog shooting in March of 2011 and that of Sheriff Sam Parker and others from Chesterfield County), to be posted without the possibility of hiding, removal, altering, or transferring to another site (except if site is closed, then must be moved to new replacement site) and to be published on Chesterfield CountyAnimal Shelters website (https://www.

facebook.com/pages/Chesterfield County-SC-Animal-Services/ 261789603868466), and Chesterfield County Animal Control website (http://www.chesterfieldcountysc.com/secondary. aspx?page ID=213), Chesterfield County Sheriff's website (http:// www.chesterfieldcountysc. com/secondary.aspx?pageID=179)

(4) With the Torte statements posted by Angela E Gschwind (424 Rangeview Cir, Greenville. SC, 29617) on Carolina Loving Hound Rescue's (of same address) Facebook page and own web site for over 6 months for the purpose of sympathetic donations. The appellant request that letter stating the unlawfull actions of Chesterfield County Animal Control. Sheriff Department and Magistrate Office and that all the previous statements as regarding to the dogs (Hanna, Luke, Maggie Mae , and Nadia) was totally false with a public apology by this rescue and owner of to be posted without the possibility of hiding, removal, altering, or transferring to another site (except if site is closed, then must be moved to new replacement site). And in order to prevent this type of incident from happening again and hurting rescues that legitimately cares for the well being of the animals and not for the drama or donations it brings in, Therefore the appellant request an order to prevent Angela E Gschwind or members of her house hold from owning, caring for, handling funds of (including donations), transporting of any animals in regards to rescued, health care of, adoption of, or fostering of except for the possibility of 2 animals for house hold pets only with a certificate of ownership signed by a magistrate. And any information as to appellant in documents to the

said above should be referred to as the dogs "Dad" as referred to on the websites.

(5) Appellant also request charges and complaints to be filed with the appropriate authorities for each of the following persons along with the immediate suspension from their jobs and duties there of and without pay pending a full investigation.

(A) Judge Paul Burch

(1) CANON 3 B.(8) CJC, Rule 501, SCACR, **(2)** Fourteenth Amendment, **(3)** Article I, Section 14 of the S.C. Constitution, **(4)** Sixth Amendment - against unnecessary or unreasonable delay, and **(5)** §8-1-60 Neglect of duty

(B) Judge J. Michael Baxley

(1) CANON 3 B.(2) CJC, Rule 501, SCACR, **(2)** CANON 3 B.(4) CJC, Rule 501, SCACR, **(3)** CANON 3 B.(5) CJC, Rule 501, SCACR, **(4)** CANON 3 B.(7) CJC, Rule 501, SCACR, **(5)** CANON 3 B.(9) CJC, Rule 501, SCACR, **(6)** §8-1-60 Neglect of duty, (7) §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410) after the fact, **(8)** §16-17-10 (2)(a), **(9)** §16-17-410 conspiracy after the fact(§16-17-410), **(10)** §16-17-735(A)(1)(2) , **(11)** §17-23-20 Double jeopardy conspiracy of (§16-17-410) after the fact, **(12)** §18-7-170 judgment according to the justice of the case, **(13)** §18-7-180 on an error in fact in the proceedings, and **(14)** §18-7-190 an issue of law

(C) John A Davis

(1) CANON 3 B.(2) CJC, Rule 501, SCACR, **(2)** CANON 3 B.(5) CJC, Rule 501, SCACR, **(3)** CANON 3 B.(7) (a) CJC, Rule 501, SCACR, **(4)** CANON 3 B.(7) (e) CJC, Rule 501, SCACR, **(5)** CANON 3 D.(1) CJC, Rule 501, SCACR, **(6)** Tampering with evidence, **(7)** Fourteenth Amendment , **(8)** S.C. Const. Art. I, §12 , **(9)** §8-1-60 Neglect of duty, **(10)** §16-5-10 Conspiracy against civil rights, **(11)** §16-9-10(A)(2) 4 counts summon tickets falsifying on court record, 1 count for warrant (total 5 count), **(12)** §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410) , **(13)** §16-13-10(3) changed of seizer list, **(14)** §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) , **(15)** §16-13-240 Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) , **(16)** §16-17-10 (2)(b)(c) Barratry and conspiracy of (§16-17-410) , **(17)** §16-17-410 Conspiracy, **(18)** §16-17-640 (1) (3) Blackmail conspiracy of (§16-17-410) , **(19)** §16-17-735(A)(1)(2) A person taking advantage of purported capacity knowing that his conduct is illegal (1) subjects another to seizure (2) impedes another enjoyment of any right, **(20)** §17-23-20 18 count Double jeopardy per individually numbered summons tickets(9 counts of abandonment , 7 count for rabies, 2 count ill-treatment), **(21)** §17-23-60. Absence of James Lewis for magistrate hearing, **(22)** §22-3-710 Proceedings commenced on information, **(23)** §22-3-740 Election on which of several offenses to try accused, **(24)** §22-3-790 writing and signed by the witnesses , **(25)** §47-1-150 (A) complaint is made on oath or affirmation , **(26)** §56-7-80 (A) 21 count (per individually numbered summons tickets) for the enforcement of county ordinances

(D) Jim McGonigal

(1) Tampering with evidence conspiracy of (§16-17-410) , **(2)** §8-1-60 Neglect of duty, **(3)** §8-13-725(A) , **(4)** §16-5-10 Conspiracy against civil rights, **(5)** §16-9-10(A)(2) 21 count (one per individually numbered summons ticket), **(6)** §16-9-330(A) failure to produce dogs for court examination, **(7)** §16-11-510(A) unlawful for a person to willfully and maliciously injure chattels of another conspiracy of (§16-17-410) , **(8)** §16-11-700(A) littering during search , **(9)** §16-13-10(1) made up E-mail **(10)** §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) , **(11)** §16-13-240 Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) , **(12)** §16-17-10 (1)(c),(2)(b)(c) Barratry and conspiracy of (§16-17-410) , **(13)** §16-17-410 Conspiracy, **(14)** §16-17-725(A) Making false complaint to law enforcement officer, **(15)** §16-17-735(A)(1)(2) A person taking advantage of purported capacity knowing that his conduct is illegal (1) subjects another to seizure (2) impedes another enjoyment of any right, **(16)** §16-17-640 (1) (3) Blackmail, **(17)** §22-3-310 the status of such property shall not be changed until after the expiration of the time for appealing has expired, **(18)** §23-15-60 Breaking into house to seize goods, **(19)** §56-7-15 ticket for offense committed in officer's presence, **(20)** §56-7-80 (A) 21 count one per individually numbered summons ticket, **(22)** §56-7-80 (C) (2) 21 count one per individually numbered summons ticket, **(23)** §56-7-80 (C) (3) 21 count one per individually numbered summons ticket, **(24)** §56-7-80 (C) (4) 21 count one per individually numbered summons ticket,

(E) Danielle Bowe

(1) Tampering with evidence conspiracy of (§16-17-410) , **(2)** §8-13-725(A) , **(3)** §16-5-10 Conspiracy against civil rights, **(4)** §16-9-10(A)(1) , **(5)** §16-9-10(A)(2) seized item list, **(6)** §16-9-10(A)(1) under oath, **(7)** §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410) , **(8)** §16-11-700(A) littering during search , **(9)** §16-13-10(1) seizer list of warrant return, **(10)** §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) **(11)** §16-13-240 Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) **(12)** §16-17-410 Conspiracy**(13)** §22-3-310 the status of such property shall not be changed until after the expiration of the time for appealing has expired, **(14)** §16-9-10(A)(1) testifying that canine "Hanna" had tumors, **(15)** §22-3-310 the status of such property shall not be changed until after the expiration of the time for appealing has expired, **(16)** §23-15-60 Breaking into house to seize goods conspiracy of

(F) James Lewis

(1) §8-1-60 Neglect of duty, **(2)** §16-5-10 Conspiracy against civil rights, **(3)** §16-9-10(A)(2) affidavit, warrant return, **(4)** §16-11-510(A) unlawful for a person to wilfully and maliciously injure chattels of another conspiracy of (§16-17-410), **(5)** §16-11-700(A) littering during search , **(6)** §16-13-10(1) seizer list of warrant return, **(7)** §16-13-60 31 count (per each individual named dog and puppy) stealing dogs and conspiracy of (§16-17-410) , **(8)** §16-13-240 conspiracy of Obtaining signature or property by false pretenses and conspiracy of (§16-17-410) , **(9)** §16-17-10 (1)(c),(2)(b)(c) Barratry and conspiracy of (§16-17-410) , **(10)** §16-17-410 Conspiracy §16-17-735(A)(1)(2) - A

person taking advantage of purported capacity knowing that his conduct is illegal (1) subjects another to seizure (2) impedes another enjoyment of any right, **(11)** §23-15-60 Breaking into house to seize goods

(6) Reimbursement of physical damages caused by search of a total of $1195.33

(7) Reimbursement of mailing and copying supplies $300.00

(8) Due to criminal charges based on civil violations, ipso facto, includes factors of both criminal and civil, therefore the appellant request the equivalent of lawyers fees of 33% of the total for the appeal to the court of common pleas and also 33% for the appeal to the appeals court and to be South Carolina Tax exempt to prevent respondent from recouping partial reward/reimbursement from appellant

Respectfully submitted,

September 9, 2013

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chesterfield County
Honorable J. Michael Baxley, Circuit Court Judge

Appellate Case No. 2013-001415

STATE OF SOUTH CAROLINA,

Respondent,

vs.

FRITZ ALLEN TIMMONS.

Appellant.

FINAL BRIEF OF RESPONDENT

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This Court must affirm the dismissal of Appellant's appeal by the circuit court when the appeal was improperly pled as a civil appeal and did not appropriately state the exceptions to the magistrate's court judgment and when the seventeen issues presented to this Court were not properly raised to and ruled upon below; nevertheless the ruling on the limited issue Appellant presented to the magistrate at trial and construed by the circuit court as an issue of probable cause must be affirmed because the record supports the existence of probable cause. (Appellant's Arguments 1 – 17). 14

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STATEMENT OF ISSUE ON APPEAL

Should this Court affirm the dismissal of Appellant's appeal by the circuit court when the appeal was improperly pled as a civil appeal and did not appropriately state the exceptions to the magistrate's court judgment and when the seventeen issues presented to this Court were not properly raised to and ruled upon below; nevertheless the ruling on the limited issue Appellant presented to the magistrate at trial and construed by the circuit court as an issue of probable cause must be affirmed because the record supports the existence of probable cause.? (Appellant's Arguments 1 – 17)

STATEMENT OF THE CASE

Uniform Ordinance Summons were issued against Appellant in March 2013, for three (3) charges of Ill Treatment of Animals in violation of S.C. Code Ann. Section 47-1-40 (1900 – 1902); ten (10) charges of Animal Abandonment or Neglect (1884-1899; 1903-1905) in violation of S.C. Code Ann. Section 47-1-70; and eight (8) rabies vaccination violations as proscribed by County Ordinance 415.60 (1891-1892; 1907-1909). (Supplemental Record on Appeal [hereinafter Supp. R.] p. 3).

Appellant entered guilty pleas to the rabies vaccination violations and proceeded to a bench trial on the other charges on March 18, 2013, before Chesterfield County Magistrate Judge John A. Davis. (Supp. R. pp. 3; 4). Appellant was acquitted of three charges for Ill Treatment of Animals (1884 – 1886) and found guilty of the remaining charges. (Supp. R. p. 9). He was sentenced to a fine of $ 3,000.00. (Supp. R. p. 9).

Appellant filed and served notice of appeal dated March 25, 2013, from the magistrate's court convictions. (Supp. R .p. 67). The magistrate filed the Return on March 28, 2013. (Supp. R. pp. 1 – 66). The appeal was heard by the Honorable J. Michael Baxley in the Chesterfield County Court of Common Pleas. (Supp. R. p. 68). The appeal was denied and dismissed and judgment entered on May 8, 2013. (Supp. R. pp. 78-79; 81).

Appellant thereafter filed and served notice of appeal from Judge Baxley's order. (Supp. R. p. 81). This appeal follows.

STATEMENT OF FACTS

Magistrate Court

On March 18, 2013, the Honorable John A. Davis, of the Magistrate Court of Chesterfield County, held a bench trial in the case of Chesterfield County v. Fritz Timmons. (Supp. R. pp. 3 – 4).

When the case was called for trial, Appellant Fritz Timmons moved to dismiss, arguing the County lacked probable cause to obtain a search warrant for his property located at ** Road[1] in the McBee area of Chesterfield County (hereinafter referred to as "Property"). Citing S.C. Code Ann section 17-13-141, Appellant argued that an anonymous e-mail sent to Animal Control was not a sufficient basis for obtaining the search warrant. (Supp. R. p. 4). However, the County responded that the anonymous e-mail tip merely caused officers to initially visit the Property. (Supp. R. p. 4). Animal Control officers thereafter observed in plain view the disturbing conditions of the animals kept outside and at-large in the yard. (Supp. R. p. 4). Based upon their observations, Officers thereafter sought a search warrant. (Supp. R., p. 4). The Magistrate Court denied Appellant's motion to dismiss. (Supp. R. p. 4).

Appellant also made a second motion to dismiss arguing that the warrant issued was not specific as to the property to be searched at the address. (Supp. R. p. 4). The County responded that there was only one dwelling on the Property and the warrant sufficiently described the property or items to be searched for as "abandoned or neglected animals." (Supp. R. p. 4). The Magistrate Court denied the Appellant's motion to dismiss. (Supp. R. p. 4).

[1] The specific street address for the Property has been omitted from Respondent's brief and the Supplemental Record on Appeal pursuant to the South Carolina Supreme Court Revised Order dated April 15, 2014 and Interim Guidance Order dated August 13, 2007, respecting personal identifying information in appellate court filings.

At the bench trial, Chesterfield County Animal Control Director Danielle Bowe testified that she was present on March 5, 2013, when the Animal Control officers and County deputies entered the Property by the authority given to them in the search warrant. (Supp. R. pp. 7; see also 63 - 66). The officers found about thirty-one canines on the Property, mostly dachshund breed. (Supp. R., p. 7). Bowe stated the officers found multiple carcasses outside as well as an open kennel with dogs at-large. Officers also found outside a half-bag of dog food and several undrinkable water bowls overgrown with a green algae-like substance. (Supp. R. p. 7). One canine was diagnosed with hookworms, and five dogs were undersized and diagnosed with other various illnesses. (Supp. R. p. 7). Bowe also explained the interior of the mobile home on the Property was not properly cleaned for canines of low stature. (Supp. R. p. 7). In addition, the officers found many canines enclosed in a bathroom without food or water. (Supp. R. p. 7). Bowe testified the hunger and underweight of the canines likely developed over an extended period of time. (Supp. R. p. 8). She also testified that she had never professionally or personally known dogs to become hungry enough to eat other canines. (Supp. R. p. 8).

The magistrate was presented with veterinarian reports from the examinations of five of the dachshunds found at the property and photographs taken at the scene. (Supp. R. pp. 9; 32-37). The magistrate was also presented with a memo from Danielle Bowie to Chesterfield County Deputy Jay Lewis detailing the thirty-one (31) canines removed from the Property as well as the Incident Report generated by the Chesterfield County Sheriff's Office. (Supp. R. pp. 9-10). The Incident Report indicates Animal Services along with Animal Investigator Lewis responded to the Property on March 4, 2013, regarding the condition of animals on the property. (Supp. R. p. 39). Upon arrival, officers observed animals in the front yard without food or water. (Supp. R. pp. 39-40). Upon receiving no response at the front door of the home on the property,

officers proceeded toward the back door to make contact with the occupant. While en route, officers observed several dogs eating the carcass of another dog. (Supp. R. p. 39 – 40). Officers then obtained a search warrant for the property based upon their observations. (Supp. R. pp. 39 – 40). Upon executing the search warrant, officers entered the home and found the floor covered with feces. Officers also found approximately fifteen (15) dogs inside the home without food or water. (Supp. R. p. 39 – 40). All of the animals on the property were rescued. (Supp. R. pp. 39 – 40). The Incident Report indicates Appellant admitted he was aware of the health issues but did not have the funds to obtain veterinarian care; however, it also indicated Appellant saw no issue with the condition of the animals or the housing. (Supp. R. pp. 39 – 40).

Appellant did not call any witnesses to testify and did not testify himself. He entered a series of photographs, including that of food and water bowls and of a driveway; receipts for medicine and vaccinations; receipts for dog food purchases made by an unidentified purchaser; and a Sandshill Communications subscriber verification. (Supp. R. pp. 8; 44-51). It appears that no objections or other motions were presented during the trial with the exception of the two motions to dismiss outlined above. It also does not appear that objections to the matter involved in the motions to dismiss were renewed when the evidence was presented during the trial. (Supp. R. pp. 1 – 10).

Following the bench trial, Appellant was acquitted of three charges (1884 – 1886). Judge Davis found Appellant guilty of Uniform Ordinance Summons 1900, 1901, and 1901 for violating S.C. Code 47-1-40, which is commonly referred to as Ill-Treatment of Animals, and Uniform Ordinance Summons 1887, 1888, 1898, 1899, 1900, 1903, 1904, and 1905 for violating 47-1-70, which is commonly referred to as Animal Abandonment or Neglect. Judge Davis imposed a sentence of Three Thousand Dollars ($3,000.00) in fines with scheduled payments.

Appellant filed and served a Notice of **Civil** Appeal. Appellant listed six general exceptions in the Notice of Appeal. (Supp. R. p. 67). The magistrate judge filed his Return as required. (Supp. R. pp. 1 – 66).

Circuit Court

On May 8, 2013, the Honorable J. Michael Baxley heard Appellant's appeal from the magistrate's court criminal convictions as outlined above. Appellant appeared *pro se* and Adam Foard, Esquire, appeared for the State. At the hearing, Appellant stated a couple of reasons for his appeal. First, Appellant noted that his driveway was one tenth of a mile long. Thus, he believed that any possible evidence that could have been seen was unconstitutional because of an illegal "trespass." Appellant then alleged that the search warrant was based upon insufficient probable cause when Animal Control and the deputies viewed the condition of the animals and used that knowledge as the basis for the warrant. (Supp.R. pp. 74-75). Appellant also presented a general contention that the affidavit was insufficient to support the search warrant. He explained that the property sought in the affidavit is his address, has nothing to do with the dogs and, for that reason, did not support the search warrant. (Supp. R. p. 78). He also claimed the search warrant had "duality" in that it was unclear if the search was to be conducted for abandoned animals or neglected animals. (Supp. R. p. 78). Appellant also alleged a violation of section 17-13-141 and believed the e-mail was used as a basis for the search warrant and was "made up after the search warrant" was issued. (Supp.R. pp. 74-75).

In response to Appellant's arguments, the State contended Appellant failed to properly set forth the relief, if any, he was seeking on appeal but merely filed a general Notice of Appeal questioning the magistrate's judgment. (Supp. R. p. 75). The State also asserted Appellant failed to state with sufficient specificity the issues being appealed. (Supp. R. p. 76).

Furthermore, the State contended Appellant had not properly preserved the issues he was then presenting on appeal.

However, the State addressed the issue of probable cause upon the court's request. (Supp. R. p. 77). The State explained that the affiant for the search warrant, James Lewis, viewed malnourished and ill-treated animals and a lack of food for the animals on Appellant's Property. It appears that Animal Control conducted a welfare check on the Property after receiving an anonymous e-mail indicating Appellant was mistreating numerous animals on his Property. Animal Control officer thereafter observed the disturbing condition of the animals in plain view, providing sufficient probable cause to obtain a search warrant for the Property. (Supp. R. p. 77).

The circuit court judge orally dismissed Appellant's appeal finding, first, that the appeal was improperly pled because Appellant used a civil appeal form, as opposed to criminal, and Appellant did not appropriately state his exceptions to the magistrate's court judgment. (Supp. R. p. 78). Second, the court construed Appellant arguments at the hearing to raise an issue of probable cause and determined sufficient probable cause existed. (Supp. R. p. 79). A judgment was also entered on May 8, 2013, dismissing the appeal as inappropriately pled and without merit and finding that probable cause was sufficient. (Supp. R. pp. 79; 81).

Appellant appeals to this Court presenting seventeen (17) arguments in his brief.

ARGUMENT

This Court must affirm the dismissal of Appellant's appeal by the circuit court when the appeal was improperly pled as a civil appeal and did not appropriately state the exceptions to the magistrate's court judgment and when the seventeen issues presented to this Court were not properly raised to and ruled upon below; nevertheless the ruling on the limited issue Appellant presented to the magistrate at trial and construed by the circuit court as an issue of probable cause must be affirmed because the record supports the existence of probable cause. (Appellant's Arguments 1 – 17).

Standard of Review

In criminal cases, appellate courts sit to review errors of law only. State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). Decisions to admit or exclude evidence rests in the sound discretion of the trial judge and will only be reversed on appeal for an abuse of discretion. State v. Gaster, 349 S.C. 545, 557, 564 S.E.2d 87, 93 (2002). An abuse of discretion occurs when the trial court's ruling is based upon an error of law or upon a factual conclusion that is without evidentiary support. State v. Wright, 391 S.C. 436, 706 S.E.2d 324 (2011). "A trial judge has considerable latitude in ruling on the admissibility of evidence and his rulings will not be disturbed absent a showing of probable prejudice." State v. Kelley, 319 S.C. 173, 176, 460 S.E.2d 368, 370 (1995).

In criminal appeals from magistrate or municipal court, the circuit court does not conduct a de novo review, but instead reviews the case for preserved error raised to it by appropriate exception. S.C. Code Ann. § 14-25-105 (Supp.2013); S.C.Code Ann. § 18-3-70 (Rev. 2014); State v. Hoyle, 397 S.C. 622, 725 S.E.2d 720 (Ct. App. 2012); State v. Henderson, 347 S.C. 455, 457, 556 S.E.2d 691, 692 (Ct. App. 2001); City of Columbia v. Felder, 274 S.C. 12, 13, 260 S.E.2d 453, 454 (1979). In reviewing criminal cases, this Court may review errors of law only. State v. Cutter, 261 S.C. 140, 147, 199 S.E.2d 61, 65 (1973); State v. Head, 330 S.C. 79, 87, 498 S.E.2d 389, 393 (Ct.App.1997). "When there is any evidence, however slight, tending to prove

the issues involved, [the appellate court] may not question a magistrate court's findings of fact that were approved by a circuit court on appeal." S. Carolina Law Enforcement Div. v. 1-Speedmaster S/N 00218, 397 S.C. 94, 96, 723 S.E.2d 809, 810 (Ct. App. 2011) (quoting Allendale Cnty. Sheriff's Office v. Two Chess Challenge II, 361 S.C. 581, 585, 606 S.E.2d 471, 473 (2004). "The circuit court 'may either confirm the sentence appealed from, reverse or modify it, or grant a new trial.'" State v. Hoyle, 397 S.C. at 625, 725 S.E.2d at 722. Review by this Court in criminal cases is limited to correcting orders of the circuit court for errors of law. Id. It is Appellant's obligation to present an appropriate record on appeal, including moving the magistrate to correct the Return, if necessary. Price v. Pickens County, 308 S.C. 64, 416 S.E.2d 666 (Ct. App. 1992); State v. Barbee, 280 S.C. 328, 313 S.E.2d 297 (1984); State v. Adams, 244 S.C. 323, 137 S.E.2d 100 (1964). Any issue presented to this Court for consideration on appeal must have been raised to and ruled upon below. Price v. Pickens County, 308 S.C. at 64, 416 S.E.2d at 666. Specifically, the circuit court may not consider a question not presented to the magistrate, Indigo Associates v. Ryan Investment Co., 314 S.C. 519, 431 S.E.2d 271 (Ct.App. 1994), and this Court may not consider an issue not raised to the circuit court. A & I, Inc. v. Gore, 366 S.C. 233, 621 S.E.2d 383 (Ct.App. 2005).

When reviewing a Fourth Amendment search and seizure issue, the appellate court is limited to determining if there is any evidence to support the trial court's findings and must affirm if there is any evidence to support the rulings. State v. Baccus, 367 S.C. 41, 625 S.E.2d 216 (2006); State v. Flowers, 360 S.C. 1, 598 S.E.2d 725 (Ct.App. 2004); State v. Brockman, 339 S.C. 57, 528 S.E.2d 661 (2000).

I. Appellant fails to seek an appropriate remedy on appeal.

In his brief, Appellant, for the first time, seeks four remedies, including: the return of all dogs seized by the County; Two Million Dollars ($2,000,000.00) per dog; public apologies from various animal shelters; and, criminal investigation and termination of employment upon six individuals involved in his criminal conviction, including three judges. None of these issues or requests was presented below and may not now be considered on appeal.

At the circuit court hearing on Appellant's appeal from magistrate's court, the State noted its difficulty in construing whether Appellant sought a specific remedy. On appeal, Appellant has certainly included specific remedies; however, Appellant did not preserve these remedies for appellate review because he made no mention of them at the magistrate court trial or the circuit court hearing.. State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) (stating that issues not raised and ruled upon in the trial court will not be considered on appeal.). The circuit court may not consider a question not presented to the magistrate, Indigo Associates v. Ryan Investment Co., 314 S.C. 519, 431 S.E.2d 271 (Ct.App. 1994), and this Court may not consider an issue not raised to the circuit court. A & I, Inc. v. Gore, 366 S.C. 233, 621 S.E.2d 383 (Ct.App. 2005).

Preservation issues aside, Appellant's alleged remedies are inappropriate for the constitutional violation he raises. The Fourth Amendment to the United States Constitution protects people from unreasonable searches and seizures and provides that no warrants shall be issued except upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized. U.S. Const. amend. IV; see also Baccus, 367 S.C. at 50, 625 S.E.2d at 221 (stating a search warrant may be issued only upon a finding of probable cause). "A search compromises the individual interest in privacy; a seizure

deprives the individual of dominion over his or her person or property." State v. Brown, 401 S.C. 82, 88, 736 S.E.2d 263, 266 (2012), reh'g denied (Jan. 24, 2013), cert. denied, 133 S. Ct. 2779, 186 L. Ed. 2d 227 (U.S.S.C. 2013); State v. Wright, 391 S.C. 436, 442, 706 S.E.2d 324, 327 (2011) (quoting Horton v. California, 496 U.S. 128, 133, 110 S.Ct. 2301, 110 L.Ed.2d 112 (1990)).

The Fourth Amendment itself provides no remedy for a violation of the warrant requirement. Brown, 401 S.C. at 88, 736 S.E.2d at 266; Davis v. United States, ——U.S. ——, 131 S.Ct. 2419, (2011). However, the United States Supreme Court has fashioned a judicially-created remedy, the exclusionary rule, which bars the prosecution from introducing evidence obtained in violation of the Fourth Amendment. Id.; See Mapp v. Ohio, 367 U.S. 643, 653-57, 81 S. Ct. 1684, 1690-93. "The rule's sole purpose, [the Supreme Court] has repeatedly held, is to deter future Fourth Amendment violations." Id. (quoting Davis, ——U.S. ——, 131 S.Ct. at 2426).

Moreover, Appellant did not object to the production of any evidence against him or move to suppress the evidence at the magistrate court trial or the circuit court hearing. Instead, he moved to dismiss the charges. Motions to dismiss the charges were inappropriate requests and remedies. Without more, the magistrate cannot dismiss the State's case before trial. State v. Ramsey, 381 S.C. 375, 673 S.E.2d 428 (2009); State v. Needs, 333 S.C. 134, 508 S.E.2d 857 (1998); State v. Thrift, 312 S.C. 282, 440 S.E.2d 341 (1994).

Now, Appellant contends that multiple state officials violated his Fourth Amendment rights. Although the Fourth Amendment does not provide a specific remedy, it allows for the exclusion of evidence upon proper objection by the accused. The remedies Appellant seeks, disregarding the fact they are not properly preserved, are not appropriate remedies for a Fourth

Amendment violation.[2] Thus, this Court should affirm the decisions of the lower courts because Appellant has not provided an adequate basis for appeal.

II. Appellant did not properly preserve the issues for appeal.

An argument not raised to and ruled on by the trial court is not preserved for appeal. State v. Nichols, 325 S.C. 111, 481 S.E.2d 118 (1997) (objection must be entered on a specific ground at trial to preserve an appeal); Humbert v. State, 345 S.C. 332, 548 S.E.2d 862 (2001). "The objection should be sufficiently specific to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the trial judge." Id. "The same ground argued on appeal must have been argued to the trial judge." Id. The failure to object when evidence is offered constitutes a waiver of the right to raise the issue on appeal. State v. Simpson, 325 S.C.37, 42, 479 S.E.2d 57, 60 (1996). An issue must be raised to and ruled upon by the circuit court in order to be considered on appeal. State v. Lopez, 352 S.C. 373, 378, 574 S.E.2d 210, 213 (Ct. App. 2002). South Carolina does not recognize the plain error rule. "The appellants have the responsibility to identify errors on appeal, not the Court." Kennedy v. South Carolina Ret. Sys., 349 S.C. 531, 532-33, 564 S.E.2d 322, 322-23 (2001). "An issue that was not preserved for review should not be addressed by the Court of Appeals. . ." State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 693-94 (2003) (citing Hendrix v. E. Distrib., Inc., 320 S.C. 218, 219, 464 S.E.2d 112, 113 (1995). The circuit court may not consider a question not presented to the magistrate, Indigo Associates v. Ryan Investment Co., 314 S.C. at 519, 431 S.E.2d at 271, and this Court may not consider an issue not raised to the circuit court. A & I, Inc. v. Gore, 366 S.C. at 233, 621 S.E.2d at 383.

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[2] It appears Appellant seeks monetary and injunctive relief against certain state officials, more akin to a section 1983 claim and remedy. See Monell v. Dep't of Soc. Servs. of City of New York, 436 U.S. 658, 673, 98 S. Ct. 2018, 2027 (1978).

In his brief, Appellant raises seventeen "counts" describing various alleged violations in his criminal proceeding. Approximately fifteen of those "counts" constitute arguments raised by Appellant for the first time and are not preserved for appellate review. See State v. Freiburger, 366 S.C. 125, 134, 620 S.E.2d 737, 741 (2005) (ruling the argument advanced on appeal was not raised and ruled on below and therefore was not preserved for review). The only issues raised at trial and preserved for review by the circuit court were the contentions that the email did not provide sufficient probable cause to support the search warrant and that the search warrant lacked specificity as to the property to be searched.

It appears the other two "counts" raised by Appellant in his brief are based on alleged Fourth Amendment violations. Specifically, Appellant seems to argue that the warrant issued to search his residence was not based on probable cause and the warrant itself did not properly describe the property to be searched. However, Appellant failed to allege these violations with sufficient clarity at the circuit court hearing and magistrate court trial. See Humbert v. State, 345 S.C. 332, 548 S.E.2d 862 (2001) ("The objection should be sufficiently specific to bring into focus the precise nature of the alleged error so that it can be reasonably understood by the trial judge."). It was Appellant's obligation to allege with specificity the exceptions upon which his appeal was based in the Notice of Appeal from the magistrate's court conviction to the circuit court. Judge Baxley correctly determined that Appellant's conclusory exceptions were too broad and insufficient to allege grounds for appeal. See State v. Sullivan, 310 S.C. 311, 426 S.E.2d 766 (1992)(stating the scope of the exception on appeal was too broad to constitute a sufficient ground for appeal to the circuit court in that it failed to apprise the parties and courts of the ground for appeal). The exceptions listed in Appellant's notice of appeal from the magistrate

court were too broad and conclusory for the State and the circuit court to know the specific ground for appeal.

In his brief, Appellant cites State v. Winborne, 273 S.C. 62, 254 S.E.2d 297 (1979), and argues the affidavit to support the warrant does not properly state what type of crime was committed, when it was, where it was, or who committed it. However, Appellant failed to raise this specific issue in the trial and circuit courts and the issue is not properly preserved. Although the record reflects that Appellant argued the affidavit did not support the warrant, he did not allege any specific deficiencies with the affidavit, other than the baseless argument that the warrant did not contain the correct Property address or correctly describe the property to be searched, leaving the Court guessing as to which ground on which he based his objection. See State v. Johnson, 363 S.C. 53, 58, 609 S.E.2d 520, 523 (2005) ("The objection should be addressed to the trial court in a sufficiently specific manner that brings attention to the exact error.").

Also, at the magistrate court trial, Appellant only argued the e-mail was not a proper basis for obtaining the search warrant. On the contrary, law enforcement used its first-hand observations of the disturbing conditions of the canines on Appellant's Property as the basis of the search warrant.[3] Thus, the record reflects that law enforcement did not use the e-mail as a basis for the search warrant. (Supp. R. pp. 4; 39 – 40). Also, at the circuit court hearing, Appellant made no response to the court's inquiry regarding probable cause in support of the affidavit. Rather, Appellant merely argued the property sought in the warrant had "nothing to do with animals." Furthermore, in his brief, Appellant offers *many* allegations in support of his

[3] The issue of whether law enforcement was in a lawful position to view the poor conditions of the canines on which the warrant was issued is addressed in Issue III, infra.

theory that the warrant did not specifically describe the property to be searched. Despite Appellant's contentions, the warrant did sufficiently describe the property to be searched and included the proper address of the Property. Notably, at the magistrate court trial and the circuit court hearing, Appellant *only* argued that the warrant was not specific as the premises to be searched at his Property.[4] However, the search warrant described the premises to be searched with the specific address and further stated that the property or items to be searched for were neglected or abandoned animals. (Supp. r. p. 64). The search warrant affidavit further described the premises as the dwelling and property at the specific address. (Supp. R. p. 65). The County plainly stated that only one home was located on the premises. (Supp. R. p. 4). Therefore, this Court should affirm the decisions of the lower courts because Appellant did not properly preserve the issues for appellate review.

III. The warrant issued by the magistrate judge was sufficiently supported by probable cause because the officers viewed the incriminating evidence on the Property from a lawful vantage point free from Fourth Amendment intrusion.

Even if this Court finds the issue of probable cause to support the search warrant was properly preserved, the State submits that the record clearly established that the anonymous e-mail did not serve as probable cause for the search warrant. Rather, the search warrant was

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[4] The warrant described the premises to be searched with the specific street address and town and the description of the property or items to be searched for and seized, if found at that location, as "abandoned or neglected animals." The search warrant affidavit indicated that the premises to be searched were the dwelling and property at the specific address. Section 17-13-140 requires only a warrant "identify the property" to be seized and requires no more than the federal and state constitutions, both of which require warrants to "particularly" describe the things to be seized. U.S. Const. amend. IV; S.C. Const. art. 1, § 10; State v. Williams, 297 S.C. 404, 407, 377 S.E.2d 308, 310 (1989) (holding property description of "any illegal drugs" sufficient to describe the property to be seized).

based upon Animal Control's observations of Appellant's illegal treatment of the canines in plain view in the yard of the Property.

The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. "The touchstone of the Fourth Amendment is reasonableness." Florida v. Jimeno, 500 U.S. 248, 250 (1991). As a result, only unreasonable searches and seizures are constitutionally prohibited. State v. Foster, 269 S.C. 372, 378, 237 S.E.2d 589, 591 (1977); see Maryland v. Buie, 494 U.S. 325, 331 (1990) ("It goes without saying that the Fourth Amendment bars only unreasonable searches and seizures[.]").

For purposes of the Fourth Amendment, a search occurs when "an expectation of privacy that society is prepared to consider reasonable is infringed." United States v. Jacobsen, 466 U.S. 109, 113 (1984). Likewise, a seizure occurs when there is some meaningful interference with an individual's possessory interest in property or with the individual's freedom of movement. Id.; see Terry v. Ohio, 392 U.S. 1, 16, n. 16 (1968) ("Only when the officer, by means of physical force or show of authority, has in some way restrained the liberty of a citizen may we conclude that a 'seizure' has occurred.").

In cases involving Fourth Amendment issues, the critical inquiry is "whether the challenged search or seizure violated the Fourth Amendment rights of a criminal defendant who seeks to exclude the evidence obtained during it." Rakas v. Illinois, 439 U.S. 128, 140 (1978). "That inquiry in turn requires a determination of whether the disputed search and seizure has infringed an interest of the defendant which the Fourth Amendment was designed to protect." Id.

Through its express language, the Fourth Amendment specifically protects persons, houses, papers, and effects as constitutionally-protected areas. Florida v. Jardines, __ U.S. __, 133 S. Ct. 1409, 1414 (2013). Thus, the Fourth Amendment unquestionably protects an individual's home from unreasonable governmental intrusion, and those protections extend to the home's curtilage. Id. at 1414-1415.

The United States Supreme Court has held that the Fourth Amendment does not require an officer to have a warrant or reasonable suspicion to approach a home, knock on the door, and conduct an inquiry if the occupant opens the door because the officer does no more than a private citizen might do. Jardines, __ U.S. __, 133 S. Ct. at 1415; see also Wright, 391 S.C. at 436, 706 S.E.2d at 324. The right to do so is based upon an implied license permitting "solicitors, hawkers, peddlers," and other visitors to approach another person's home. This implied license has been held to extend to law enforcement officers if accomplished in a reasonable manner consistent with the way any citizen might approach the home. Id.; see also Kentucky v. King, __ U.S. __, 131 S. Ct. 1849 (2011). "When law enforcement officers who are not armed with a warrant knock on a door, they do no more than any private citizen might do. And whether the person who knocks on the door and requests the opportunity to speak is a police officer or a private citizen, the occupant has no obligation to open the door or to speak." Kentucky v. King, 131 S. Ct. at 1862 (citing Florida v. Royer, 460 U.S. 491 (1983)). Importantly, the act of approaching a home pursuant to the implicit license does not constitute a search for Fourth Amendment purposes. See Jardines, 133 S. Ct. at 1417, n. 4 ("[I]t is not a Fourth Amendment search to approach the home in order to speak with the occupant, *because all are invited to do that*." (italics in original)).

The record before this Court reflects that Animal Control officers visited Appellant's Property after receiving an anonymous e-mail about mistreatment of animals. Animal Control approached the Property to investigate and had proper reason to do so. While lawfully on the premises, Animal Control proceeded to the front door and observed the canines in the yard without food or water. When Animal Control failed to receive a response at the front door, they proceeded toward the back door in an effort to contact the occupant of the home. Animal Control then viewed the canines' poor and disturbing condition, and believed those conditions were violations of the law. As a result, Animal Control notified law enforcement, who properly obtained a warrant to search the Property.

Animal Control's first-hand view of the incriminating evidence constituted a sufficient basis for probable cause to obtain the warrant. See Illinois v. Gates, 462 U.S. 213, 244-245 (1983). In Gates, the United States Supreme Court held that "[p]robable cause is a fluid concept—turning on the assessment of probabilities in particular factual contexts—not readily, or even usefully, reduced to a neat set of legal rules." Id. at 232. A challenge to the sufficiency of the evidence upon which a warrant is issued faces a major hurdle in the Supreme Court's often stated preference for searches conducted pursuant to a warrant. See Beck v. State of Ohio, 379 U.S. 89 (1964). Appellant has not overcome this hurdle. The facts as observed constituted sufficient probable cause to believe Appellant was violating laws relating to animal abuse and neglect.

Appellant mentioned in the circuit court hearing and his brief that his driveway is one tenth of a mile long. Appellant seems to argue that Animal Control officers and the deputies were not in a lawful position to view the disturbing treatment of animals on his Property since they travelled down the driveway to investigate the matter. However, these actions were

reasonable and mirrored that of an ordinary citizen when approaching a home. See Nieminski v. State, 60 So.3d 521 (Fla. 2011) (stating evidence developed for a search warrant during a "knock and talk" after officers walked through an unlocked gate to approach the door did not violate the petitioner's expectation of privacy); Robinson v. Commonwealth, 625 S.E.2d 651 (Va. App. 2006) (stating the implied invitation to have members of the public intrude upon areas of a homeowner's property extends only to those areas a visitor could reasonably be expected to cross when approaching the residence in an ordinary attempt to speak with the occupants such as the driveway, parking area, sidewalks, pathways, and front porch).

Pursuant to the implicit license, a law enforcement officer or other person is "*typically*" permitted "to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave." Jardines, 133 S. Ct. at 1415 (emphasis added). However, if reasonable under the circumstances, officers may also attempt to make contact with a resident at a location other than the front door so long as they do so in a reasonable manner. See United States v. Raines, 243 F.3d 419, 421 (8th Cir. 2001) ("[L]aw enforcement officers must sometimes move away from the front door when attempting to contact the occupants of the residence."); United States v. Garcia, 997 F.2d 1273, 1279 (9th Cir. 1993) ("This circuit and other circuits have . . . recognized that officers must sometimes move away from the front door when they are attempting to contact the occupants of a residence."); see, e.g., Carroll v. United States, 267 U.S. 132, 147 (1925) ("The Fourth Amendment does not denounce all searches or seizures, but only such as are unreasonable.").

Here, Animal Control received an anonymous tip indicating that Appellant was mistreating canines on his Property. However, the officers were *not* required to abandon any efforts to investigate the anonymous tip and to simply allow criminal activity to take place

unimpeded merely because they had not yet developed sufficient probable cause for a warrant. See, e.g., Adams v. Williams, 407 U.S. 143, 145 (1972) ("The Fourth Amendment does not require a policeman who lacks the precise level of information necessary for probable cause to arrest to simply shrug his shoulders and allow a crime to occur or a criminal to escape.") (emphasis added). As a result, the officers elected to drive to the residence in an effort to speak with Appellant about the tip, and their decision to do so was unquestionably reasonable and constitutionally permissible under the circumstances. See King, 131 S. Ct. at 1862 ("When law enforcement officers who are not armed with a warrant knock on a door, they do no more than any private citizen might do. And whether the person who knocks on the door and requests the opportunity to speak is a police officer or a private citizen, the occupant has no obligation to open the door or to speak.") Also, the officers did not veer from the normal route to the front door, meander, or take another route. Appellant has not asserted any facts to indicate there were any signs warning trespassers not to enter or other impediments restricting access to the apartment or the porch. As confirmed in Florida v. Jardines, the United States Supreme Court in Kentucky v. King established that law enforcement officers do not engage in a Fourth Amendment search when officers approach a house to speak with the occupant(s) because all citizens are entitled to do that. The mere purpose of discovering information while doing so does not violate the Fourth Amendment. 133 S. Ct. at 1416. The officers in this case did not exceed their investigative authority, but only used the senses any ordinary citizen would have available.

Moreover, the officers approached the apartment to *investigate* and had reason to do so based on the e-mail indicating Appellant mistreated canines on his Property. Beyond the reasonableness of their decision to go to the residence to investigate the anonymous tip, the officers' actions remained entirely reasonable once they arrived at their destination due to the

fact that Appellant's property consists of a home and surrounding land, and it was objectively reasonable for the officers to believe they would make contact with Appellant at the back of the residence when he did not answer the front door. See Alvarez v. Montgomery County, 147 F.3d 354, 356 (4th Cir. 1998) ("The Fourth Amendment does not prohibit police, attempting to speak with a homeowner, from entering the backyard *when circumstances indicate they might find him there[.]*" (emphasis added)); see also In re Bazen, 275 S.C. 436, 437-438, 272 S.E.2d 178, 178 (1980) (holding that a law enforcement officer did not violate Bazen's Fourth Amendment rights when he responded to Bazen's home in response to a noise complaint, walked to the rear of the house, saw Bazen enter an open garage, followed him into it, and subsequently arrested Bazen for possession of marijuana after smelling marijuana in the garage); see, e.g., Raines, 243 F.3d at 421 (holding that a law enforcement officer did not violate a homeowner's Fourth Amendment rights by obtaining a warrant to seize marijuana plants that the officer observed growing in plain view in the back yard of the homeowner's residence when the officer legitimately went to the residence to make contact with the homeowner and proceeded into the backyard based upon a reasonable belief that he would find the homeowner there).

Thus, it was reasonable for the officers to proceed toward the back door of the residence when Appellant did not respond their knocks at the front door. Likewise, not only was their decision to approach the property entirely reasonable, the officers' manner of approach backyard to access the doors was consistent with the manner of entry that any private citizen was impliedly permitted to use in making contact with Appellant to inquire about the tip.

Because the officers moved toward the backyard for a legitimate purpose in an objectively reasonable manner, the officers' entry did not constitute a search and did not violate Appellant's Fourth Amendment rights. See Jardines, 133 S. Ct. at 1417, n. 4 ("[I]t is *not a*

Fourth Amendment search to approach the home in order to speak with the occupant, *because all are invited to do that*." (emphasis added and italics in original)); see also Foster, 269 S.C. at 378, 237 S.E.2d at 591 ("It is only unreasonable searches and seizures that are prohibited."); cf. Alvarez, 147 F.3d at 359 (holding that law enforcement officers did not violate Alvarez's Fourth Amendment rights by entering the backyard of his residence to speak with him about a report of underage drinking when it was reasonable for the officers to believe they would find the homeowner in the backyard under the circumstances.). Furthermore, upon viewing the disturbing and unlawful conditions, the officers applied for a warrant to come back to the Property and seize the abused or neglected canines. The officers' actions were proper. Accordingly, the decisions of the lower courts should be upheld.

CONCLUSION

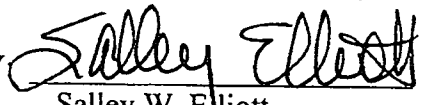
For all of the foregoing reasons, the State respectfully requests that the judgment, conviction, and sentence of the lower court be affirmed.

Respectfully submitted,

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Columbia, South Carolina
August 28, 2014

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

The State — Respondent,

v.

Fritz Allen Timmons — Appellant.

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WAS THERE ABUSE OF DISCRETION IN THE LOWER COURTS?

With the following facts on Record, there is no doubt that an **HONORABLE JUDGE** would reasonably make the same order under the same circumstances.

(1) (A) The Particular Requirements not met in Affidavit nor Search Warrant

(1) Item Sought - Affidavit - "**1827 Tabernackle Church Rd McBee**" (R.p 32). With the Appellant's Address as the item to be sought, therefore why was the canines seized

(2) Item Sought - Search Warrant - "Abandoned or Neglected Animals", §47-1-10,(1), "Animal" means a living vertebrate creature except a homo sapien (R. p 33). Was the Respondent searching for Abandoned animals or for neglected animals? Also with wild life on property and surrounding woods that belong to the State, why was these animals not also seized?

(3) Place to be Searched - Affidavit - "Property and Dwelling" (R.p 32). With the Appellants property with no apparent bounderies, what did the "property" consist of, (A) the residency and immediate surrounding area, (B) the residency, immediate surrounding area and surrounding woods, (C) to the actual property lines that include bounder of a church completely along one side and the complete rear side of the church's property line. Of which the actual property lines are not visibly marked. (D) the residency, immediate surrounding area and surrounding woods, and the rest of the woods that includes hundreds of acres and approximately ten miles of state maintained road front. With multiple acres, and property described in the

above said therefore did authorities know if any other residencies existed on property and accessed by another means other then the Appellant residency's driveway?

(4) Place to be Searched - Search Warrant - "1827 Tabernackle Church Rd McBee" (R. p 33). Same as the above said description of property.

(5) Reason for Affiants Belief - Affidavit - "Malnourished and Dead Animals outside and evidence of worse animals outside. No Food or Water for Animals." (R. p 32). Was the Affiant describing road kill and/or wild life in the surrounding woods, a dream he may have had or even a Christmas wish list? Affidavit does not claim as to viewing of, when anything has occurred, where supposedly anything had been, or if any criminal activity was involved.

(2) (A)(1) Statement from Court Order of March 5, 2013, "Officers testified there was half a bag of dog food on the property" (R. p 2), Specifically a ½ to ¾ 50 lb bag of "Purina Puppy Chow, Healthy Morsels" inside the Appellant's Residency and seized without being on warrant or return, and with adlib by the Respondent's Counsel, has now mysteriously appeared "outside".

(2) Statement from Court Order of March 5, 2013, "Defendant testified he has purchased 100 pounds of food for the animals the day of but prior to the search warrant being executed"(R. p 2),

(3) Photos of food and water bowls at time of search and seizer. (R. p 43-47),

(4) Animal Control Officer Danielle Bowe testified under oath "professionally

or privately, known dogs to become hungry enough to eat other canines", thereby brings up the question as to what profession and if testifying as an Expert Witness?

(B) Affidavit -Reason for Affidavit's Belief, "No Food or Water for Animals" (R. p 32)

(3) (A) Veterinarian Exam - "no significant findings" (R. p 40),

(B) Animal Control Officer Danielle Bowe testified under oath "Canine "Hanna" tested positive for hookworms and has tumors" (R. p 10), The correct statement was "has tumors and ulcers"

(4) (A)(1) UNITED STATES CONSTITUTION

(2) South Carolina Constitution

(3) South Carolina Codes of Law

(4) South Carolina Court Rules

(5) Substantial Evidence

(B)(1) Irrelevant and incompatible Case Laws, **"PLATYPUS"** Defense. as described in the following

At the Magistrates Level of which if Title 18 U.S. Code §241 and Title 18 U.S. Code §242 had not been violated by the Court, then, as a man of any common reasoning would believe, the charges would have been dismissed and items (dogs) would have been returned unaltered.

The warrant, on its face, is vague enough to lead a reasonable police officer to believe it's invalid, evidence found pursuant to it will be inadmissible. With the Warrant and Affidavit not meeting Particular Requirements and without the said E-mail used as

Probable Cause, ipso facto, An abuse of discretion has been committed that is clearly against reason and evidence along with legal error.("'An abuse of discretion arises from an error of law or a factual conclusion that is without evidentiary support.'" *Id.* (quoting State v. Irick, 344 S.C. 460, 464, 545 S.E.2d 282, 284 (2001),"that fundamental fairness essential to the very concept of justice." Lisenba v. California., 314 U.S. 219, 236, 62 S.Ct. 280, 86 L.Ed. 166 (1941). ,"no warrant shall be issued but upon probable cause...." The probable cause standard has been defined by the Court as "...facts and circumstances within their knowledge, and of which they had reasonably trustworthy information ... sufficient in themselves to warrant a man of reasonable caution in the belief...." Brinegar v. United States, 338, U.S. 160 (1949), "facts or circumstances presented to him under oath or affirmation" support that conclusion. Nathanson v. United States, 290 U.S. 41 (1933), Conner v. City of Forest Acres, 363 S.C. 460, 467, 611 S.E.2d 905, 908 (2005); Carlyle v. Tuomey Hosp., 305 S.C. 187, 193, 407 S.E.2d 630, 633 (1991), Wilton v. Seven Falls Co., 515 US 277 (1995), General Electric Co. v. Joiner, 522 US 136 (1997),S.C. Code §17-16-140).

Without Chesterfield County Deputy Jay Lewis and Without Chesterfield County Animal Control Jim McGonigal testifying under oath the preliminary hearing of March 5, 2013 (violating §22-3-710 and Rule 603, SCRE and Rule 13, SCRMC). Without the Disclosure of the said E-mail, thereby violating Rule 5(c),SCRCrimP and if not for Torte purposed or by constitutional intrusion then also violates Rule 802, SCRE.

With only ACO Jim McGonigal present and making statements and not testifying under oath at the hearing of March 18, 2013, thereby violating §22-3-710 and Rule 603, SCRE while the request for the said E-mail being denied again, therefore violating Rule

5(c),SCRCrimP again. Also with County Ordinance Summons Tickets 1884-1888, 1898, 1899, 1903-1905 (R. pp. 11-15, 20-21, 25-27) for violating §47-1-70, 1889-1892,1906-1909 (R. pp. 16-19, 28-31)for violating 415.60 (The charges of Rabies fall under the Fruit of the Poisonous Tree doctrine) and 1900-1902 (R. pp. 22-24) for violating §47-1-40, of which none are County Ordinance (§19-3-10, §56-7-80(A)). Therefore, the Appellant was charged with only fraudulent charges and construed by illegal and unconstitutional means. Also the county uniform ordinance summons was not written at time of said occurrence with ticket numbers 1993 through and including 1997 as to being written for Pamela Conley in an almost identical case (Case No. 2013CP1300231) that is currently stalled since Order filed Oct 10, 2013 in Chesterfield County Court System. With only 21 summons written for 31 dogs, with 3 different charges and found guilty and not guilty on same charges, therefore what dogs was the charges for and which ones was not, why was the dogs that had no charges also taken by Chesterfield County Animal Service and Chesterfield County Sheriff Office. Also why was there only five Veterinarian Exams presented (from elderly dogs and two recovering from a Parvo and/or Circovirus outbreak, of which the carcusses that was unearth and found by Animal Services, died from several months earlier) and not for **ALL** dogs Along with the no contested finding of caucuses and no photos presented in the hearing due to this, the photos appeared in the Magistrates record, "Photographs pose a danger of unfair prejudice when they have 'an undue tendency to suggest a decision on an improper basis, commonly, though not necessarily, an emotional one.'" *Id.* (quoting *State v. Holder*, 382 S.C. 278, 290, 676 S.E.2d 690, 697 (2009)). "Like probative value, unfair prejudice should be evaluated in the practical context of the issues at stake in the trial of the case." *Id.*; *see State v. Wilson*,

345 S.C. 1, 7, 545 S.E.2d 827, 830 (2001),"[p]hotographs calculated to arouse the sympathy or prejudice of the jury should be excluded if they are . . . not necessary to substantiate material facts or conditions." *State v. Torres*, 390 S.C. 618, 623, 703 S.E.2d 226, 228 (2010). "[A] court analyzing probative value considers the importance of the evidence and the significance of the issues to which the evidence relates." *State v. Collins*, 398 S.C. 197, 727 S.E.2d 751, 754 (Ct. App. 2012),Rule 403, SCRE states that "[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence." A trial court has particularly wide discretion in ruling on Rule 403 objections. *See State v. Adams*, 354 S.C. 361, 378, 580 S.E.2d 785, 794 (Ct. App. 2003). "The probative value of the photos must be balanced against 'the danger of unfair prejudice.'" *Collins,* 398 S.C. at __, 727 S.E.2d at 757. "Prejudice that is 'unfair' is distinguished from the legitimate impact all evidence has on the outcome of a case." *Id.* "'Unfair prejudice does not mean the damage to a defendant's case that results from the legitimate probative force of the evidence; rather it refers to evidence which tends to suggest [a] decision on an improper basis.'" *Id.* (quoting *State v. Gilchrist*, 329 S.C. 621, 630, 496 S.E.2d 424, 429 (Ct. App. 1998)).

With Chesterfield County Animal Control adopting the dogs out **PIOR TO** the Appeal time limit, ipso facto, violating §22-3-310 stating "no sale shall be made under any such execution until after the time for appeal has expired".

DOES THE APPELLANT HAVE THE OBLIGATION TO CORRECT THE RECORD

With the Respond's claim that it is the Appellants Obligation to correct the Magistrates Record, Therefore the most accurate Record for the magistrate would be as follows:

"In January, the Appellant found unknown truck tire tracks and litter in Appellant's yard.

On Monday March 4,2013, the Appellant fed and water the Appellant's dogs and proceeded to work at 9:15 am. After which and after traveling approximately 35 miles and 1/10 of a mile onto property of which only a small fraction of residency and none of yard (immediate property surrounding residency prior to surrounding woods) are visible from roadway, Chesterfield County Animal Control (CCAC) (with Danielle Bowe as Director of both the Chesterfield County Animal Control and Chesterfield County Animal Shelter (CCAS)) conducted a search and seizer assuming the residency was abandoned (probably from several previous trespassing of property), and without a warrant, without probable cause, and without checking the dogs for positive ID for the purpose of gaining purebred dogs for quick profit by donations, Possibly received by the Animal Shelter. CCAC search included the searching of the Appellant's residency (causing damage), barn, and the immediate surroundings of the residency while confiscating 25 mature (including 3 elderly and 2 recovering from illness and 10 adolecent) along with 6 one week old puppies, a half 50# bag of puppy food, and a large pet carrier in which the puppies and mother was housed. CCAC failed to search surrounding woods of which the

graves of the carcasses was located and also failed to confiscate all other animals including wildlife in surrounding woods. CCAC also travel an additional 15 miles into Darlington County and interrogated an ex-residency of the Appellant's residency of which has not been on the Appellant's property in over four years, as to the finances, intelligence and residency of the Appellant. The CCAC had also threatened the ex-residency with charges. After work, the Appellant purchased 100 lbs of Adult dog food and 12 cans of food (for the recovering illed dogs) at 5:37 pm and proceeded to a local restaurant to eat. While at the restaurant a Chesterfield County Deputy informed the Appellant that the search was conducted and he'd seen dogs eating dogs, the Appellant replied "**THAT'S BULLSHIT**, there was nothing wrong when I left this morning.". The Deputy then informed the Appellant to contact Deputy Jay Lewis and departed. The Appellant contacted Deputy Jay Lewis and was informed to meet with him the next day (March 5, 2013) at the Chesterfield County Sherriff's Department. The Appellant then proceeded to the residency to discover the damage done and the missing items without no warrant or seized items list left.

On March 5, 2013, prior to the interrogation, Chesterfield County Animal Control made up a quick Affidavit and Warrant to present to the Appellant without the item list.

Unknown date, The list of which was made up by Danielle Bowe and sent to Deputy Jay Lewis and **modified** by **Judge John A Davis** without the date and time **(3/7/2013 6:07 AM)** although the Return time and date states "**3-5-13 at 14:14** o'clock PM" and also states "**I left a copy** of the warrant with Fritz Timmons Name of the searched or "**at the place of search**" with Together with a receipt for the items seized." and signed by Judge John A Davis dated **March 5, 2013**. Without made in the presence

of anyone and also states " **I swear** that this **inventory is a true and detailed** account of **all the property taken by me** on the warrant." and also signed by Deputy Jay Lewis.

On March 5, 2013, the interrogation, that included Animal Control/Animal Shelter Director Danielle Bowe, Animal Control Officer Jim McGonigal, Deputy Jay Lewis, and Deputy Briana Davis was held at the Chesterfield County Sherriff's Department in which the Appellant was asked by CCACO Jim McGonigal if was able to afford veterinarian care the dogs. The Appellant asked if he was inferring to only the 2 recovering dogs or ALL of them, Jim McGonigal stated "**ALL OF THEM**" which would include all the healthy and the two that was already under special care of which the veterinarian would not be able to do no more then the Appellant due to previous experience with identical health issues with other canines **that was taken to the veterinarian**, with the cash purchase of 2 vehicles, the Appellant answer was no. Jim McGonigal then asked the Appellant if he was going to turn over custody of the dogs to the county, the Appellant responded "I'm willing to turn over some of the younger dogs" and Jim McGonigal responded "**ALL THE DOGS**". The Appellant's response was "NO". The Appellant was shown photos of canine carcasses of which the Appellant did not recognize and informed them that they was probably strays running through the yard. The Appellant was then given the Search Warrant and Affidavit without the Return List of Items seized. After the interrogation Danielle Bowe, Jim McGonigal, Jay Lewis, and the Appellant proceeded to the Magistrate's Office.

A preliminary hearing was held in front of Judge John A Davis . The Appellant motioned to have charges dropped and dogs returned for no probable cause (same judge issued it). Motion was denied due to being a preliminary hearing according to Judge John

A Davis . Jay Lewis left hearing about half way through and did not testify. Jim McGonigal was not under oath and made the statement "I used an anonymous E-mail as Probable cause to get the Search Warrant" and also stated as to being for more then 30 dogs (which was an impossibility) without any statements in regard to E-mail for visitation of which was translated by John A Davis on record as to "anonymous E-mail was used by Chesterfield County Animal Control to visit the defendant's property" and proved by the records own statement "The defendant cited state stature 17-13-141 claming an anonymous E-mail sent to Chesterfield County Animal Control was not the basis for obtaining a search warrant" (thus showing ex party) of which the stature 17-13-141 was a clerical error and was meant to be 56-7-80 (wrote down wrong code due to similarities of requirements while viewing) and a half a bag of dog food on premises (along with photos, does not coincide with Search Warrant). Danielle Bowe testified (not an expert witness) as to the canine "Hanna" as to having tumors and ulcers (not supported by Veterinarian Exam) and described water bowl in non used pens as overgrown with a green algae-like substance and not drinkable. The Appellant did not deny as to finding of dead animals cause of the number of stray animals in yard and buried animals has been dug up by wildlife and dragged into yard on previous occasions. The Chesterfield County Animal Control was given temporary custody of the dogs. AOC Jim McGonigal stated directly to the Appellant "**You wont be able to get out of this on a technicality**"

Order of March 5, 2013 states "IT IS ORDERED under Chesterfield County Ordinance 11-12-14 Section 10(B) that all animals at 1827 Tabernacle Church Road shall be taken into custody of Chesterfield County until the duration of a criminal case against him.". [Chesterfield County Ordinance 11-12-14 Section 10(B) actually states

"Additionally, the court may order a person charged with any violation of this chapter to provide necessary food, water, shelter, and care for any animal that are the basis of the charge without the removal of the animal from their existing location and until the charges against the person are adjudicated Until a final disposition is rendered, any ACO or any law enforcement officer may be authorized by the court to make regular visits to the place where the animal is being kept to ascertain if the animal is receiving necessary food, water, shelter, and care. Nothing in this section prevent any ACO or law enforcement officer from applying for a warrant under this section to seize any animal being held by the person charged pending adjudication of the charges if it is determined the animal are not receiving the necessary food, water, shelter, or care. "] Requested a copy of the anonymous E-mail and was denied.

On March 5, 2013, The Appellant traveled to the Chesterfield County Animal Shelter an gave a list of Appellant's canines that matched exactly to list of that which was confiscated by Chesterfield County Animal Control on March 4, 2013, including sex, color, number of and location of each. The Appellant was shown a carcass of which the Appellant did not recognize and informed Jim McGonigal that it was probably a stray running through the yard. The carcass looked hairless or frozen when wet. After returning home and inspecting the yard and grave area, the Appellant discovered the dug up grave of the carcass's along with taking photos of food and water bowls of which was said to have been "no food or water". Appellant also took photos of litter and damage done by the search.

On March 6, 2013, AOC Jim McGonigal met the Appellant at McBee Police Station and served summon tickets 1884 through and including 1892 and informed that

due to being too busy to write out the rest of the summon tickets, the Appellant will receive them later. Due to the motion as to the unlawful Search Warrant, Jim McGonigal stated "**I will have the Search Warrant amended**" and **"will deliver rest of the tickets later, too much filling out to do all at one time**" Also summon tickets **1893 through and including 1897** was served to Pamela Conley.

On **March 6**, 2013, @ 1:43 pm, WCCB aired a new brief that stated "Authorities say they removed 31 dogs from a Chesterfield County home after an anonymous tipster called it in. Animal Control officers say they found dozens of Daschunds in various stages of poor health, reporting there was **no food or water** and feces was throughout the **abandoned trailer housing** the animals in McBee. Some of the animals were reported to have **tumors, ulcers and other forms medical problems**. The owner is said to be already fighting to ger them back.". The broadcast aired included photos taken by Chesterfield County Animal Control from the interior and exterior of the Appellants residency.

On March 6, 2013, Summon tickets **1892 - 1897** for Pam Conley was filed.

On March 7, 2013 @ 6:07 am, Danielle Bowe sent a list of dogs seized and without listing a bag of food nor a pet carrier that housed a mother dog and puppies on March 4, 2013. The list was sent to Jay Lewis for the Warrant return (that clearly states "**I left a copy of the warrant with ____ Name of person searched or "at the place of search" with Together with a receipt for the items seized**" that was signed and filed on March 5, 2013.

On March 8, Summon ticket **1884 - 1891** and **1898 - 1909** for Appellant was filed.

On **March 8**, 2013, **Customized Pet Rescue** posted "These dogs are coming from

a hoarding situation. Please share this info, as **all the dogs will be available after the 20th**. This is in the South Carolina area. If we all pass this along, they may have homes waiting for them by then. Thank you!!http://www.foxcharlotte.com/news/sc-news/31-Dogs-Removed-From-Chesterfield-Home-195631411.html". **Dachshunds Crossposting** posted "http://www.foxcharlotte.com/news/sc-news/31-Dogs-Removed-From-Chesterfield-Home-195631411.html Horrible situation - 31 dachshunds were seized from a hoarder in horrible condition being held at the shelter there - **they cannot be released as the court date is on the 20th**. We need to be ready and network to save them for when they are released after that date. Here is the shelter info - but DO NOT CALL them as of yet as nothing can be done until then on their end. We need to network rescues for this and it will probably be expensive (a guess on my part) as hoarding creates horrible medical conditions for the dogs. Please network with emphasis on South Carolina area - Director of Animal Services (again - dogs not released until after court date on 20th) Danielle Bowe 467 Goodale Road Chesterfield , SC 29709 Phone: 843-623-3585 Fax: 843-623-3540 Email: animalservices@shtc.net Office Hours: Monday - Friday 8:30AM - 5:00PM" Replies to this posting was "Connie Jo Edie-weidlinger Please let us know when they start collecting funds for these Angels!!!

March 8, 2013 at 3:48pm · Like

Katie Wehner The multi-group NC doxie rescue yahoo list is already on this..... & i have reached out to an all-breed contact of mine who is likely to be in a better position to coord the effort to save them. Crossposting wont do much more at this point..... **we need to wait for the court date** & then have a central contact to direct to effort.

March 8, 2013 at 3:50pm · Like · 1

Teresa L. Gustafson So sad! It's shared on my rescue page, and other rescues will share it from there. With luck, **by the time the 20th comes along, they may all have homes waiting for them**! Let's pray for this to happen. I've seen a few miracles in the past week already!

March 8, 2013 at 3:58pm · Like"

On March 11, ACO Jim McGonigal delivered summons tickets 1898 through and including 1909.

On March 12, local newspaper "The Link" published article as to seized dogs reported to them by Danielle Bowe.

March 18, 2013, at the beginning of hearing of which only ACO Jim McGonigal and the Appellant was in attendance, the Appellant motioned for the charges to be dropped and dogs returned due to lack of probable cause and unconstitutional Search and seizer, and without said anonymous E-mail the Appellant believe that the said E-mail was based on possible torte by Judge Paul M. Burch for being contacted, due to a notice, by Darlington County Clerk of Courts Office for failing to render a decision in another case from May 25, 2011. With the denial of motion and an Unconstitutional Search Warrant by the same judge, the Appellant knew that it was futile to provide all evidence and arguments due to already being bias and unjust court."

Therefore Appellants Obligation must also correct the record of the Circuit Court.

On Approximately March 20, 2013, All seized canines was released to Rescues Prior to the Appeal Deadline

March 25, 2013, the Appellant filed an Appeal (on only form available) With the Clerk of Court of Chesterfield County.

March 28, 2013, Judge John A Davis filed 2 separate RETURN OF THE CRIMINAL APPEAL with one of which was dated March 26, 2013 and signed and 2nd of the two was neither. Photos of canine carcasses was also added that was not presented at hearing.

April 9, 2013, Appellant obtain copies of Record from Chesterfield County Clerk of Court Office, Filed subpoena for Judge John A Davis, Jim McGonigal and Jim McGonigal for All canines seized for inspection by the court at Chesterfield County Sherriff Department.

April 11, 2013, Appellant obtain copies of Warrant Return from Chesterfield County Magistrate Office via fax.

April 24, 2013, subpoena was served upon Judge John A Davis, Jim McGonigal and Jim McGonigal for All canines seized for inspection by the court.

Therefore, the Appellant must also have the Obligation to correct the Circuit Record

May 8, 2013, Appeal hearing held with Judge J. Michael Baxley presiding. Appeal denied, Baxley stating "Court fins Probable Cause Sufficient". Appellant not permitted to state full case nor call subpoenaed witnesses as to testify under oath as to evidence due to not under oath during Magistrates Hearing.

Therefore Appellants Obligation must also correct the Error and Adlib by the respondents Counsels

As to the Statement of Fact,

On page 5, as to the stated bench trial of which respondent claims Danielle Bowe testified, was a preliminary hearing on March 5, 2013 and refurring to a search and seizer

on March 4 not March 5. In regards to the ½ bag of dog food of which was inside residency and reported as "on property" (R p. 2) by ACO Jim McGonigal, the word "outside" has been adlibbed by respondent's counsel. Nowhere on Record is there any statement as to "Receiving no response at the front door of the home on property officers proceeded toward the back door to make contact with the occupant" (to make contact with a occupant in an assumed abandoned trailer, therefore conducting a search). As to "officers entered the home", was without probable cause to do so due to Appellant being the sole person inside of residency in over four years.

Therefore, A Magistrate Court not being a TRUE COURT OF RECORD, neither the Magistrate Court Appeal to the Circuit Court nor continuing as an Appeal to the Court of Appeals should be restricted to the Sole Record of the Magistrates Court.

WAS THE CHARGES, HEARINGS, AND APPEALS CRIMINAL AND/OR CIVIL ?

The Respondent claims as to the inappropriate appeal from the Magistrate hearing of March 18, 2013 and that of the Circuit hearing of May 8, 2013.

With the unconstitutionality of the Search and Seizer aside.

With the use of County Ordinance Summons Tickets used to charged Appellant with violations of South Carolina Codes §47-1-40 and §47-1-70 without checking for positive identity of dogs (§47-1-70c, Dachshunds are a hunting breed) along with

unknown 415.60, of which is not Chesterfield County Ordinance, thus violating §19-3-10 and §56-7-80A, Thereby contradicting **ATTORNEY GENERAL'S OPINION** "The **uniform summons cannot be used for the enforcement of laws other than county** and municipal **ordinances** and whether or not the state laws can be incorporated by ordinance in order to use the summons would depend on the content of the ordinance and penalty provisions of the state statutes in question. 1994 Op Atty Gen, No. 94-67, p. 143." Therefore, the Appellant was charged with only fraudulent and unlawful charges. Also, Chesterfield County Animal Control, Jim McGonigal, of which filed the charges has the authority of that of a **constable** (§56-7-80(A),§5-7-32). With the Search and Seizer on March 4, 2013, Summons Tickets 1884-1892 was presented to Appellant on March 6, 2013, Summons Tickets 1893-1897 presented to Pamela Conley, and Summons Tickets 1898-1909 presented to Appellant on March 11, 2013. With Judge John A Davis having to ask Chesterfield County Animal Control Jim McGonigal as to charges being Criminal or Civil along with with Judge J. Michael Baxley having to ask Counsel for the Respondent as to charges being Criminal or Civil, ipso facto, charges as being "Criminal Charges" was based solely upon the decision of Chesterfield County Animal Control Jim McGonigal of which violated the above said. Therefore, there are **no actual or lawful charges**, thus **CIVIL**.

With Code **§18-1-100** stating "When a party shall give, in good faith, notice of appeal from a judgment or order and shall omit, through mistake, to do any other act necessary to perfect the appeal or to stay proceedings **the court** may permit an **amendment** on such terms as **may be just**", Therefore, The only available form "CIVIL" should have been amended to read "CRIMINAL" if necessary.

DOES THE COURT ABIDE IN ACCORDENCE TO STATE CODES OR INCOMPATABLE LAW CASES

Without the Supposedly anonymous E-mail, with the statement "I used the anonymous E-mail to get the search warrant" by Jim McGonigal and manifested as "to visit the defendant's property" by Judge John A Davis, Therefore no reasonable basis for suspecting criminal activity. The anonymous E-mail must also have creditability of which it would not, thus the burden of proof as to not being torte or fabricated by Animal Control especially with Animal Control stating to media outlet as to "anonymous tipster called it in" and "abandoned trailer house" , ipso facto, has a high probable cause as to being total fabrication.

The respondents claims as to a "Back Door Policy" permits an Officer to conduct a search if a residence does not answer "The Front Door" of which a man of common reasoning would believe that if a residency does not answer the front door then the residency would also not answer the back door without reasoning that would prevent that residency from answering the front door and would answer the back door. Therefore if no Reasoning (Probable Cause) for a residency to answer the Back Door, ipso facto, the officer has conducted a search without a warrant. Only if there is acceptable reasoning to believe that the residency would answer the back door would not be considered a search. Acceptable reasoning would only include audio (music that would prevent hearing of front door, voices indicating residency is out of audio range of front door, ect.) or view of residency in plain view of front door. With the above said, there is no implied or

expressed consent to conduct a search nor violate the residency's expectation of privacy. The Respondents claims that the plain view of officers is based upon United States v. Raines, , 243 F.3d 419, 421(8th Cir. 2001) of which also states "attempting to serve civil process", "Deputy Davison followed **Page County procedure**" and "Deputy Davison acted in **good faith**" and is not the Procedure of Chesterfield County nor that of South Carolina and was on Official Business by the court. With the Appellants residency completely surrounded by woods, Therefore, what is the **expectation of privacy**? The Respondents claims that United States v. Garcia, 997 F,2d 1273, 1279 (9th Cir.1993) also applies although the stated case also states "conducted undercover surveillance of an apartment complex" and "they drove onto the driveway and parked their van. Cars were parked in the parking area in such a way that the officers could **not see the front** of Apartment B, the **walkway leading to its front door**, or the shrubbery along the south side of the walkway", Therefore, the case laws used by the Respondent are in fact invalid and improperly used in relationship to this case. Only Cases of similar circumstances must be applied if used and not used out of context that would distort the Justice of the case. Also Case Law only Apply when no Laws can be Applied. Case Laws cases must be so similar to case as to not to twist the facts that justice cannot be provided.

A Court Case, weather it to be a Civil, Criminal, or Appeal, also regardless as to the level of the Court, magistrate, Circuit, Appeals, or Supreme, and regardless of the number of case references The fact remains that case references are **"ONLY SUGGESTIVE"** where as **CONSTITUTIONAL RIGHTS** are **"ABSOLUTE". CONSTITUTIONAL RIGHTS** will **ALWAYS SUPERCEDE** any **State Code**, **Rule**, or **Regulation**.

Without Law, Fact, nor Substantial Evidence, the Respondents whole arguments based solely on Case Law of which has taken statements out of context, with incompatible cases and incompatible facts, thereby the Respondent has created a **PLATYPUS Defense** without lawfully issued charges nor evidence in support of charges, Constitutional Rights violations by Chesterfield County Animal Control and Chesterfield County Sherriff Department along with Magistrate Judge and Circuit Court Judge along with no Federal or South Carolina laws for defense of the Respondents, Therefore, the Court must reverse the Decision of the Lower Courts.

- ARE APPEAL REMEDIES APPROPRIATE

The Respondent claims that the Appellant Failed to seek Appropriate Remedies on Appeal.(§18-1-140)

At the Magistrates level, of which, if the Constitutional Rights of the Appellant had not been violated (§16-5-10,§22-3-710 , §22-3-790, RULE 13(d),SCRMC, Rule 603, SCRE. Rule 802, SCRE, Rule 5, SCRCrimP., 18 U.S. Code §241, 18 U.S. Code §242) by the Court, then, as a man of any common reasoning would believe, the charges would have been dropped and the seized canines would have been returned **Unaltered** .(§18-1-140).

At the Circuit level, Also if Constitutional Rights and Court Rules (18 U.S. Code §241,18 U.S. Code §242) had not been violated, and under Code §22-3-310 that prevent seized items to be sold/released prior to the appeal deadline, therefore, a man of any common reasoning would believe, the charges would have been dropped and the seized

canines would have been returned **Unaltered**. Although in this case, the seized items (A) a large pet carrier (that housed a mother dog and 6 one week old puppies) that was not listed on the Warrant Return and currently unknown location of, (B) Partial bag of dog food also was not listed on the Warrant Return probably used. (C) All seized canines had been spaded or neutered thus causing the destruction of past 15 years of selective breeding of (including the cost of maintaining of) along with the impossibility of any future breeding of, thereby, no offspring to continue the specific genetic lines. All of the Canines has also been RELEASED PRIOR to the APPEAL DEADLINE.

With the above said and as dogs not being an inanimate objects and the alteration of said dogs demands the alteration of Remedy on Appeal. Therefore, the $2.000.000 per dog is not for Fourth Amendment Rights violations (42 U.S. Code §1983) as Assumed by the respondent,

Also with the Bias gestures and Comments by Judge J. Michael Baxley due to photos of canine corpses that appeared in the Record (Rule 403, SCRE) and not from the hearing (§16-13-10(3)) with the constant interruption by Judge J. Michael Baxley (Rule 501, SCACR) and the premature termination of the hearing, thus prohibiting the Appellant from present the case fully of which would have included the above said that was missing including Testimony **under oath** as to the evidence by the subpoenaed ACO Jim McGonigal and Judge John A Davis as well as to the subpoenaed canines as substantial evidence for the inspection by the court due to the failure of the Chesterfield County Animal Control to provide Exam reports of All canines.

The Respondent also argues that the remedies are inappropriate for constitutional violations (42 U.S. Code §1983). Although this is true if the remedies was based on that

of which they are not due to the remedies are based on the Appellant Court Role to Return the Appellants position to the point as if the seizer had not occurred (§18-1-140). Ipso facto, and due to the impossibility of both un-neutering and un-spading of siezed canines and causing the destruction of past 15 years of selective breeding of (including the cost of maintaining of) along with the impossibility of any future breeding of, thereby, no offspring to continue the specific genetic lines of which would also be considered as restitution of.

There are no State or Federal Code that prevent State Employees (individuals) from being charged and prosecuted for violations of State Code by the Appellant nor by the Court on Behalf of the Appellant., otherwise we are sanctioning law enforcement incompetence.

As to the Remedy for the Fourth Amendment Rights Violations, 42 U.S. Code §1983 permits Civil actions for deprivation of Rights of which would consist of a Civil suit against County Agencies (Chesterfield County Sherriff's Department, Chesterfield County Animal Control, and Chesterfield County Animal Shelter) of which Sherriff Sam Parker would be the supervising personnel of the Sherriff Department of which has control over ,with Danielle Bowe as Director of both, the Animal Control and Shelter (§8-13-725). Also due to immunity against lawsuit's the Appellant must wait till After the appeal process to File a Civil Suit against the involved judges.

Therefore, Remedies sought are only restitution under §18-1-140 without any Civil remedies of that under 42 U.S. Code §1983 and should be granted by this court.

September 5, 2014

Respectfully submitted,



Fritz A. Timmons
P. O. Box 367
Hartsville, SC 29551

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

The State — Respondent,

v.

Fritz Allen Timmons — Appellant.

RECORD ON APPEAL [AMENDED]

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Results from a veterinarian exam of canine "ETHEL" (State evidence #5).....41

Results from a veterinarian exam of canine "ROMEO" (State evidence #6).....42

Photo of water (Defendant's Exhibits #1a - Rule 1003, SCRE, Rule 1101(a), SCRE, Rule 210(f), SCACR).....43

Photo of water (Defendant's Exhibits #1b - Rule 1003, SCRE, Rule 1101(a), SCRE, Rule 210(f), SCACR).....44

Photo of water (Defendant's Exhibits #1c - Rule 1003, SCRE, Rule 1101(a), SCRE, Rule 210(f), SCACR).....45

Photo of food (Defendant's Exhibits #1d - Rule 1003, SCRE, Rule 1101(a), SCRE, Rule 210(f), SCACR).....46

Photo of food (Defendant's Exhibits #2 - Rule 1003, SCRE, Rule 1101(a), SCRE, Rule 210(f), SCACR) (Removed per Court Order of July 7, 2014).....47

Photo of driveway at 1827 Tabernacle Church Rd (Defendant's Exhibit 4, ; (Rule 1003, SCRE, Rule 210(f), SCACR)).....48

Photos of canine grave (Defendant's Exhibits #3, confirms page 50)(Rule 1003, SCRE, Rule 210(f), SCACR, added per Court Order of July 7, 2014) 49

Photos of canine grave (Defendant's Exhibits #3 (Rule 1003, SCRE, Rule 210(f), SCACR, added per Court Order of July 7, 2014) 50

Medicine and Vitamin Receipt of August 13, 2012 (added per Court Order of July 7, 2014).....51

Medicine Receipt of June 1, 2012 (added per Court Order of July 7, 2014).....52

Medicine Receipt of December 28, 2012 (added per Court Order of July 7, 2014).....53

Dog Food Receipt of March 4, 2012 (added per Court Order of July 7, 2014).....54

Photos of food and water (Defendant's Exhibits #1a, 1b, 1c, and 1d, confirms pages 43, 44, 45, and 46, (Rule 1003, SCRE, Rule 1101(a), SCRE, Rule 210(f), SCACR, added per Court Order of July 7, 2014)).....55

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9

STATE OF SOUTH CAROLINA

COUNTY OF CHESTERFIELD

IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2013CP1300150

Fritz Allen Timmons *vs.* State Of South Carolina

FAYE L SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.
2013 MAY 9 AM 8

CHECK ONE:

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ **ACTION DISMISSED (*CHECK REASON*):** ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ **ACTION STRICKEN (*CHECK REASON*):** ☐ Rule 40(j) SCRCP; ☐ Bankruptcy:

☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other: _____

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; ☐ Statement of Judgment by the Court:

Appeal dismissed as improperly filed and untimely. This court finds probable cause insufficient.

Dated at Chesterfield, South Carolina, this 7th day of May, 2013.

Court Reporter: ***PAMELA CARTEE***

PRESIDING JUDGE - J MICHAEL BAXLEY

This judgment was entered on the 8th day of May, 2013, and a copy mailed first class this 9th day of May, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Fritz Allen Timmons Po Bx 367 Hartsville, SC 29550

ATTORNEY(S) FOR THE PLAINTIFF(S)

Adam M. Foard 120 N. Pearl St. Pageland, SC 29728

ATTORNEY(S) FOR THE DEFENDANT(S)

Faye L. Sellers

CPFORM4M
SCCA SCRCP Form 4 Revised 06/2008

STATE OF SOUTH CAROLINA	)	IN THE MAGISTRATE COURT
	)	
COUNTY OF CHESTERFIELD	)	
	)	
State of South Carolina	)	
	)	
	)	
Vs.	)	ORDER
	)	
Fritz Timmons	)	
Defendant.	)	
	)	

During criminal proceeding in the summary court March 5, 2013, the State of South Carolina represented by Chesterfield County Animal Control Jim McGonigal and Chesterfield County Deputy Jay Lewis and defendant and Fritz Timmons were present.

A search warrant was executed on the property at 1827 Tabernacle Church Road in the McBee area of Chesterfield County based on an anonymous tip of poor conditions for more than 30 canines on property and several of those dogs is varying degrees of poor health in plain view of officers.

County animal control and deputies testified the conditions of the property were not suitable conditions for the numerous animals on the property. Officers testified there was half a bag of dog food on the property, puppies being housed inside a partially dilapidated mobile home with feces covering interior flooring and at least two canine carcasses believed to be a food source for remaining dogs.

The defendant testified he has purchased 100 pounds of food for the animals the day of but prior to the search warrant being executed. He testified the feces-covered floor inside the mobile home on the property was in the process of being cleaned and puppies inside were being housed their until they could be released outside in spring.

IT IS ORDERED under Chesterfield County Ordinance 11-12-14 Section 10(B) that all animals at 1827 Tabernacle Church Road shall be taken into custody of Chesterfield County until the duration of a criminal case against him.

March 5, 2013
Chesterfield S.C.

Judge John A. Davis
Magistrate, Chesterfield County

--- well, let me look a little further.

MR. FOARD: Your Honor, the e-mail he is referencing is on the second page of the magistrate's return in the third paragraph. It is referenced there.

THE COURT: All right. Now, let me just make sure, this was not in part a civil case, this was criminal only, am I correct?

MR. FOARD: Your Honor, yes it was. It was a combination of violations of the State law and county ordinance.

THE COURT: Very good. And you say the emails are on what page?

MR. FOARD: The first couple of pages of the return are the inventory and signature of the magistrate. In the actual return itself, it is on the second page, third paragraph. I will hand that up to the Court if it would be quicker.

THE COURT: It would help me if you would please.

MR. FOARD: Yes, Your Honor.

THE COURT: I see the e-mail.

MR. FOARD: The e-mail is not actually contained in the return that is actually the only reference to the e-mail.

THE COURT: All right, very good. Thank you.

I have that document. Let's do this. I don't have that e-mail in my possession to give to you. But, rather than getting hung up on that procedural issue right off the bat, let me hear from you on the basis of your appeal, and then we will make a decision about evidence, and about law. Go ahead, sir. Tell me what you believe happened below that would entitle you to have this decision set aside.

MR. TIMMONS: Well, first of all my driveway is a tenth of a mile long of which you cannot see nothing in my yard. Therefore, any possible evidence that could have been seen would have been conducted under the constitutional intrusion, or by somebody trespassing. Or, possibly completely tort in nature, which animal resources using that as a probable cause to --- for their search warrant. And then the affidavit also does not support the search warrant.

THE COURT: Pull the microphone closer to you so we can all hear. Thank you.

MR. TIMMONS: All right. Can you hear me now?

THE COURT: A little bit better.

MR. TIMMONS: All right.

THE COURT: Okay. So, if you raise the issue of trespass as you say, go ahead.

MR. TIMMONS: Well, that would be considered

as constitutional intrusion for the probable cause that they are using. Second of all, the affidavit that they used does not support their search warrant. And, the tickets that were wrote was not filled out and stuff at the time of the search.

THE COURT: All right, sir. Is there anything else?

MR. TIMMONS: So they basically used --- violated several violations of code, §17-13-141 several times in conducting the search and seizure, which led to my reluctant release of custody of my dog under unconstitutional conditions.

THE COURT: All right, sir. Is there anything else?

MR. TIMMONS: I believe the supposed e-mail was made up after the search warrant. Because, the order that was given by the magistrate's court that states, anonymous tip of poor conditions for more than thirty canines of which only fifteen of the canines were outside. All the others were inside, and since I am the sole person that has been in my house in the past four years, the only way that anyone would have known of any other dogs would have been after being inside my house, which the only ones that would have would have been animal services.

THE COURT: Yes sir. So, the only issue that you raise is constitutional, that there was not sufficient probable cause.

MR. TIMMONS: That, and the affidavit does not support a search warrant.

THE COURT: So, you have no response then to this very damning evidence which is in this file, of pictures of dog carcasses, and unfed dogs, and severely non-hygienic conditions. You have no response to the evidence against you?

MR. TIMMONS: Now, the evidence for the no food and no water, that is a false statement made by animal control and the sheriff's department, in which the pictures themselves shows where there is food and water.

THE COURT: All right. Let's hear from the State as to what your position is.

MR. FOARD: Thank you, Your Honor. I would like to just first point out that we are in possession of the notice of civil appeal filed by Mr. Timmons on March 25, 2013.

However, we are not in possession of any motion here today outlining exactly what relief he is seeking in this matter, Your Honor, other than just the general notice of appeal questioning the judgment of the magistrate. But that being a side, Your Honor,

Page 10 of the Court Transcript confirming existence of E-mail and Appellants address as property to be seized on Affidavit has been removed to comply with Court Order of July 7, 2014 of which did not considered or permit the amendment of the Designation of Matter for clerical error. Record page has been kept to prevent unnecessary burden of correcting citations in Appellant's Final Brief served on February 13, 2014

Sims v. Aherns, 271 SW 720 (1925) B. Platsky v. CIA, 953 F.2d 25, 26 28 (2nd Cir. 1991), "Court errs if court dismisses pro se litigant without instruction of how pleadings are deficient and how to repair pleadings."
Rabin v. Dep't of State, No. 95-4310, 1997 U.S. Dist. LEXIS 15718 - "The court noted that *pro se* plaintiffs should be afforded "special solicitude."
Sherar v. Cullen, 481 F. 2d 946 (1973) - "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."
Picking v. Pennsylvania Railway, 151 F.2d. 240 - Third Circuit Court of Appeals
The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."
Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 - Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.
Aetna Life Ins. Co. v. LaVoie, 475 U.S. 813 (1986) Bias or prejudice of an appellate judge can also deprive a litigant of due process.
Tumey v. Ohio 48 - 273 U.S. 510 (1927) Bias or prejudice either inherent in the structure of the trial system or as imposed by external events will deny one's right to a fair trial.

therefore, it does not support the search warrant. Second of all, as to canines that were found, I informed the magistrate that they was dug up, since they died in 2012. They was either dug up by my own dogs or by wildlife, and drug into the yard. And that --- let's see. Also, the search warrant has duality to it. So, it not known if they were going for abandoned animals or neglected animals.

THE COURT: And just to make sure that I understand, Mr. Timmons, you've received these guilty verdicts and a fine, but you were not given any active jail time; am I correct?

MR. TIMMONS: Correct.

THE COURT: All right, sir. Just one moment please.

(PAUSE)

THE COURT: All right. Mr. Timmons, this is the decision of the Court, sir. I am going to respectively deny your appeal and dismissed it for the following reasons.

First. I find that it is in artfully plead. It is on a civil appeal form. It is not a criminal appeal. This of course is a criminal case from below. The exceptions to the judgment are not appropriately stated.

But, based on what I have in your arguments today,

you have raised an issue of probable cause.

I find that there was sufficient probable cause here. And that I have not been presented either facts or law today which would require this Court to reverse the decision below.

I would simply say to you though, sir, respectively, that you are fortunate that you were not sent to active prison time as a result of the evidence that is here in this file. And, a better result here would be simply to pay the fine and proceed forward, and avoid this type of situation for any animals in the future.

And that is the decision of the Court. Good luck to you, and you may leave.

This appeal is dismissed.

MR. FOARD: Do you want me to do a form order?

THE COURT: Yes, I have written on the form that the appeal is dismiss an appropriately plead, and without merit. Have a good day.

Thank you.

(Whereupon, this hearing was concluded at 11:43 a.m. on Wednesday, May 8, 2013.)

Page from the Return of the Criminal Appeal that confirms the Perjury of Daniel Bowe has been removed to comply with Court Order of July 7, 2014 of which did not considered or permit the amendment of the Designation of Matter for clerical error. Record page has been kept to prevent unnecessary burden of correcting citations in Appellant's Final Brief served on February 13, 2014

Sims v. Aherns, 271 SW 720 (1925) B. Platsky v. CIA, 953 F.2d 25, 26 28 (2nd Cir. 1991), "Court errs if court dismisses pro se litigant without instruction of how pleadings are deficient and how to repair pleadings."
Rabin v. Dep't of State, No. 95-4310, 1997 U.S. Dist. LEXIS 15718 - "The court noted that *pro se* plaintiffs should be afforded "special solicitude."
Sherar v. Cullen, 481 F. 2d 946 (1973) - "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."
Picking v. Pennsylvania Railway, 151 F.2d. 240 - Third Circuit Court of Appeals
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Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 - Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers
Aetna Life Ins. Co. v. LaVoie, 475 U.S. 813 (1986) Bias or prejudice of an appellate judge can also deprive a litigant of due process.
Tumey v. Ohio 48 - 273 U.S. 510 (1927) Bias or prejudice either inherent in the structure of the trial system or as imposed by external events will deny one's right to a fair trial.

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UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: [illegible] FIRST NAME: [illegible] MIDDLE NAME:

STREET: [illegible] CITY: [illegible] STATE:

SOCIAL SECURITY NUMBER: DL NUMBER: [illegible] DL STATE:

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: [illegible]

RACE	SEX	DOB	HT	WT	HAIR	EYE
W		[illegible]				

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: [illegible] AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
47-1-70	3/5/13	$500.00

Description of Ordinance: [illegible]

Date of Violation	Time of Violation AM/PM	Place of Violation
3/4/13	[illegible]	[illegible]

Name of Issuing Officer: [illegible] Time: [illegible]

Failure to appear in court without first posting bond of obtaining a continuance is a misdemeanor punishable by fine or imprisonment: must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1884

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE: [signature] DATE: 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
[signature]
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4:01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: [illegible] FIRST NAME: [illegible] MIDDLE NAME: [illegible]

STREET: 1[illegible] CITY: [illegible] STATE: [illegible]

SOCIAL SECURITY NUMBER | DL NUMBER: [illegible] | DL STATE: [illegible]

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: [illegible]

RACE	SEX	DOB	HT	WT	HAIR	EYE
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

ON DATE OF TRIAL: 3/11/13 AT TIME OF TRIAL: [illegible] AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.: [illegible] | Date Issued: [illegible] | Bond Amount: $[illegible]

Description of Ordinance: [illegible]

Date of Violation: [illegible] | Time of Violation: [illegible] AM / PM | Place of Violation: [illegible]

Name of Issuing Officer: [illegible] | Time: [illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1885

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

[illegible] 3/08/13

SIGNATURE OF JUDGE DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
[illegible]
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

127

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: [illegible] FIRST NAME: [illegible] MIDDLE NAME: [illegible]

STREET: [illegible] CITY: [illegible] STATE: SC

SOCIAL SECURITY NUMBER: [illegible] DL NUMBER: [illegible] DL STATE: SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: [illegible]

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

ON DATE OF TRIAL: 2/14/2012 AT TIME OF TRIAL: [illegible] AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
[illegible]	8/5/12	$ 50.00

Description of Ordinance: [illegible]

Date of Violation	Time of Violation AM / PM	Place of Violation
[illegible]	[illegible]	[illegible]

Name of Issuing Officer: [illegible] Time: [illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment. must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date DOCKET NO. 1886

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE [signature] DATE 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | CITY | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M					

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: 10:00 AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
	3/13/13	$ 500.00

Description of Ordinance:

Date of Violation	Time of Violation AM / PM	Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1887

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE | DATE 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME [illegible] FIRST NAME [illegible] MIDDLE NAME [illegible]

STREET [illegible] CITY [illegible] STATE SC

SOCIAL SECURITY NUMBER | DL NUMBER [illegible] | DL STATE SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: Chesterfield SC

[illegible] Main Street

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	[illegible]	5'11"	165	Brn	Hzl

ON DATE OF TRIAL 3/28/13 AT TIME OF TRIAL 10:00 AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
[illegible]	3/27/13	$ 360.00

Description of Ordinance: [illegible]

Date of Violation	Time of Violation	AM / PM	Place of Violation
3/27/13	[illegible]		[illegible]

Name of Issuing Officer: [illegible] Time: [illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment. must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

paid #9659 1888

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE [signature] DATE 3/28/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME [illegible] FIRST NAME [illegible] MIDDLE NAME [illegible]

STREET [illegible] CITY [illegible] STATE SC

SOCIAL SECURITY NUMBER | DL NUMBER [illegible] | DL STATE SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: [illegible]

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	[illegible]	5'10"	170	BRO	BRO

ON DATE OF TRIAL 3/18/13 AT TIME OF TRIAL 10 AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No. [illegible] | Date Issued 3/15/13 | Bond Amount $100.00

Description of Ordinance: [illegible]

Date of Violation 3/15 | Time of Violation [illegible] AM/PM | Place of Violation [illegible]

Name of Issuing Officer [illegible] | Time [illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment. must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date | **DOCKET NO.** 1889

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

[illegible] 3/18/13

SIGNATURE OF JUDGE DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME	FIRST NAME	MIDDLE NAME

STREET	CITY	STATE

SOCIAL SECURITY NUMBER	DL NUMBER	DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE	SEX	DOB	HT	WT	HAIR	EYE

ON DATE OF TRIAL: 3/18/13 **AT** TIME OF TRIAL: 10:00 AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
	3/	$

Description of Ordinance

Date of Violation	Time of Violation AM / PM	Place of Violation

Name of Issuing Officer	Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment. must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1890

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE 3/18/13 DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
FAYE L. SELLERS
CLERK OF COURT & C.C.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | CITY | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE | SEX | DOB | HT | WT | HAIR | EYE

ON DATE OF TRIAL 3/18/13 AT TIME OF TRIAL 10:00 AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No. 5-60 | Date Issued 3/7/13 | Bond Amount $

Description of Ordinance

Date of Violation 3/7/13 | Time of Violation AM PM | Place of Violation

Name of Issuing Officer S. Richardson | Time 1954

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date | **DOCKET NO.** 1891

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE

3/18/13 DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

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UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME [illegible] FIRST NAME [illegible] MIDDLE NAME

STREET [illegible] CITY [illegible] STATE SC

SOCIAL SECURITY NUMBER DL NUMBER [illegible] DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE	SEX	DOB	HT	WT	HAIR	EYE
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

ON DATE OF TRIAL [illegible] AT TIME OF TRIAL [illegible] AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
[illegible]	[illegible]	$ [illegible]

Description of Ordinance [illegible]

Date of Violation	Time of Violation	AM PM	Place of Violation
[illegible]	[illegible]		[illegible]

Name of Issuing Officer [illegible] Time [illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1892

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE [signature] DATE 3/8/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME [illegible] FIRST NAME [illegible] MIDDLE NAME [illegible]

STREET 1627 CITY [illegible] STATE SC

SOCIAL SECURITY NUMBER | DL NUMBER [illegible] | DL STATE SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: Chesterfield SC

[illegible] Street

RACE	SEX	DOB	HT.	WT	HAIR	EYE
W	M	[illegible]	5'	165	[illegible]	[illegible]

ON DATE OF TRIAL 3/18/13 AT TIME OF TRIAL 10 AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
47-1-76	3/11/13	$ 5000

Description of Ordinance Disorderly Conduct

Date of Violation	Time of Violation	AM / PM	Place of Violation
3/11/13	12:30	PM	1627 Abernathy Rd

Name of Issuing Officer [illegible] Time 12:[illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment. must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1898

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/BENCH TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE 3/18/13 DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

135

UNIFORM ORDINA...

COUNTY OF CHESTERF...

VERSUS

LAST NAME: ... FIRST NAME: ... MIDDLE NAME:

STREET: ... CITY: ... STATE: SC

SOCIAL SECURITY NUMBER | DL NUMBER: ... | DL STATE: SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: ...

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	11/1/67	5'...	165	...	...

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: 10 AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
...	2/11/13	$ 200.00

Description of Ordinance: ...

Date of Violation	Time of Violation	AM / PM	Place of Violation
2/11/13	...	...	...

Name of Issuing Officer: D. ... Time: 1511

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date | **DOCKET NO.** 1899

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/BTRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE ... DATE 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: Loomis FIRST NAME: Eric MIDDLE NAME: Allen

STREET: [illegible] CITY: Chesterfield STATE: SC

SOCIAL SECURITY NUMBER: DL NUMBER: [illegible] DL STATE: SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: Chesterfield SC
Law Street

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	[illegible]	5'11"	165	Brn	Hzl

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: 11 AM/PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
41-12-40	3/7/13	$ 500.00

Description of Ordinance: Littering - Throwing Articles from Vehicles

Date of Violation	Time of Violation	AM/PM	Place of Violation
3/7/13	10:30		1071 Talbert Rd

Name of Issuing Officer: Pickrell Time: 12:15

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1900

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

[signature] SIGNATURE OF JUDGE 3/18/13 DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
Faye L. Ellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. ELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: [illegible] FIRST NAME: [illegible] MIDDLE NAME: [illegible]

STREET: [illegible] CITY: [illegible] STATE: SC

SOCIAL SECURITY NUMBER: [illegible] DL NUMBER: [illegible] DL STATE: SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: Chesterfield SC
Main St

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	[illegible]	5'	125	[illegible]	[illegible]

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: 10 AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
[illegible]	3/1/13	$ 500.00

Description of Ordinance: [illegible]

Date of Violation	Time of Violation	AM / PM	Place of Violation
3/1/13	1:21		[illegible]

Name of Issuing Officer: [illegible] Time: 1:15

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment. must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1901

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

[signature] 3/18/13

SIGNATURE OF JUDGE DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
[signature]
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

138

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME	FIRST NAME	MIDDLE NAME
Jones	Kevin	Allen

STREET	CITY	STATE
1607 Terrace	Chesterfield	SC

SOCIAL SECURITY NUMBER	DL NUMBER	DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: East Main St. Chesterfield

RACE	SEX	DOB	HT	WT	HAIR	EYE
AA	M	11/11/77	5'11"	165	Blk	Brn

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: 10 AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
17-140	3/7/13	$ 50.00

Description of Ordinance: Littering

Date of Violation	Time of Violation	AM / PM	Place of Violation
3/7/13	12:45	PM	1607 Terrace Chesterfield

Name of Issuing Officer: Sheffield Time: 1245

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date. DOCKET NO.

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

1902

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE

3/18/13 DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: T... FIRST NAME: F... MIDDLE NAME:

STREET: 1... CITY: T... STATE: S

SOCIAL SECURITY NUMBER | DL NUMBER: ...6116 | DL STATE: S

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: ... St

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	11/11/65	5'11	165		

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: 10:00 AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.: 11-76 | Date Issued: 3/... | Bond Amount: $ ...

Description of Ordinance: ...

Date of Violation: 3/14/13 | Time of Violation: ... AM / PM | Place of Violation: ...

Name of Issuing Officer: ... | Time: 1115

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date — **DOCKET NO.** 1903

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE — DATE: 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

140

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME	FIRST NAME	MIDDLE NAME
[illegible]	[illegible]	[illegible]

STREET	CITY	STATE
[illegible]	[illegible]	SC

SOCIAL SECURITY NUMBER	DL NUMBER	DL STATE
	[illegible]	SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: Chesterfield

[illegible] Fr-Sta

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	[illegible]		165		

ON DATE OF TRIAL 3/18/13 AT TIME OF TRIAL 10 AM (AM) PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
[illegible]	[illegible]	$ [illegible]

Description of Ordinance: [illegible]

Date of Violation	Time of Violation AM PM	Place of Violation
3/[illegible]/13	[illegible]	[illegible]

Name of Issuing Officer: [illegible] Time 12[illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment: must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1904

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

[signature] 3/18/13

SIGNATURE OF JUDGE DATE

BLUE- DEFENDANT CANARY- OFFICE PINK- JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

141

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: [illegible] FIRST NAME: [illegible] MIDDLE NAME: A.

STREET: 1207 CITY: [illegible] STATE: SC

SOCIAL SECURITY NUMBER: DL NUMBER: 6094266 DL STATE: SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: [illegible] Street

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	11/11/67	5'1	165	[illegible]	[illegible]

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: 10 AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.: 41-1-6 Date Issued: 3/1/13 Bond Amount: $ 50

Description of Ordinance: Unsecured Load

Date of Violation: 3/1/13 Time of Violation: [illegible] AM PM Place of Violation: [illegible]

Name of Issuing Officer: [illegible] Time: 1325

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1905

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE [signature] DATE 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
[signature]
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

142

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: [illegible] FIRST NAME: [illegible] MIDDLE NAME: [illegible]

STREET: [illegible] CITY: [illegible] STATE: SC

SOCIAL SECURITY NUMBER: [illegible] DL NUMBER: [illegible] DL STATE: SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: [illegible]

RACE	SEX	DOB	HT	WT	HAIR	EYE
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

ON DATE OF TRIAL: 3/14/13 AT TIME OF TRIAL: [illegible] (AM) PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
[illegible]	3/7/13	$ [illegible]

Description of Ordinance: [illegible]

Date of Violation	Time of Violation	AM / PM	Place of Violation
[illegible]	[illegible]		[illegible]

Name of Issuing Officer: [illegible] Time: [illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1906

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

[signature] 3/14/13

SIGNATURE OF JUDGE DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
[signature]
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME T... FIRST NAME ... MIDDLE NAME

STREET 1[illegible] CITY [illegible] STATE

SOCIAL SECURITY NUMBER | DL NUMBER [illegible] | DL STATE S

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

[illegible]

RACE	SEX	DOB	HT.	WT.	HAIR	EYE
W	M	[illegible]	[illegible]	1[illegible]		

ON DATE OF TRIAL 3/18/13 AT TIME OF TRIAL [illegible] AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
413.60	3/[illegible]/13	$ [illegible]

Description of Ordinance [illegible]

Date of Violation	Time of Violation AM / PM	Place of Violation
3/[illegible]/13	[illegible]	[illegible]

Name of Issuing Officer [illegible] Time [illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1907

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP. (SPECIFY)
9. CONTINUED

[signature] SIGNATURE OF JUDGE 3/18/13 DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

[illegible] CLERK OF COURT CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 02

FAYE L. SELLERS CLERK OF COURT CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME	FIRST NAME	MIDDLE NAME

STREET	CITY	STATE

SOCIAL SECURITY NUMBER	DL NUMBER	DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE	SEX	DOB	HT	WT	HAIR	EYE

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
		$

Description of Ordinance:

Date of Violation	Time of Violation AM / PM	Place of Violation

Name of Issuing Officer	Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1908

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL plea
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE DATE 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

FILED
2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

145

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: Timmons FIRST NAME: Eric MIDDLE NAME:

STREET: 1611 [illegible] CITY: [illegible] STATE:

SOCIAL SECURITY NUMBER | DL NUMBER: [illegible] | DL STATE: SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: [illegible]

RACE	SEX	DOB	HT	WT	HAIR	EYE
[illegible]	M	11/11/[illegible]	5 [illegible]	165	[illegible]	[illegible]

ON DATE OF TRIAL: 3/11/13 AT TIME OF TRIAL: [illegible] ☑ AM ☐ PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
113.60	2/[illegible]	$ [illegible]

Description of Ordinance: [illegible]

Date of Violation	Time of Violation	AM / PM	Place of Violation
2/[illegible]	[illegible]		[illegible]

Name of Issuing Officer: T. Albanese Time: [illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1909

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

[signature] SIGNATURE OF JUDGE 3/18/13 DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Attest
[signature]
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 '02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

STATE OF SOUTH CAROLINA

COUNTY OF CHESTERFIELD

AFFIDAVIT

146

Personally appeared before me, one JAMES LEWIS who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

1827 TABERNACLE CHURCH RD. MCBEE

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

PROPERTY AND DWELLING

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

MALNOURISHED AND DEAD ANIMALS OUTSIDE AND EVIDENCE OF MORE ANIMALS OUTSIDE. NO FOOD OR WATER FOR ANIMALS

2013 MAR 28 PM 4 03
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

Attest
CHESTERFIELD COUNTY, SC

Sworn to and Subscribed before me this 14th day of March, 2013.

Signature of Judge (L.S.)

Affiant

Address SCOTCH RD.
CHESTERFIELD, SC

Phone 623-3101

STATE OF SOUTH CAROLINA
COUNTY OF CHESTERFIELD

SEARCH WARRANT

Form Approved by S.C. Attorney General
Section 17-13-160
March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF CHESTERFIELD:

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

(87 TABERNACLE CHURCH RD. WEST

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

ABANDONED OR NEGLECTED ANIMALS

A True Copy, Attest
Peggy C. Robbins
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 03
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to JUDGE JOHN DAVIS - 843-623-9009 within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Chesterfield, S.C.

March 4, 2013

Signature of Judge (L.S.)

A/513
78)

RETURN

I received the attached Search Warrant 3-5-13, 2013, and have executed it as follows:

On 3-5-13, 2013 at 14:14 o'clock P M, I searched

(the person) described in the warrant and (the premises)

I left a copy of the warrant with Fritz Timmers
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: ALL DACHSHUNDS
1 BLACK FEMALE - PREGNANT
1 RED MALE - FOOR / 1 RED TAN MALES
ATTACHED

2013 MAR 28 PM 4 03
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

A True Copy, Attest
Judge C. McMaster
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

This inventory was made in the presence of _____
AND _____

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 5th day of March, 2013

Signature of Judge (L.S.)

(Signature of Officer Executing Warrant)

149

Chesterfield County Animal Services
467 Goodale Rd
Chesterfield, SC 29709
843-623-3585

To: Officer Jay Lewis

Chesterfield County Sheriff's Dept.

Dogs removed from 1827 Tabernacle Church Rd McBee, SC owner Fritz Timmons

All dogs removed were Dachshund in breed

Front Kennel- Male MH red 1 partial blue eye, Male SH red/tan

Back Kennels- 1. Female red merle poss. Preg, Male red, Male Red/white merle, Female red

2. Male red, Female red both emaciated

3. Male LH red/tan

4. Male LH red

Running Loose Female Black/tan/white MH, Male red LH, Female red LH, Male black/tan LH, Female black/tan LH,

Inside- In crate- Female Red mother 6 pups under 2 wks

Big bathrm- Female red/tan/white, Male Blk/tan, Female red, Female Red merle, Female Tan w/black

Sm. Bathrm- Male White/ Black, Female Red/tan, Female Black merle/tan, Female Black merle/tan

Total dogs removed from property: 31

fc COPY

Danielle N. Bowe, Director

57
150

Chesterfield County Animal Services
467 Goodale Rd
Chesterfield, SC 29709
843-623-3585

To: Officer Jay Lewis

Chesterfield County Sheriff's Dept.

Dogs removed from 1827 Tabernacle Church Rd McBee, SC owner Fritz Timmons

All dogs removed were Dachshund in breed

Front Kennel- Male MH red 1 partial blue eye, Male SH red/tan

Back Kennels- 1. Female red merle poss. Preg, Male red, Male Red/white merle, Female red

2. Male red, Female red both emaciated

3. Male LH red/tan

4. Male LH red

Running Loose Female Black/tan/white MH, Male red LH, Female red LH, Male black/tan LH, Female black/tan LH

Inside- In crate- Female Red mother 6 pups under 2 wks

Big bathrm- Female red/tan/white, Male Blk/tan, Female red, Female Red merle, Female Tan w/black

Sm. Bathrm- Male White/ Black, Female Red/tan, Female Black merle/tan, Female Black merle/tan

Total dogs removed from property: 31

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

A True Copy, Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

Danielle N. Bowe, Director

Exhibit 51

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

A partial carcass and skull were presented on 3/11/13 from Chesterfield county Animal Services for species identification. Both specimens were severely decayed. Both were canines based on dentition and structure of skulls. The partial carcass consisted of a canine skull, decayed hide which appeared to have been black, and a pelvis. Much of the ribs and front limbs were absent. The second specimen was a canine skull by itself. Neither the lone skull nor the partial animal corpse had sand or dirt in the teeth or other small crevices that would normally be present if the animal had ever been buried.

A. L. McCaskill III DVM

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

52-152

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact female dachshund named Juliet presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 2/9 with an ideal score being 5/9. The weight at presentation was 9lbs. An estimated ideal weight for this animal was 15lbs. Eyes were normal. Ears were normal. Oral exam revealed moderate tarter build up. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings. The animal had very foul odor and was obviously not accustomed to being handled. Thin hair over dorsum and tail with erythematous greasy skin on ventrum.

Lab Tests: Occult heart worm test – negative

Fecal flotation test – positive for hookworms

Treatments: No treatments were performed at this time but, but Juliet should be treated for hookworms and skin infection.

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

53
153

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact male dachshund named Hansal presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 4/9 with an ideal score being 5/9. The weight at presentation was 12lbs. An estimated ideal weight for this animal was 13lbs. Eyes were normal. Ears were normal. Oral exam revealed slight tarter build up and a severe overbite. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings. The animal had very foul odor and was obviously not accustomed to being handled. Thin to no hair along tail and around tail head with thin greasy skin.

Lab Tests: Occult heart worm test – negative
Fecal flotation test – negative

Treatments: No treatments were performed at this time, but Hansal should be treated for a skin infection.

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.
A True Copy, Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

54/154

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact female dachshund named Hanna presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 5/9 with an ideal score being 5/9. The weight at presentation was 17lbs. An estimated ideal weight for this animal was 17lbs. Eyes were normal. Ears were normal. Oral exam revealed multiple missing and broken teeth. Both upper canines were broken, and all lower incisors and lower canines were missing. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings.

Lab Tests: Occult heart worm test – negative

Fecal flotation test – positive for hookworms

Treatments: No treatments were performed, but Hanna should be treated for hookworm infection.

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

55
155

Hartsville Animal Hospital
914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact female dachshund named Ethel presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. There is some history of vertebral disk disease in this patient. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 4/9 with an ideal score being 5/9. The weight at presentation was 9lbs. An estimated ideal weight for this animal was 11lbs. Eyes were normal. Ears were normal. Oral exam revealed a severe over bite. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings. Proprioception was normal and the animals back was not painful on palpation. The animal had very foul odor and was obviously not accustomed to being handled.

Lab Tests: Occult heart worm test – negative
Fecal flotation test –negative

Treatments: N/A

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.
A True Copy, Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

156

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact male dachshund named Romeo presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 2/9 with an ideal score being 5/9. The weight at presentation was 8lbs. An estimated ideal weight for this animal was 15lbs. Eyes were normal. Ears were normal. Oral exam revealed moderate tarter build up and pale mucus membranes. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings. The animal had very foul odor and was obviously not accustomed to being handled.

Lab Tests: Occult heart worm test – negative
Fecal flotation test – negative

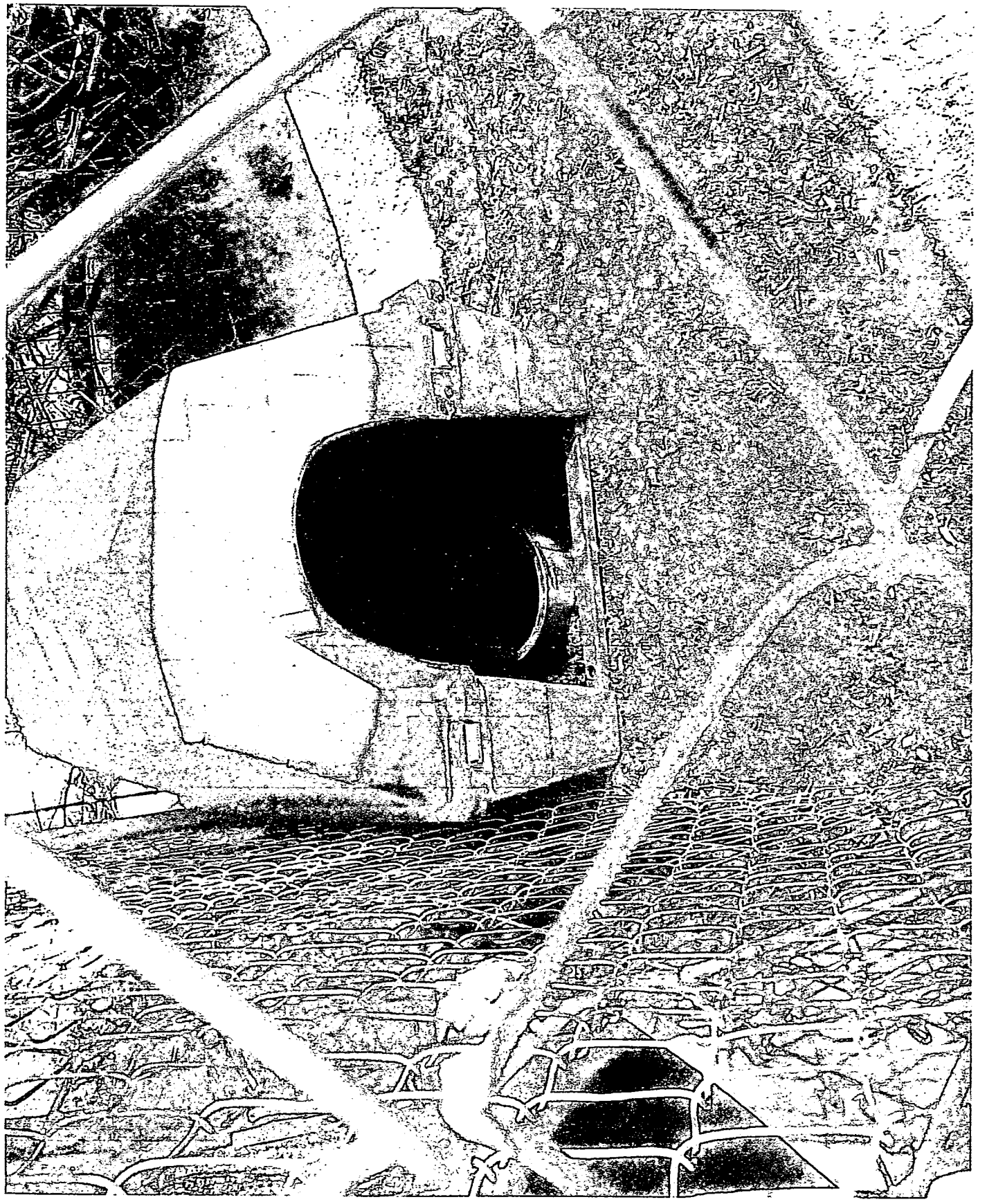
Treatments: No treatments were performed at this time, but further diagnostics should be performed if Romeo's color does not improve with normal feeding.

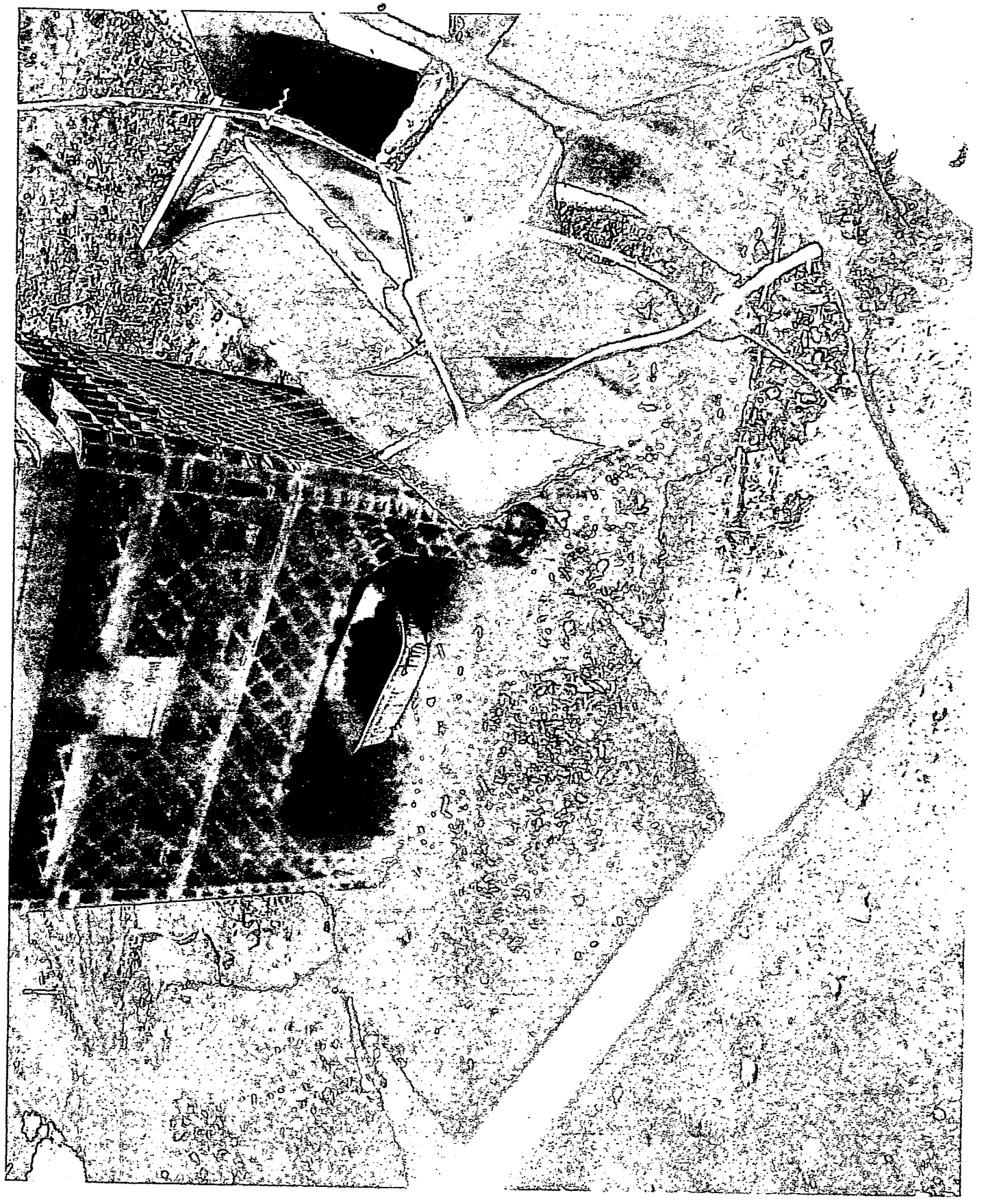
2013 MAR 28 PM 4 02
FAYE L. STILLENS
CLERK C.C. COURT
CHESTERFIELD COUNTY, S.C.

A True Copy, Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC



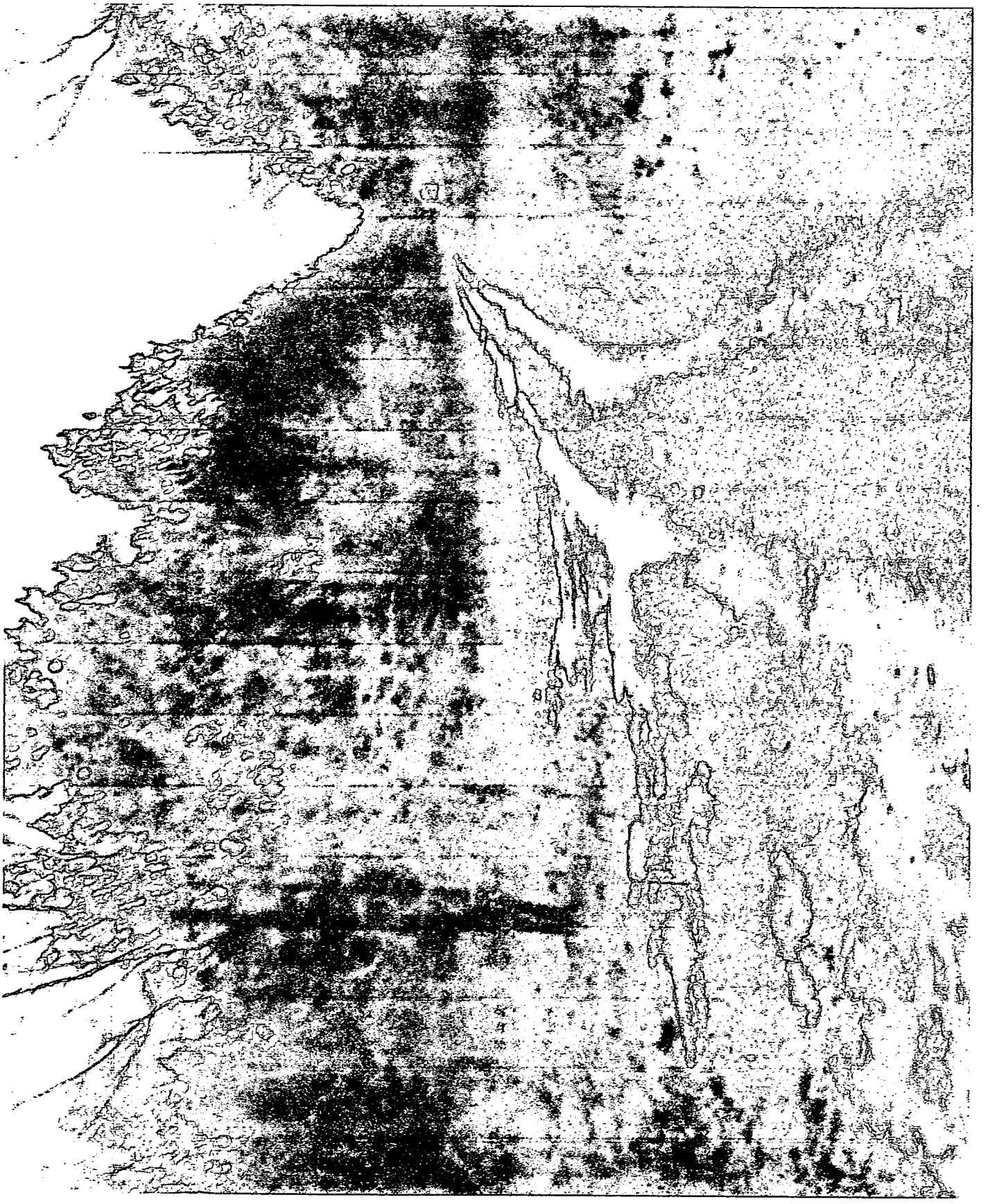






Defendant's Exhibit number 2 (bowl of water continuation of Defendant's Exhibit number 1) has been removed to comply with Court Order of July 7, 2014 of which did not considered or permit the amendment of the Designation of Matter for clerical error. Record page has been kept to prevent unnecessary burden of correcting citations in Appellant's Final Brief served on February 13, 2014

Sims v. Aherns, 271 SW 720 (1925) B. Platsky v. CIA, 953 F.2d 25, 26 28 (2nd Cir. 1991), "Court errs if court dismisses pro se litigant without instruction of how pleadings are deficient and how to repair pleadings."
Rabin v. Dep't of State, No. 95-4310, 1997 U.S. Dist. LEXIS 15718 - "The court noted that *pro se* plaintiffs should be afforded "special solicitude."
Sherar v. Cullen, 481 F. 2d 946 (1973) - "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."
Picking v. Pennsylvania Railway, 151 F.2d. 240 - Third Circuit Court of Appeals
The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."
Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 - Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers
Aetna Life Ins. Co. v. LaVoie, 475 U.S. 813 (1986) Bias or prejudice of an appellate judge can also deprive a litigant of due process.
Tumey v. Ohio 48 - 273 U.S. 510 (1927) Bias or prejudice either inherent in the structure of the trial system or as imposed by external events will deny one's right to a fair trial.

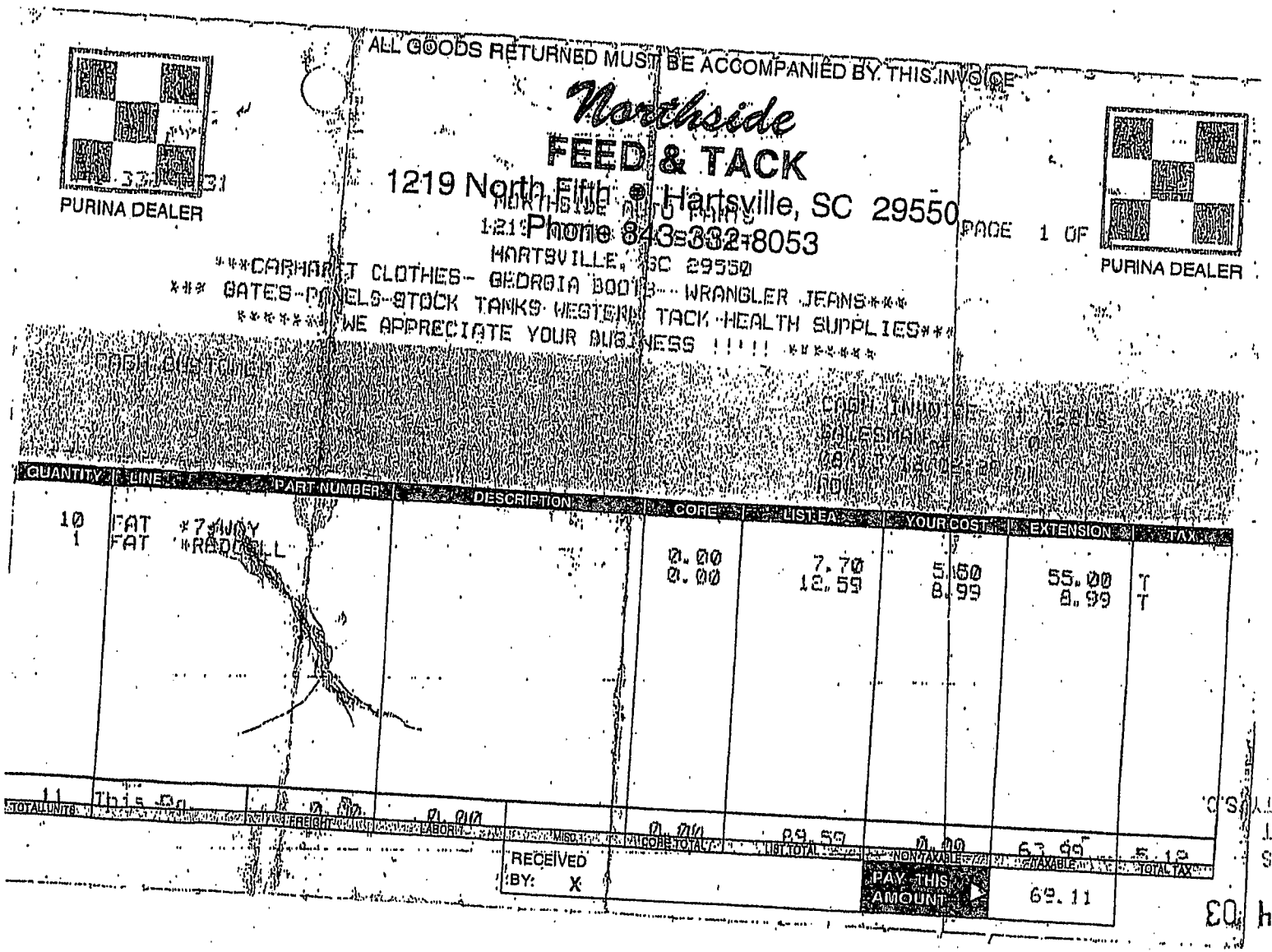






165

D6



ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

PURINA DEALER

Northside
FEED & TACK
1219 North Fifth • Hartsville, SC 29550
Phone 843-332-8053

PAGE 1 OF

PURINA DEALER

CARHARTT CLOTHES- GEORGIA BOOTS--WRANGLER JEANS
*** GATES-PANELS-STOCK TANKS-WESTERN TACK-HEALTH SUPPLIES***
****** WE APPRECIATE YOUR BUSINESS !!!! ******

CASH CUSTOMER

QUANTITY	LINE	PART NUMBER	DESCRIPTION	CORE	LIST EA	YOUR COST	EXTENSION	TAX
10		FAT	*7-WAY	0.00	7.70	5.60	55.00	T
1		FAT	*RADIAL	0.00	12.59	8.99	8.99	T
11		This Sa						

TOTAL UNITS | FREIGHT | LABOR | MISC | CORE TOTAL | LIST TOTAL | NONTAXABLE | TAXABLE | TOTAL TAX

0.00 | 0.00 | 0.00 | 0.00 | 99.59 | 0.00 | 63.99 | 5.12

RECEIVED BY: X

PAY THIS AMOUNT ▶ 69.11

51

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4:03

166

D7

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

PURINA DEALER

Northside FEED & TACK

1219 North Fifth • Hartsville, SC 29550

Phone 843-332-8053

PAGE 1 OF

PURINA DEALER

CARHARTT CLOTHES--GEORGIA BOOTS--WRANGLER JEANS

*** GATES-PANELS-STOCK TANKS-WESTERN TACK-HEALTH SUPPLIES***

******* WE APPRECIATE YOUR BUSINESS !!!!! *******

CASH CUSTOMER

CASH INVOICE # 4262

SALESMAN #

06/21/12 02:54 PM

PO#

QUANTITY	LINE	PART NUMBER	DESCRIPTION	CORE	LIST EA	YOUR COST	EXTENSION	TAX
1	FAT	*NEMEX-2		0.00	18.19	12.99	12.99	T
1	FAT	*WORMER		0.00	13.99	9.99	9.99	T
1	FAT	*7-WAY		0.00	7.70	5.50	5.50	T

TOTAL UNITS		FREIGHT	LABOR	MISC	CORE TOTAL	LIST TOTAL	NON TAXABLE	TAXABLE	TOTAL TAX
3	This Pg.	0.00	0.00		0.00	39.88	0.00	28.48	2.28

RECEIVED BY X

PAY THIS AMOUNT ▶ 30.76

52

FAYE L. SKILLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 03

DS

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

843 332-0131

NORTHSIDE AUTO PARTS
1219 NORTH 5TH STREET
HARTSVILLE, SC 29550

PAGE 1 OF 1

CARHARTT CLOTHES--GEORGIA BOOTS--WRANGLER JEANS
**** GATES-PANELS-STOCK TANKS-WESTERN TACK-HEALTH SUPPLIES***
******* WE APPRECIATE YOUR BUSINESS !!!!! *******

CASH INVOICE
SALESMAN
12/28/12 16:34:1
TOM

QUANTITY	LINE	PART NUMBER	PART DESCRIPTION	CORE	LIST PRICE	YOUR COST	EXTENSION	TAX
1	FAT	*WORNER		0.00	13.99	9.99	9.99	T
5	FAT	#7-WAY		0.00	7.70	5.50	27.50	T

TOT ACCTS	FREIGHT	LABOR	MISC	CORE TOTAL	LIST TOTAL	NON-TAXABLE	TAXABLE	TOTAL TAX
6 This Pa	0.00	0.00		0.00	52.49	0.00	37.49	3.00

RECEIVED
BY: X

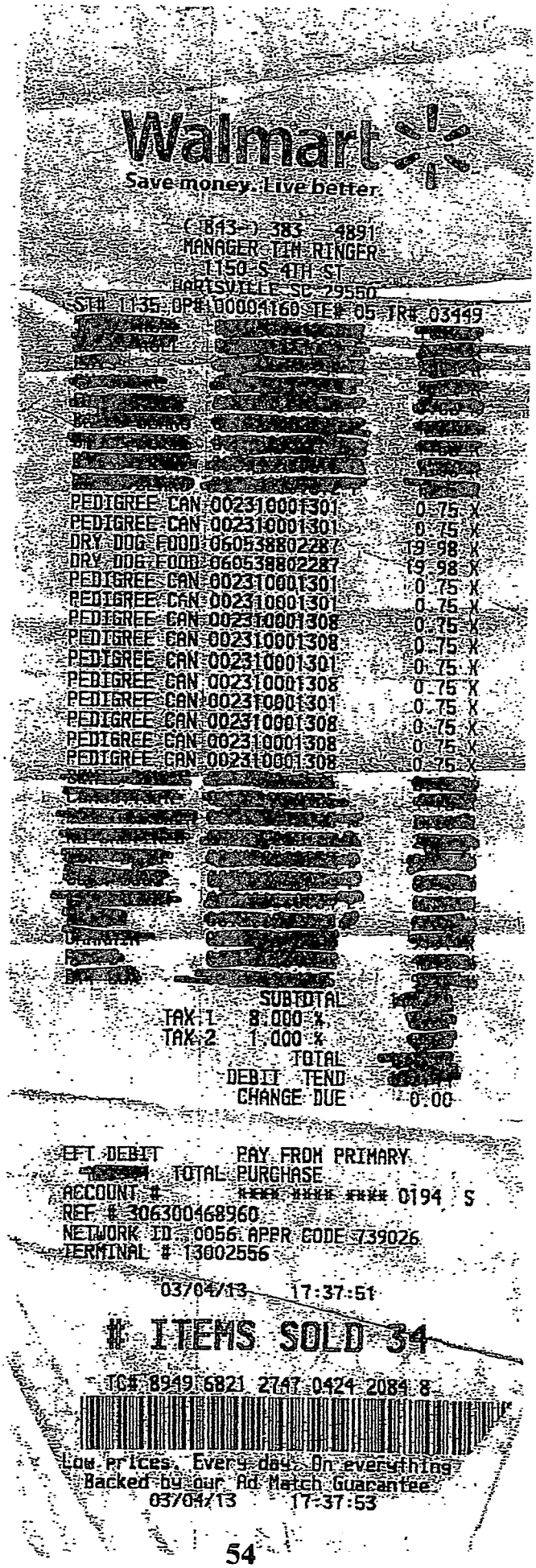
PAY THIS AMOUNT ▶ 40.49

53

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.
2013 MAR 28 PM 4 03

167

D8
168



Walmart
Save money. Live better.

(843) 383-4891
MANAGER TIM RINGER
1150 S 4TH ST
HARTSVILLE SC 29550
STR# 1135 OP# 00004160 TE# 05 TR# 03449

[redacted]
PEDIGREE CAN 00231000301 0.75 X
PEDIGREE CAN 00231000301 0.75 X
DRY DOG FOOD 00053800228 7 19.98 X
DRY DOG FOOD 00053800228 7 19.98 X
PEDIGREE CAN 00231000301 0.75 X
PEDIGREE CAN 00231000301 0.75 X
PEDIGREE CAN 00231000308 0.75 X
PEDIGREE CAN 00231000308 0.75 X
PEDIGREE CAN 00231000301 0.75 X
PEDIGREE CAN 00231000308 0.75 X
PEDIGREE CAN 00231000301 0.75 X
PEDIGREE CAN 00231000308 0.75 X
PEDIGREE CAN 00231000308 0.75 X
[redacted]

SUBTOTAL [redacted]
TAX 1 8.000 % [redacted]
TAX 2 1.000 % [redacted]
TOTAL [redacted]
DEBIT TEND [redacted]
CHANGE DUE 0.00

EFT DEBIT PAY FROM PRIMARY
[redacted] TOTAL PURCHASE
ACCOUNT # **** **** **** 0194 S
REF # 306300468960
NETWORK ID 0056 APPR CODE 739026
TERMINAL # 13002556

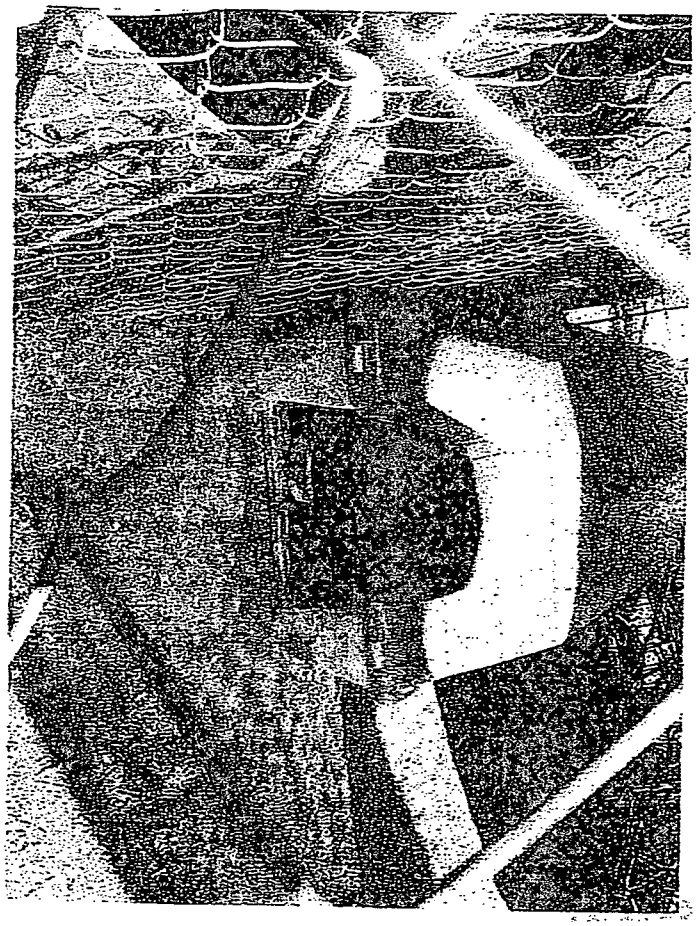
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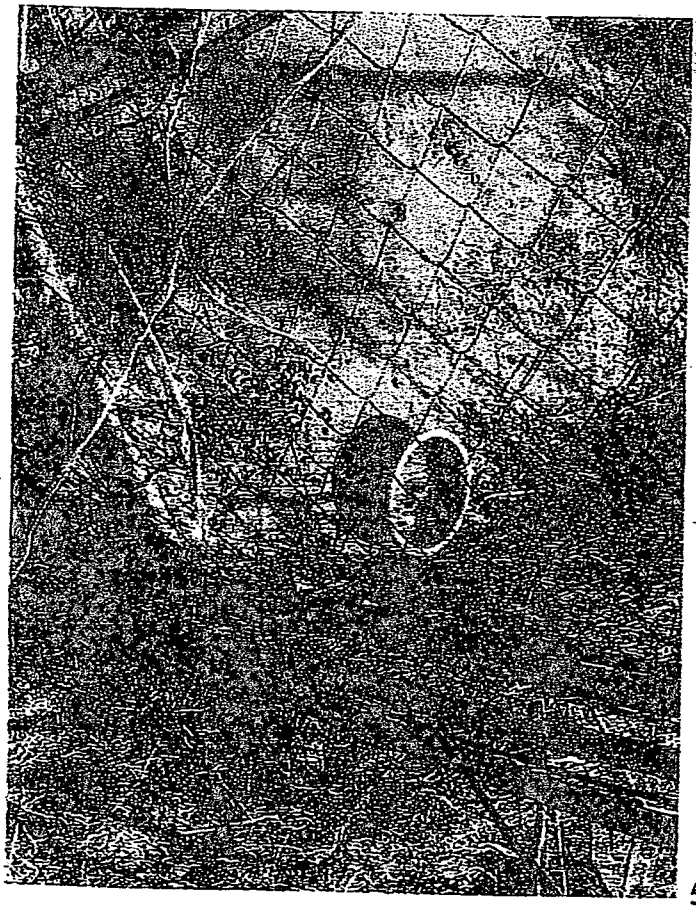
Low Prices. Every day. On everything.
Backed by our Ad Match Guarantee.
03/04/13 17:37:53

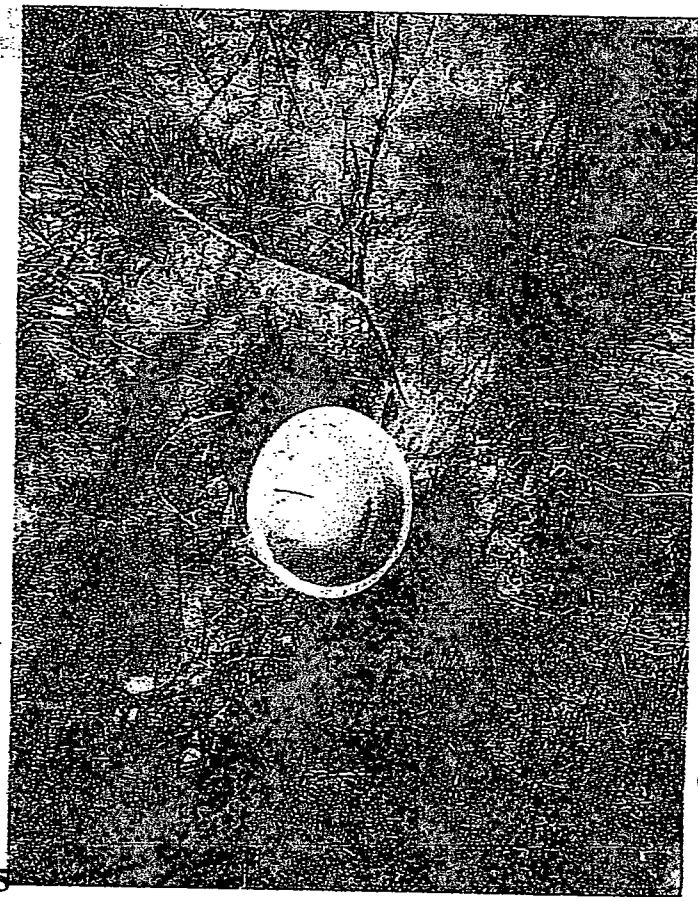
2013 MAR 28 PM 4 03
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.





Side of Valley





THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

Case No.2013-001415

The State — Respondent,

v.

Fritz Allen Timmons — Appellant.

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the Record on Appeal [AMENDED] contains all material proposed to be included by any of the parties and not any other material. Original pages 7, 10 and 47 (kept to prevent additional burden of Amending Appellants Final Brief for citations Due to Final Brief has been Served on February 7, 2014) has been remove due to Clerical Error on Appellant's Designation of Matter and not permitted to be corrected by Court Order of July 7, 2014. Pages 43, 44, 45, 46 are photos of Defendant's evidence 1 (page 55 original) drawn to size and complies to Rule 1003 SCRE, and Rule 210(f), SCACR) and applies to this Court by Rule 1101(a), SCRE. Pages 49 - 55 has been added to comply to Court Order of July 7, 2014 (B.Platsky v. CIA, 953 F.2d 25, 26 28 (2nd Cir. 1991), "Court errs if court dismisses pro se litigant without instruction of how pleadings are deficient and how to repair pleadings.").

Original February 7, 2014

Amended August 8, 2014

Fritz A. Timmons, Pro Se
P. O. Box 367
Hartsville, SC 29551

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHESTERFIELD COUNTY
The Honorable J. Michael Baxley, Circuit Court Judge

Appellate Case No: 2013-001415

THE STATE

RESPONDENT,

v.

FRITZ ALLEN TIMMONS

APPELLANT.

SUPPLEMENTAL RECORD ON APPEAL

FRITZ ALLEN TIMMONS

P.O. Box 367
Hartsville, South Carolina 29551
(843) 335-6283

APPELLANT PRO SE

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Attorney General

SALLEY W. ELLIOTT
Senior Assistant Deputy Attorney General

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803)734-3727

WILLIAM B. ROGERS
Solicitor, Fourth Judicial Circuit

P.O. Box 616
Bennettsville, SC 29512
(843) 479-6516

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA)	IN THE CIRCUIT COURT
)	
COUNTY OF CHESTERFIELD)	2013 CP 13-150
)	
Chesterfield County)	
)	
Vs.)	RETURN OF THE CRIMINAL APPEAL
)	
Fritz Allen Timmons)	
[redacted])	
Defendant.)	

2013 MAR 28 PM 4:00
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD, S.C.

A True Copy Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

The attached papers comprise the court record which is transmitted to the Circuit Court pursuant to section 18-3-40 S.C. Code.

1. Uniform Ordinance Summons Nos. 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1898, 1899, 1900, 1901, 1901, 1903, 1904, 1905, 1906, 1907, 1908 and 1908.
2. Documentation identifying a carcass and skull as canine, which was removed from the property of [redacted] Road.
3. Results from a veterinarian exam of canine "Juliet" removed from the property of [redacted] Road.
4. Results from a veterinarian exam of canine "Hansel" removed from the property of [redacted] Road.
5. Results from a veterinarian exam of canine "Hanna" removed from the property of [redacted] Road.
6. Results from a veterinarian exam of canine "Ethel" removed from the property of [redacted] Road.

7. Results from a veterinarian exam of canine "Romeo" removed from the property of [redacted] Road.
8. A memo from Chesterfield County Animal Control Director Danielle Bowe to Chesterfield County Deputy Jay Lewis detailing 31 canines removed from the property of [redacted] Road.
9. Chesterfield County Sheriff's Office Incident Report 13-0736.
10. Six series of photos submitted by defendant
11. A receipt for worm medicine and vaccinations.
12. A receipt for worm medicine and vaccinations.
13. A receipt for worm medicine and vaccinations.
14. A receipt for can and dry dog food.
15. A Sandhill Telephone Co-op service verification.
16. 32 Photos entered by the County
17. Copy of search warrant
18. Notification of Appeal

Respectfully submitted,

Magistrate

Chesterfield County, SC
March 26, 2013

STATE OF SOUTH CAROLINA)	IN THE CIRCUIT COURT
)	
COUNTY OF CHESTERFIELD)	2013 GP 13-150
)	
Chesterfield County)	
)	
Vs.)	RETURN OF THE CRIMINAL APPEAL
)	
Fritz Allen Timmons)	
[redacted] Road)	
McBee, SC 29101)	
Defendant)	

2013 MAR 28 PM 4:00
CHESTERFIELD CLERK OF COURT

A True Copy Attest
Faye T. Sellers
CLERK OF COURT C.R. & G.S.
CHESTERFIELD COUNTY, SC

This matter is on appeal from the Magistrate Court of Chesterfield County, South Carolina, the Honorable John A. Davis, Presiding Judge.

The defendant, Fritz Allen Timmons, was charged by Chesterfield County Animal Control March 1, 2013, with Uniform Ordinance Summons 1900, 1901 and 1901 for violating S.C. Code 47-1-40 which is commonly referred to as Ill-Treatment of Animals; Uniform Ordinance Summons 1884, 1885, 1886, 1887, 1888, 1898, 1899, 1903, 1904 and 1905 for violating 47-1-70 which is commonly referred to as Animal Abandonment or Neglect; and Uniform Ordinance Summons 1889, 1890, 1891, 1892, 1906, 1907, 1908 and 1909 of County Ordinance 415.60 which is commonly referred to as a Rabies Vaccination Violation.

The defendant entered a plea of guilty on Uniform Ordinance Summons 1889, 1890, 1891, 1892, 1906, 1907, 1908 and 1909 of for Rabies Vaccination Violations.

Chesterfield County was represented by Animal Control Officer Jim McGonigal.

The remaining charges were heard in a bench trial on March 18, 2013, and the notice of appeal was filed March 25, 2013.

The proceedings were recorded in writing by the judge.

The defendant made the following motion for dismissal on a lack of probable cause by the county to obtain a search warrant on the defendant's property located at [redacted] Road in the McBee area of Chesterfield County. The defendant cited state statute 17-13-141 claiming an anonymous e-mail sent to Chesterfield County Animal Control was not the basis for obtaining a search warrant.

The County stated the anonymous e-mail was used by Chesterfield County Animal Control to visit the defendant's property where conditions of animals kept outside and at-large were in plain view to animal control officers and a Chesterfield County deputy, who filed for a search warrant.

The Court denied the motion for dismissal.

The defendant made a motion for dismissal stating the warrant obtained by was not specific as to what property was to be searched at [redacted] Road.

The County stated there was only one dwelling on the property and the only to be searched.

The Court denied the motion for dismissal.

The County offered the following items into evidence:

1. Documentation identifying a carcass and skull as canine, which was removed from the property of [redacted] Road.
2. Results from a veterinarian exam of canine "Juliet" removed from the property of [redacted] Road.
3. Results from a veterinarian exam of canine "Hansel" removed from the property of [redacted] Road.
4. Results from a veterinarian exam of canine "Hanna" removed from the property of [redacted] Road.
5. Results from a veterinarian exam of canine "Ethel" removed from the property of [redacted] Road.
6. Results from a veterinarian exam of canine "Romeo" removed from the property of [redacted] Road.
7. A memo from Chesterfield County Animal Control Director Danielle Bowe to Chesterfield County Deputy Jay Lewis detailing 31 canines removed from the property of [redacted] Road.
8. Chesterfield County Sheriff's Office Incident Report 13-0736.
9. Photo of canine carcass.
10. Photo of empty water bowl.
11. Photo of partial animal remains.
12. Photo of partial animal remains.
13. Photo of canine and canine remains.
14. Photo of canine remains.
15. Photo of kennels with canines.

16. Photo of canine and empty food bowl.

17. Photo of canine.

18. Photo of canine remains.

19. Photo of canine remains.

20. Photo of canine remains.

21. Photo of kennels with canines.

22. Photo of canine.

23. Photo of canine.

24. Photo of kennels.

25. Photo of kennels.

26. Photo of canine and makeshift dog house.

27. Photo of empty food or water bowl.

28. Photo of canine eating canine carcass.

29. Photo of empty water or food bowl.

30. Photo of canines at large.

31. Photo of empty water or food bowl.

32. Photo of canines inside dwelling at [redacted] Road.

33. Photo of canines inside dwelling at [redacted] Road.

34. Photos of canines inside dwelling at [redacted] Road.

35. Photos of canines inside dwelling at [redacted] Road.

36. Photo of canine.

37. Photo of canine.

38. Photo of canine with tumors.

39. Photo of canine with overbite.

40. Photo of canine with overbite.

The County called the following witnesses:

Danielle Bowe, Chesterfield County Animal Control Director. Bowe testified she was present March 5, 2013, at [redacted] Road where animal control officers and county deputies entered the property by search warrant. Thirty-one canines, mostly dachshund breed, were on the property. Bowe stated multiple carcasses were found outside, one kennel was open with dogs at-large, a half-bag of food was found on the property and several water bowls were overgrown with a green algae-like substance and not drinkable.

Of the animals taken by county and examined by Hartsville Animal Hospital, canine "Juliet" tested positive for hookworms, was diagnosed with a skin infection and weighed 9 pounds, under average weight of 15 for her size. Canine "Hansel" was diagnosed with a skin infection and weighed 12 pounds, under average weight of 14 pounds for dog his size. Canine "Hanna" tested positive for hookworms and has tumors. Canine "Ethel" was diagnosed a severe overbite and was 9 pounds, which is under average weight of 11 pounds. Canine "Romeo" was treated for a skin infection and weighed 8 pounds, which is under the average weight of 15 pounds for a dog its size.

Bowe testified the mobile home on the property was not cleaned properly for low-stature animals like dauchand. Several dogs were enclosed in a bathroom without food or water with the toilet lid closed.

Upon cross-examination, Bowe testified no animals found by animal control tested positive for canine parvovirus (parvo). No canines taken by the county died in the county's care.

Bowe stated it was possible for dogs to knock over their water and food bowls, but those found on site were right side up. Bowe has never, professionally or privately, known dogs to become hungry enough to eat other canines.

Upon redirect, Bowe stated the hunger and underweight of the canines likely took place over an extended period of time.

The defendant entered the following items into evidence:

1. A series of photos of food and water bowls containing dog food and water.
2. A photo of a water bowl.
3. A photo of a hole in the ground.
4. A photo of a driveway on [redacted] Road.
5. A receipt for worm medicine and vaccinations.
6. A receipt for worm medicine and vaccinations.
7. A receipt for worm medicine and vaccinations.
8. A receipt for can and dry dog food.
9. A Sandhill Telephone Co-op service verification.
10. A series of photos of puppies.
11. A series of photos of puppies.

The defendant called no witnesses and did not call himself to testify.

The court found the defendant not guilty on Uniform Ordinance Summons 1884, 1885 and 1886 for violating S.C. Code 47-1-40 which is commonly referred to as Ill-Treatment of Animals.

The Court found the defendant guilty of Uniform Ordinance Summons 1900, 1901 and 1901 for violating S.C. Code 47-1-40 which is commonly referred to as Ill-Treatment of Animals and Uniform Ordinance Summons 1887, 1888, 1898, 1899, 1903, 1904 and 1905 for violating 47-1-70 which is commonly referred to as Animal Abandonment or Neglect and imposed a sentence of $3,000 in fines with scheduled payments.

Attached are copies of:

Uniform Ordinance Summons Nos. 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1898, 1899, 1900, 1901, 1901, 1903, 1904, 1905, 1906, 1907, 1908 and 1908.

Documentation identifying a carcass and skull as canine, which was removed from the property of [redacted] Road.

Results from a veterinarian exam of canine "Juliet" removed from the property of [redacted] Road.

Results from a veterinarian exam of canine "Hansel" removed from the property of [redacted] Road.

Results from a veterinarian exam of canine "Hanna" removed from the property of [redacted] Road.

Results from a veterinarian exam of canine "Ethel" removed from the property of [redacted] Road.

Results from a veterinarian exam of canine "Romeo" removed from the property of [redacted] Road.

A memo from Chesterfield County Animal Control Director Danielle Bowe to Chesterfield County Deputy Jay Lewis detailing 31 canines removed from the property of [redacted] Road.

Chesterfield County Sheriff's Office Incident Report 13-0736.

Six series of photos submitted by defendant

A receipt for worm medicine and vaccinations.

A receipt for worm medicine and vaccinations.

A receipt for worm medicine and vaccinations.

A receipt for can and dry dog food.

A Sandhill Telephone Co-op service verification.

32 Photos entered by the County

Copy of search warrant

Notification of Appeal

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME	FIRST NAME	MIDDLE NAME

STREET: [redacted] STATE:

SOCIAL SECURITY NUMBER: [redacted] DL NUMBER: [redacted] DL STATE:

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	[redacted]	5	170	BR	BL

ON DATE OF TRIAL: 3/18/14 AT TIME OF TRIAL: 10:00 AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No.	Date Issued	Bond Amount
42-101	2/5/14	$50.00

Description of Ordinance: Pet Control

Date of Violation	Time of Violation	AM / PM	Place of Violation
2/5/14	1000	AM	[redacted]

Name of Issuing Officer: [redacted] Time: 1000

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1884

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1 GUILTY/FORFEITURE
2 GUILTY/BENCH TRIAL
3 GUILTY/JURY TRIAL
4 NOT GUILTY/B TRIAL
5 NOT GUILTY/JURY TRIAL
6 NOLLE PROSEQUI
8 OTHER DISP. (SPECIFY)
9 CONTINUED

[signature] 3/18/14

SIGNATURE OF JUDGE DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
[signature]
CLERK OF COURT C.P. & GS
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE | SEX | DOB | HT | WT | HAIR | EYE

ON DATE OF TRIAL AT TIME OF TRIAL AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No. | Date Issued | Bond Amount $ 500.00

Description of Ordinance

Date of Violation | Time of Violation AM PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date | **DOCKET NO.**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

1885

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

3/18/13

SIGNATURE OF JUDGE | DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
Faye D. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE | SEX | DOB | HT | WT | HAIR | EYE

ON DATE OF TRIAL | AT TIME OF TRIAL AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No. | Date Issued | Bond Amount

Description of Ordinance

Date of Violation | Time of Violation AM PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days

Post Bond Prior To Trial Date **DOCKET NO.**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court

1886

DISPOSITION

1 GUILTY/FORFEITURE
2 GUILTY/BENCH TRIAL
3 GUILTY/JURY TRIAL
4 NOT GUILTY/B/TRIAL
5 NOT GUILTY/JURY TRIAL
6 NOLLE PROSEQUI
8 OTHER DISP. (SPECIFY)
9 CONTINUED

SIGNATURE OF JUDGE | DATE

BLUE - DEFENDANT | CANARY - OFFICE | PINK - JUDGE

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
RANE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	[redacted]				

ON DATE OF TRIAL 5/1/13 AT TIME OF TRIAL 10:00 AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No.	Date Issued	Bond Amount
	4/25/13	$ 100.00

Description of Ordinance Use

Date of Violation	Time of Violation AM / PM	Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment. must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date DOCKET NO.

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

1887

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE 3/18/13 DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest:
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 JAN 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: [redacted] FIRST NAME: [redacted] MIDDLE NAME: [redacted]

STREET: [redacted] STATE: [redacted]

SOCIAL SECURITY NUMBER: [redacted] DL NUMBER: [redacted] DL STATE: [redacted]

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: [redacted]

RACE	SEX	DOB	HT	WT	HAIR	EYE
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

ON DATE OF TRIAL: [redacted] AT TIME OF TRIAL: [redacted] AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
[redacted]	[redacted]	[redacted]

Description of Ordinance: [redacted]

Date of Violation	Time of Violation AM / PM	Place of Violation
[redacted]	[redacted]	[redacted]

Name of Issuing Officer: [redacted] Time: [redacted]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days

Post Bond Prior To Trial Date **DOCKET NO**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court

DisPosition: [redacted]

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/BAR TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE: [redacted] DATE: 5/8/12

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest

CLERK OF COURT C.F.&G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE	SEX	DOB	HT.	WT.	HAIR	EYE

ON DATE OF TRIAL | AT TIME OF TRIAL | AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No.	CT.	Date Issued	Bond Amount
			$

Description of Ordinance

Date of Violation	Time of Violation	AM / P.M.	Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment. You must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1889

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/BENCH TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE — DATE 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
Page 1 of 1
CLERK OF COURT, C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 01
PAM L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET [redacted] STATE

SOCIAL SECURITY NUMBER | DL NUMBER [redacted] | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE | SEX | DOB [redacted] | HT | WT | HAIR | EYE

ON DATE OF TRIAL 2/18 AT TIME OF TRIAL 11 AM (PM)

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No. 20 | Date Issued | Bond Amount $

Description of Ordinance

Date of Violation 2/7 | Time of Violation | AM PM | Place of Violation

Name of Issuing Officer | Time 11

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date | DOCKET NO. 1890

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE | DATE 3/18/13

BLUE - DEFENDANT | CANARY - OFFICE | PINK - JUDGE

A True Copy, Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME	FIRST NAME	MIDDLE NAME
[redacted]		

STREET [redacted] STATE

SOCIAL SE[redacted] DL NUMBER [redacted] DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE	SEX	DOB	HT	WT	HAIR	EYE
		[redacted]				

ON DATE OF TRIAL 4/4/13 AT TIME OF TRIAL [illegible] AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No.	Date Issued	Bond Amount
		$

Description of Ordinance

Date of Violation	Time of Violation AM / PM	Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date | **DOCKET NO.**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

1891

DISPOSITION:

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE

3/18/13

DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
Jane L. Gibbs
CLERK OF COURT CP & GS
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
JANE L. GIBBS
CLERK OF COURT
CHESTERFIELD COUNTY, SC

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET [redacted] | STATE

SOCIAL SECURITY NUMBER [redacted] | DL NUMBER [redacted] | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE	SEX	DOB	HT	WT	HAIR	EYE
		[redacted]				

ON DATE OF TRIAL | AT TIME OF TRIAL AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No. | Date Issued | Bond Amount $

Description of Ordinance

Date of Violation | Time of Violation AM / PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days

Post Bond Prior To Trial Date | DOCKET NO.

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

1892

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP. (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE | DATE 5/8/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 01
FAYE L. KELLEY
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: [illegible] FIRST NAME: [illegible] MIDDLE NAME: [illegible]

STREET: [redacted] CITY: [illegible] STATE: SC

SOCIAL SECURITY NUMBER: [illegible] DL NUMBER: [redacted] DL STATE: SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION: [illegible] SC

[illegible] Street

RACE	SEX	DOB	HT	WT	HAIR	EYE
[illegible]	[illegible]	[redacted]	[illegible]	[illegible]	[illegible]	[illegible]

ON DATE OF TRIAL: 3/19/13 AT TIME OF TRIAL: [illegible] AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
47-1-76	3/1/13	$ 50.00

Description of Ordinance: [illegible]

Date of Violation	Time of Violation AM / PM	Place of Violation
[illegible]	[illegible]	[illegible]

Name of Issuing Officer: [illegible] Time: [illegible]

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment, must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date **DOCKET NO.** 1898

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/BENCH TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP. (SPECIFY)
9. CONTINUED

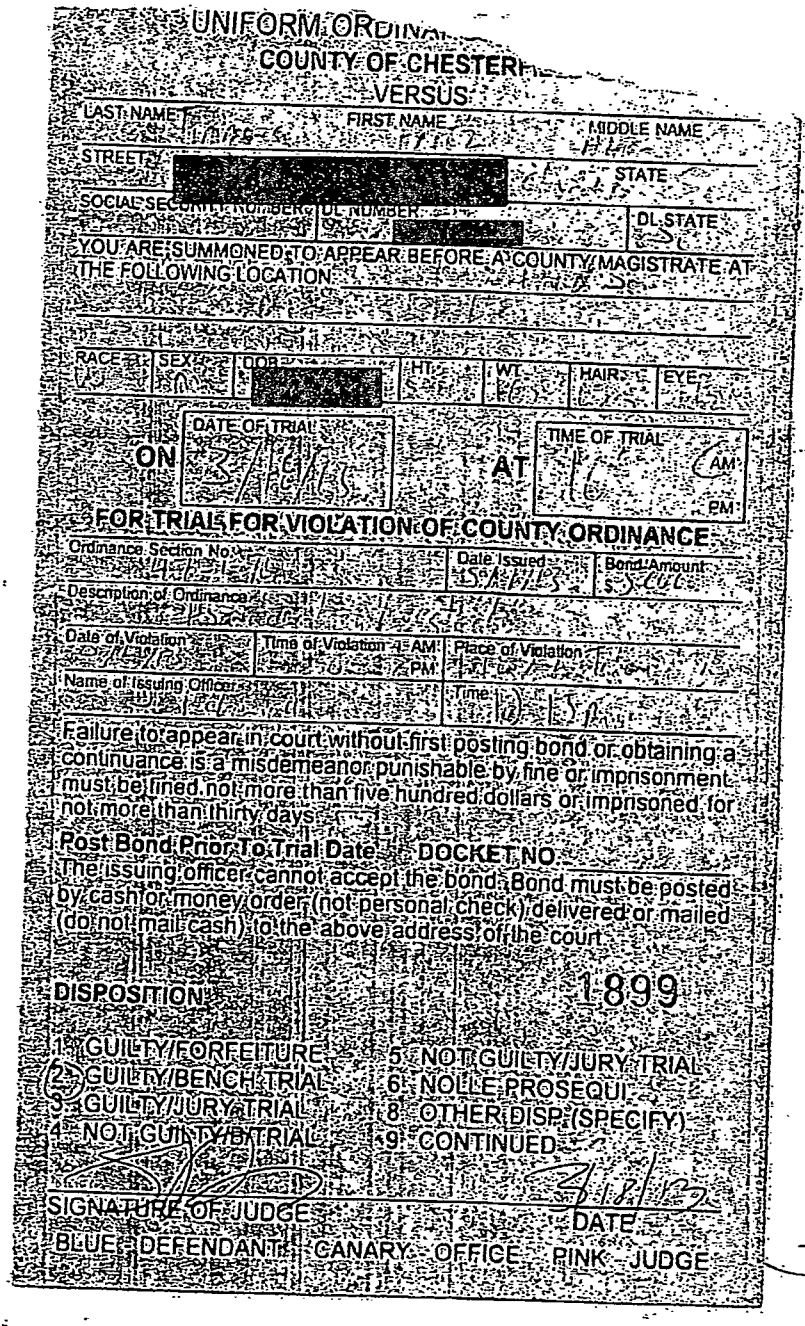
SIGNATURE OF JUDGE: [illegible] DATE: 3/19/13

BLUE - DEFENDANT CANARY - OFFICER PINK - JUDGE

FILED
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.
2013 MAR 28 PM 4:01

193

20



UNIFORM ORDINA
COUNTY OF CHESTERF
VERSUS
LAST NAME
FIRST NAME
MIDDLE NAME
STREET
STATE
SOCIAL SEC
DL NUMBER
DL STATE
YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION
RACE
SEX
DOB
HT
WT
HAIR
EYE
ON
DATE OF TRIAL
AT
TIME OF TRIAL
AM
PM
FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE
Ordinance Section No.
Date Issued
Bond Amount
Description of Ordinance
Date of Violation
Time of Violation
AM
PM
Place of Violation
Name of Issuing Officer
Time
Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days
Post Bond Prior To Trial Date
DOCKET NO.
The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court
1899
DISPOSITION
1 GUILTY/FORFEITURE
2 GUILTY/BENCH TRIAL
3 GUILTY/JURY TRIAL
4 NOT GUILTY/BTRIAL
5 NOT GUILTY/JURY TRIAL
6 NOLLE PROSEQUI
8 OTHER DISP (SPECIFY)
9 CONTINUED
SIGNATURE OF JUDGE
DATE
BLUE: DEFENDANT CANARY: OFFICE PINK: JUDGE

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4:01
PAM L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE | SEX | DOB | HT | WT | HAIR | EYE

ON DATE OF TRIAL | AT TIME OF TRIAL AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No. | Date Issued | Bond Amount

Description of Ordinance

Date of Violation | Time of Violation AM / PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days

Post Bond Prior To Trial Date: **DOCKET NO**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court

1900

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

3/18/13

SIGNATURE OF JUDGE | DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
Joyce D. Wilkes
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4:01
JOYCE D. WILKES
CLERK OF COURT
CHESTERFIELD COUNTY, SC

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET [redacted] STATE

SOCIAL SECURITY NUMBER | DL NUMBER [redacted] | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE | SEX | DOB [redacted] | HT | WT | HAIR | EYE

ON DATE OF TRIAL 3/28/13 AT TIME OF TRIAL 10 AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No. | Date Issued | Bond Amount $

Description of Ordinance

Date of Violation | Time of Violation AM PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment (must be fined not more than five hundred dollars or imprisoned for not more than thirty days).

Post Bond Prior To Trial Date **DOCKET NO.** 1901

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/BENCH TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE 3/28/13 DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 01
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | CITY | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE	SEX	DOB	HT	WT	HAIR	EYE

ON DATE OF TRIAL | AT TIME OF TRIAL (AM / PM)

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No.	Date Issued	Bond Amount
		$

Description of Ordinance

Date of Violation	Time of Violation (AM / PM)	Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date | **DOCKET NO.**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

1902

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP. (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE | DATE 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest:

CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 02

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE | SEX | DOB | HT | WT | HAIR | EYE

ON DATE OF TRIAL 2/19/13 AT TIME OF TRIAL 10:00 AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No. | Date Issued | Bond Amount $

Description of Ordinance

Date of Violation | Time of Violation AM PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days

Post Bond Prior To Trial Date | DOCKET NO.

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court

1903

DISPOSITION

1 GUILTY/FORFEITURE
2 GUILTY/BENCH TRIAL
3 GUILTY/JURY TRIAL
4 NOT GUILTY/BTRIAL
5 NOT GUILTY/JURY TRIAL
6 NOLLE PROSEQUI
8 OTHER DISP (SPECIFY)
9 CONTINUED

SIGNATURE OF JUDGE | DATE 2/19/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

198

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE | SEX | DOB | HT | WT | HAIR | EYE

ON DATE OF TRIAL 3/14/13 AT TIME OF TRIAL AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No. | Date Issued | Bond Amount $

Description of Ordinance

Date of Violation | Time of Violation AM / PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment (must be fined not more than five hundred dollars or imprisoned for not more than thirty days).

Post Bond Prior To Trial Date | **DOCKET NO.**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

1904

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED 3/18/13

SIGNATURE OF JUDGE | DATE

BLUE - DEFENDANT | CANARY - OFFICE | PINK - JUDGE

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET [redacted] STATE SC

SOCIAL SECURITY NUMBER [redacted] DL STATE SC

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE | SEX | DOB [redacted] | HT | WT | HAIR | EYE

ON DATE OF TRIAL [illegible] AT TIME OF TRIAL [illegible] AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No. | Date Issued | Bond Amount $

Description of Ordinance

Date of Violation | Time of Violation AM / PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance, is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days

Post Bond Prior To Trial Date **DOCKET NO.** 1905

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP. (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE DATE

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest,
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 02

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

200

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE | SEX | DOB | HT | WT | HAIR | EYE

ON DATE OF TRIAL | AT TIME OF TRIAL AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No. | Date Issued | Bond Amount $

Description of Ordinance

Date of Violation | Time of Violation AM / PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days

Post Bond Prior To Trial Date **DOCKET NO.** 1906

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court

DISPOSITION

1 GUILTY/FORFEITURE
2 GUILTY/BENCH TRIAL
3 GUILTY/JURY TRIAL
4 NOT GUILTY/B/TRIAL
5 NOT GUILTY/JURY TRIAL
6 NOLLE PROSEQUI
8 OTHER DISP (SPECIFY)
9 CONTINUED

SIGNATURE OF JUDGE | DATE 3/28/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4:02
CLERK OF COURT
CHESTERFIELD COUNTY, SC

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME: T | FIRST NAME: | MIDDLE NAME:

STREET: [redacted] | STATE:

SOCIAL SECURITY NUMBER: | DL NUMBER: [redacted] | DL STATE:

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE	SEX	DOB	HT	WT	HAIR	EYE
W	M	[redacted]				

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: 1: AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
415.10	2/18/13	$

Description of Ordinance:

Date of Violation	Time of Violation: AM / PM	Place of Violation
2/18/13	1:47 PM	[redacted]

Name of Issuing Officer: | Time:

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment. I must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date | DOCKET NO.

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

1907

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE | DATE: 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
Faye L. Sellers
CLERK OF COURT CIR & GS
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET [redacted] STATE

SOCIAL SECURITY NUMBER | DL NUMBER: [redacted] | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION:

RACE	SEX	DOB	HT	WT	HAIR	EYE
		[redacted]				

ON DATE OF TRIAL: 3/18/13 AT TIME OF TRIAL: AM / PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE:

Ordinance Section No.	Date Issued	Bond Amount
		$

Description of Ordinance

Date of Violation	Time of Violation AM PM	Place of Violation

Name of Issuing Officer | Time:

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days.

Post Bond Prior To Trial Date | **DOCKET NO.**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court.

DISPOSITION 1908

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE | DATE 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy, Teste:
CLERK
CHESTERFIELD COUNTY, VA.
FILED
2013 MAR 28 P 4:02
CLERK'S OFFICE
CHESTERFIELD COUNTY, VA.

2012

UNIFORM ORDINANCE SUMMONS

COUNTY OF CHESTERFIELD

VERSUS

LAST NAME | FIRST NAME | MIDDLE NAME

STREET | CITY | STATE

SOCIAL SECURITY NUMBER | DL NUMBER | DL STATE

YOU ARE SUMMONED TO APPEAR BEFORE A COUNTY MAGISTRATE AT THE FOLLOWING LOCATION

RACE | SEX | DOB | HT | WT | HAIR | EYE

YOU ARE ON DATE OF TRIAL AT TIME OF TRIAL AM PM

FOR TRIAL FOR VIOLATION OF COUNTY ORDINANCE

Ordinance Section No | Date Issued | Bond Amount

Description of Ordinance

Date of Violation | Time of Violation AM PM | Place of Violation

Name of Issuing Officer | Time

Failure to appear in court without first posting bond or obtaining a continuance is a misdemeanor punishable by fine or imprisonment must be fined not more than five hundred dollars or imprisoned for not more than thirty days

Post Bond Prior To Trial Date | **DOCKET NO.**

The issuing officer cannot accept the bond. Bond must be posted by cash or money order (not personal check) delivered or mailed (do not mail cash) to the above address of the court

1909

DISPOSITION

1. GUILTY/FORFEITURE
2. GUILTY/BENCH TRIAL
3. GUILTY/JURY TRIAL
4. NOT GUILTY/B/TRIAL
5. NOT GUILTY/JURY TRIAL
6. NOLLE PROSEQUI
8. OTHER DISP (SPECIFY)
9. CONTINUED

SIGNATURE OF JUDGE | DATE 3/18/13

BLUE - DEFENDANT CANARY - OFFICE PINK - JUDGE

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 02
FAYE L. GELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

204

Hartsville Animal Hospital

914 West Carolina Avenue

Hartsville, SC 29550

843-383-4555

A partial carcass and skull were presented on 3/11/13 from Chesterfield county Animal Services for species identification. Both specimens were severely decayed. Both were canines based on dentition and structure of skulls. The partial carcass consisted of a canine skull, decayed hide which appeared to have been black, and a pelvis. Much of the ribs and front limbs were absent. The second specimen was a canine skull by itself. Neither the lone skull nor the partial animal corpse had sand or dirt in the teeth or other small crevices that would normally be present if the animal had ever been buried.

A. L. McCaskill III DVM

A True Copy Attest

CLERK OF COURT, C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 02

PAMELA L. WILLIS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact female dachshund named Juliet presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 2/9 with an ideal score being 5/9. The weight at presentation was 9lbs. An estimated ideal weight for this animal was 15lbs. Eyes were normal. Ears were normal. Oral exam revealed moderate tarter build up. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings. The animal had very foul odor and was obviously not accustomed to being handled. Thin hair over dorsum and tail with erythematous greasy skin on ventrum.

Lab Tests: Occult heart worm test – negative

Fecal flotation test – positive for hookworms

Treatments: No treatments were performed at this time but, but Juliet should be treated for hookworms and skin infection.

A True Copy Attest
CLERK OF COURT CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4:02
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact male dachshund named Hansal presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 4/9 with an ideal score being 5/9. The weight at presentation was 12lbs. An estimated ideal weight for this animal was 13lbs. Eyes were normal. Ears were normal. Oral exam revealed slight tarter build up and a severe overbite. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings. The animal had very foul odor and was obviously not accustomed to being handled. Thin to no hair along tail and around tail head with thin greasy skin.

Lab Tests: Occult heart worm test – negative
Fecal flotation test – negative

Treatments: No treatments were performed at this time, but Hansal should be treated for a skin infection.

A True Copy Attest
Kay D. Sellers
CLERK OF COURT C.P. & GS
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 02
KAYE D. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

54207

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact female dachshund named Hanna presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 5/9 with an ideal score being 5/9. The weight at presentation was 17lbs. An estimated ideal weight for this animal was 17lbs. Eyes were normal. Ears were normal. Oral exam revealed multiple missing and broken teeth. Both upper canines were broken, and all lower incisors and lower canines were missing. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings.

Lab Tests: Occult heart worm test – negative

Fecal flotation test – positive for hookworms

Treatments: No treatments were performed, but Hanna should be treated for hookworm infection.

A True Copy Attest
Faye D. Stevens
CLERK OF COURT C.P.& G.S.
CHESTERFIELD COUNTY, S.C.

2013 MAR 28 PM 4 02
FAYE D. STEVENS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

5208

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact female dachshund named Ethel presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. There is some history of vertebral disk disease in this patient. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 4/9 with an ideal score being 5/9. The weight at presentation was 9lbs. An estimated ideal weight for this animal was 11lbs. Eyes were normal. Ears were normal. Oral exam revealed a severe over bite. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings. Proprioception was normal and the animals back was not painful on palpation. The animal had very foul odor and was obviously not accustomed to being handled.

Lab Tests: Occult heart worm test – negative
Fecal flotation test – negative

Treatments: N/A

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.
2013 MAR 28 PM 4 02
FILED IN THE OFFICE OF
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

4209

Hartsville Animal Hospital

914 West Carolina Avenue
Hartsville, SC 29550
843-383-4555

An adult intact male dachshund named Romeo presented on 03/05/13 from Chesterfield county Animal Services for a complete physical exam and wellness check out. The Canine was bright, alert, and responsive upon presentation.

Physical Exam: The initial exam revealed an animal that was given a body condition score of 2/9 with an ideal score being 5/9. The weight at presentation was 8lbs. An estimated ideal weight for this animal was 15lbs. Eyes were normal. Ears were normal. Oral exam revealed moderate tarter build up and pale mucus membranes. Thoracic auscultation revealed no significant findings. Abdominal palpation revealed no significant findings. The animal had very foul odor and was obviously not accustomed to being handled.

Lab Tests: Occult heart worm test – negative
Fecal flotation test – negative

Treatments: No treatments were performed at this time, but further diagnostics should be performed. Romeo's color does not improve with normal feeding.

A True Copy Attest
Faye L. Stokes
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4:02
FAYE L. STOKES
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

S210

Chesterfield County Animal Services
467 Goodale Rd
Chesterfield, SC 29709
843-623-3585

To: Officer Jay Lewis

Chesterfield County Sheriff's Dept.

A True Copy Attest
Paul D. Sellers
CLERK OF COURT C.P. & GS
CHESTERFIELD COUNTY, S.C.

Dogs removed from [redacted] Rd McBee, SC owner Fritz Timmons:

All dogs removed were Dachshund in breed

Front Kennel- Male MH red 1 partial blue eye, Male SH red/tan

Back Kennels- 1. Female red merle poss. Preg, Male red, Male Red/white merle, Female red

2. Male red, Female red both emaciated

3. Male LH red/tan

4. Male LH red

Running Loose- Female Black/tan/white MH, Male red LH, Female red LH, Male black/tan LH, Female black/tan LH

Inside- In crate- Female Red mother 6 pups under 2 wks

Big bathrm- Female red/tan/white, Male Blk/tan, Female red, Female Red merle, Female Tan w/black

Sm. Bathrm- Male White/ Black, Female Red/tan, Female Black merle/tan, Female Black merle/tan

2013 MAR 28 PM 4:02
PAUL D. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

Total dogs removed from property: 31

Danielle N. Bowe, Director

AGENCY I.D.: SC0130000

INCIDENT REPORT

Chesterfield County Sheriff's Office

CASE NUMBER: 13-0736

NCIC:

SC211

IIIO: | ENTD:

EVENT

INCIDENT TYPE	COMPLETED	FORCED ENTRY	PREMISE TYPE	UNITS ENTERED	TYPE VICTIM
1. 90Z - Animal Cruelty	☐ YES ☐ NO	☐ YES ☐ NO			☐ Individual ☐ Business ☐ Financial Inst ☒ Government ☐ Relig. Orgn. ☐ Soc./Public ☐ Other ☐ Unknown ☐ Police Off.
2.	☐ YES ☐ NO	☐ YES ☒ NO			
3.	☐ YES ☐ NO	☐ YES ☐ NO			

INCIDENT LOCATION (SUBDIVISION, APARTMENT AND NUMBER, STREET NAME AND NUMBER): [redacted] Road, McBee, SC

ZIP CODE:

WEAPON TYPE:

INCIDENT DATE	24 HR. CLOCK	TO	DATE	24 HR. CLOCK	DISPATCH DATE/TIME 24 HR. CLOCK: DISP. DATE	DISP. TIME	TIME ARRIVED	DEPART. TIME	LOCATION NO.
03/04/2013			03/04/2013						

VICTIM NO. 1

COMPLAINANT'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT J S O U	RACE	SEX	AGE	ETH.	HOME PHONE	EMPLOYER PHONE

ADDRESS: | CITY: | STATE: | ZIP CODE: | LOCATION NO.:

VICTIM'S NAME (LAST, FIRST, MIDDLE)	RELATIONSHIP TO SUBJECT #1	#2	#3	RESIDENT J S O U	RACE	SEX	AGE	ETH.	HOME PHONE	EMPLOYER PHONE
CCSO										

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

ADDRESS: | CITY: | STATE: | ZIP CODE: | LOCATION NO.:

VISIBLE INJURY (VICT. 1): ☐ YES ☐ NO EXPLAIN:

COMPLAINT OF NON-VISIBLE INJURIES: ☐ YES ☒ NO

VICTIM (NO. 1) USING: ALCOHOL ☐ YES ☐ NO ☐ UNK DRUGS: ☐ YES ☐ NO ☐ UNK TYPE:

TWO-MAN VEH. ☐ ONE-MAN VEH. ☐ DETECTIVE/SPL ASMT. ☐ OTHER ☐ ALONE ☐ ASSISTED ☐

J – This Jurisdiction S – State O – Out of State U – Unknown

SUBJECT NO. 1

☐ SUSPECT ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS

NAME (LAST, FIRST, MIDDLE)	RACE	SEX	AGE	ETH.	DATE OF BIRTH	HEIGHT	WEIGHT	HAIR	EYES
Timmons, Fritz Allen	W	M							

FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARITIES, ECT.:

ADDRESS: | CITY: | STATE: | ZIP CODE: | LOCATION NO.:

SUBJECT (NO. 1) USING: ALCOHOL ☐ YES ☐ NO ☐ UNK ☐ DRUGS: ☐ YES ☐ NO ☐ UNK ☐

ARRESTED NEAR OFFENSE SCENE: ☐ YES ☐ NO

TOTAL # ARRESTED: 0

DATE/TIME OF OFFENSE: 03/04/2013

DATE/TIME OF ARREST:

NARRATIVE

Animal Services along with Animal Investigator James Lewis responded to above address on above date regarding condition of animals on property.

Upon arrival several animals in front yard with no food or water. After an attempt to contact someone at front door of residence I went around to attempt contact at back door. Enroute I noticed several dogs eating the carcus of another dog. When no one answered door and we were unable to locate home owner, officers were concerned for well being of animals inside and outside of property so search warrant was obtained. Upon entry officers found app. 15 dogs with no food or water, some in pet carriers. Ages range from newborn to app. 10 years old. The interior of home was completely covered with animal feces and odor was unbearable. All animals on property were rescued and taken to County animal shelter. On that evening Mr. Timmons contacted me and said he was responsible for animals and saw no issues with condition of animals or their housing. He agreed to meet on the morning of March 5 to discuss charges and custody of animals. During

PROPERTY/EST.

	JURISDICTION OF THEFT, LAW ENFORCEMENT AGENCY					JURISDICTION OF RECOVERY, LAW ENFORCEMENT AGENCY		TOTAL VALUE
TYPE (GROUP)								
STOLEN								
DAMAGED								
BURNED								
RECOVERED								
SEIZED								
COUNTERFEIT								

ADMINISTRATIVE

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

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

REPORTING OFFICER(S)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
130 - Animal/Litter Services James A. Lewis	03/05/2013	130			
A-2 - Sergeant Stuart Robinson			FOLLOW-UP INVESTIGATION: ☐ YES ☒ NO OFFICER		

Rec'd Copy
MAR 07 2013
CHESTERFIELD CO. SHERIFF'S OFFICE

212

SUPPLEMENTAL INCIDENT REPORT
Chesterfield County Sheriff's Office

CASE NUMBER: 13-0736 | INC. | ENTD.

☑ ORIGINAL REPORT ☐ SUPPLEMENTAL REPORT ☐ ADDITIONAL VICTIMS ☐ ADDITIONAL STOLEN PROPERTY
☐ MODIFIES ORIGINAL ☐ CASE STATUS CHANGE ☐ ADDITIONAL OFFENDERS ☐ ADDITIONAL RECOVERED PROPERTY

PAGE 2 of 2 PAGES

VICT./SUBJ. I.D. OVERFLOW

	NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT #1 / #2 / #3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐			J S O U					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARTIES, ECT.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	HOME PHONE	EMPLOYER PHONE
					D E	D E

☐ VICTIM NO. ___ VISIBLE INJURY: ☐ NO ☐ YES — EXPLAIN
COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES
VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK — DRUGS: ☐ NO ☐ YES ☐ UNK
☐ TWO-MAN VEHICLE ☐ DETECTIVE/PLAINCLOTHES ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED
☐ SUBJECT NO. ___ USING ALCOHOL: ☐ NO ☐ YES
USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK

VICT./SUBJ. I.D. OVERFLOW

	NAME (LAST, FIRST, MIDDLE)	VICTIM RELATIONSHIP TO SUBJECT #1 / #2 / #3	RESIDENT	RACE	SEX	AGE	D.O.B.	ETH
☐ COMPLAINANT ☐ VICTIM # ☐ SUBJECT # ☐ RUNAWAY ☐ WANTED ☐ WARRANT ☐ ARREST ☐ JAIL ☐ SUMMONS ☐			J S O U					

HEIGHT	WEIGHT	HAIR	EYES	FACIAL HAIR, SCARS, TATTOOS, GLASSES, CLOTHING, PHYSICAL PECULIARTIES, ECT.

ADDRESS	CITY	STATE	ZIP CODE	LOCATION NO.	HOME PHONE	EMPLOYER PHONE
					D E	D E

☐ VICTIM NO. ___ VISIBLE INJURY: ☐ NO ☐ YES — EXPLAIN
COMPLAINT OF NON-VISIBLE INJURIES: ☐ NO ☐ YES
VICTIM USING ALCOHOL: ☐ NO ☐ YES ☐ UNK — DRUGS: ☐ NO ☐ YES ☐ UNK
☐ TWO-MAN VEHICLE ☐ DETECTIVE/PLAINCLOTHES ☐ ALONE ☐ ONE-MAN VEHICLE ☐ OTHER ☐ ASSISTED
☐ SUBJECT NO. ___ USING ALCOHOL: ☐ NO ☐ YES ☐ UNK ☐
USING DRUGS: ☐ NO ☐ YES TYPE: ☐ UNK

NARRATIVE

recorded interview defendant admitted to being aware of some of the health issues found with animals and stated he did not have the funds to obtain vet care at this time. Full interview is being entered as evidence. An emergency custody hearing was held to decide custody of animals and Judge John Davis awarded County custody until court date of 3/18.

JURISDICTION OF THEFT LAW ENFORCEMENT AGENCY

JURISDICTION OF RECOVERY LAW ENFORCEMENT AGENCY

VEH./GUN/ECT

STATUS: ☐ STOLEN ☐ RECOVERED ☐ FOUND ☐ TOWED ☐ SUSPECT ☐ VICTIM
TYPE: ☐ VEHICLE ☐ GUN ☐ BOAT ☐ LICENSE PLATE ☐ SECURITIES/BONDS, STOCKS ☐ ARTICLE

VIN AND/OR LICENSE NO.	BOAT HULL NO. AND/OR REG. NO.	
SERIAL AND/OR OWNER APPLIED NO.		STATE

YEAR OF REGISTRATION	YEAR OF EXPIRATION	YEAR	MAKE	TYPE

MODEL	STYLE	COLOR	BRAND NAME	CALIBER

NIC NO.	DENOMINATION	ISSUER	SECURITIES DATE

MISCELLANEOUS

PROPERTY EST.

TYPE (GROUP)							TOTAL VALUE
STOLEN							
DAMAGED							
BURNED							
RECOVERED							
SEIZED							
COUNTERFEIT							

ADMINISTRATIVE

SUBJECT IDENTIFIED: ☐ YES ☐ NO ☒
SUBJECT LOCATED: ☐ YES ☐ NO ☒
☐ ACTIVE ☐ ADM. CLOSED ☐ UNFOUNDED
☐ ARRESTED UNDER 18 ☐ ARRESTED 18 AND OVER
☐ EX-CLEAR UNDER 18 ☐ 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)	DATE	UNIT NUMBER	APPROVING OFFICER	DATE	UNIT NUMBER
130 - Animal/Litter Services James A. Lewis	03/05/2013	130			
A-2 - Sergeant Stuart Robinson			FOLLOW-UP INVESTIGATION OFFICER ☐ YES ☒ NO		

CLERK OF CIRCUIT COURT CHESTERFIELD, VA
A TRUE COPY, TESTE
Jan 22, 2014
CLERK
BY D.C.

RECEIVED
2013 MAR 12
BY
CHESTERFIELD COUNTY POLICE

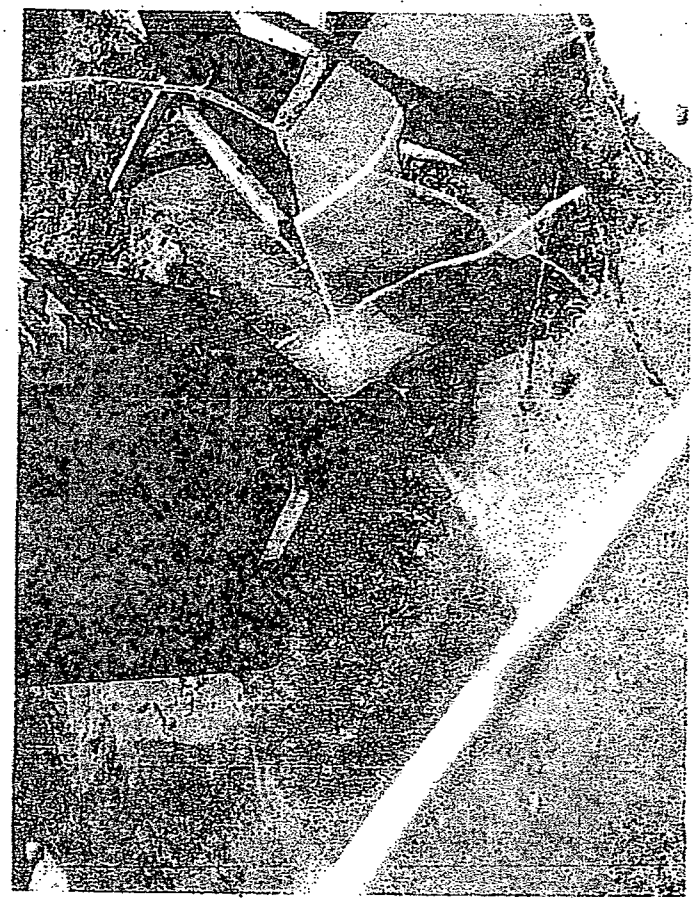
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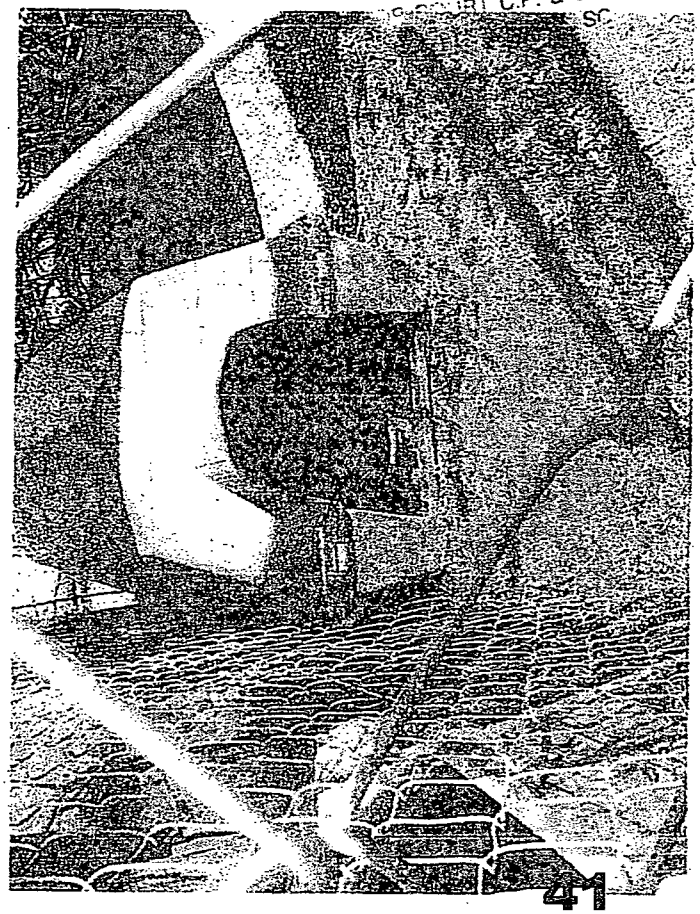
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A True Copy
Jane T. Sellers

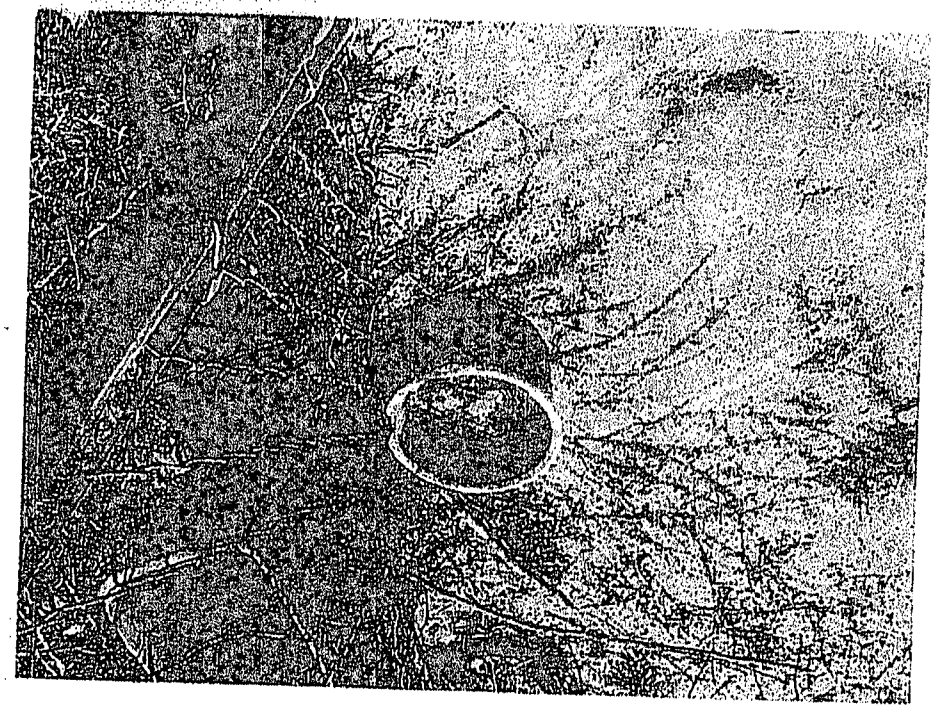




A True Copy Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 03

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.



42

12

214

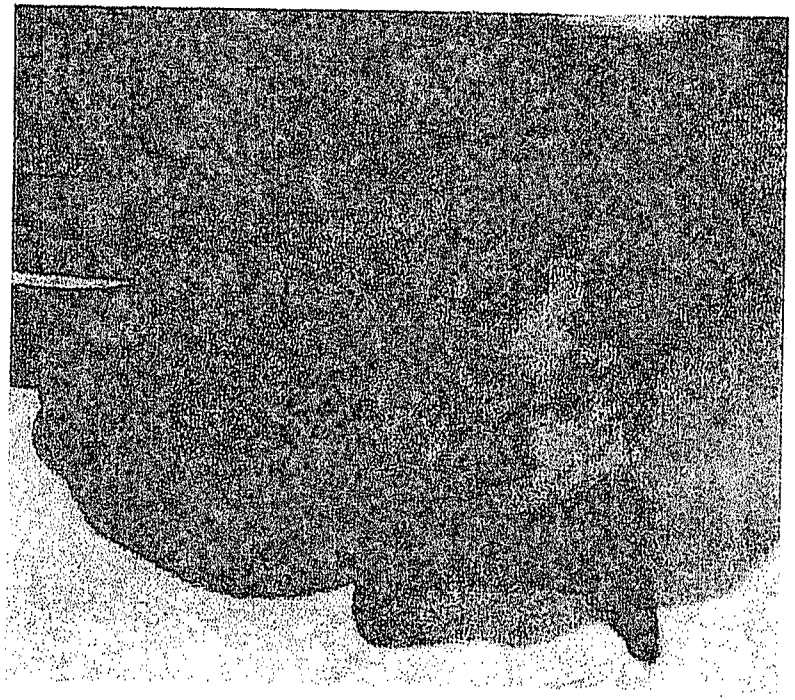
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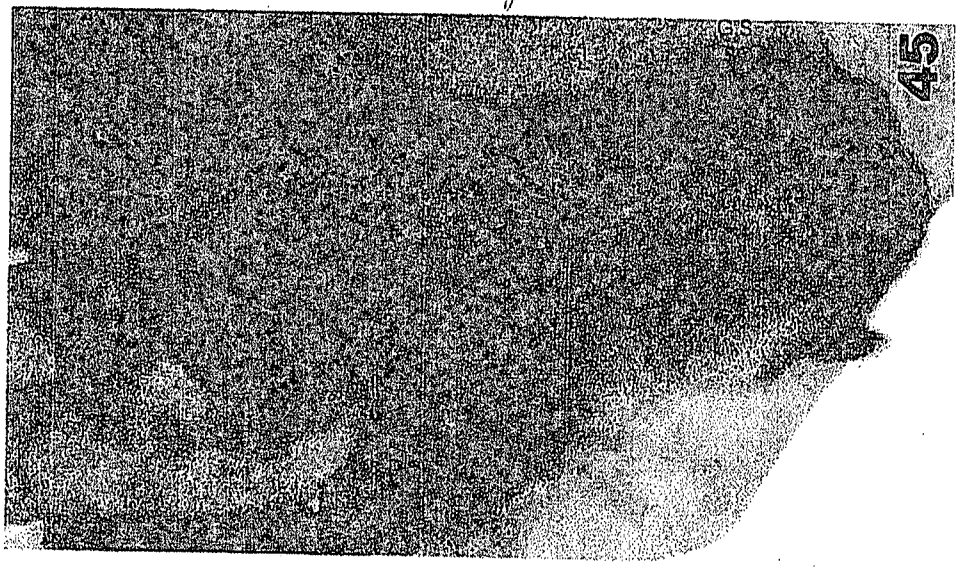
By Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

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CLERK OF COURT C.P. & G.S.
SUPREME COURT, S.C.
FILED
2003 FEB 28 PM 4 03
CLERK OF COURT

217

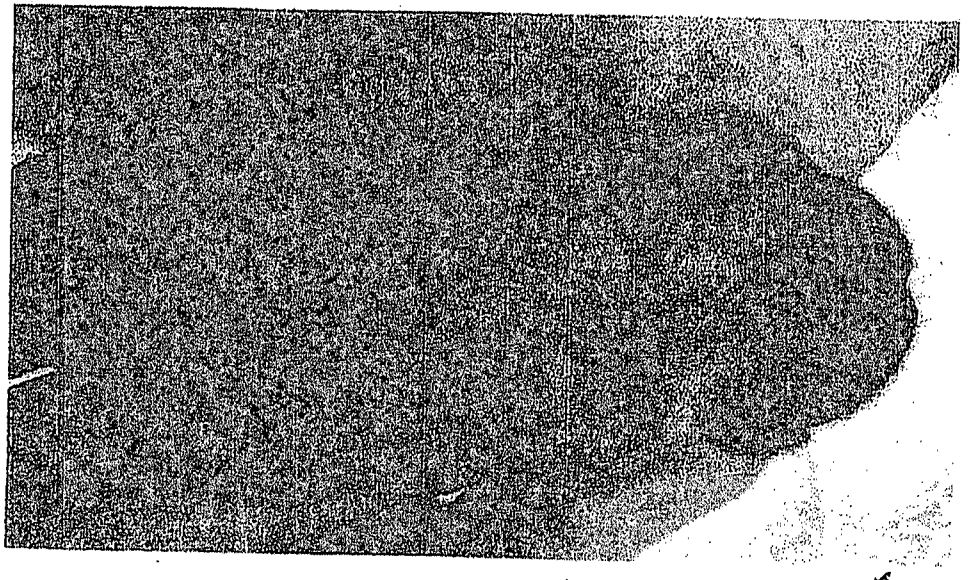
A True Copy Attest
Faye F. Sellers



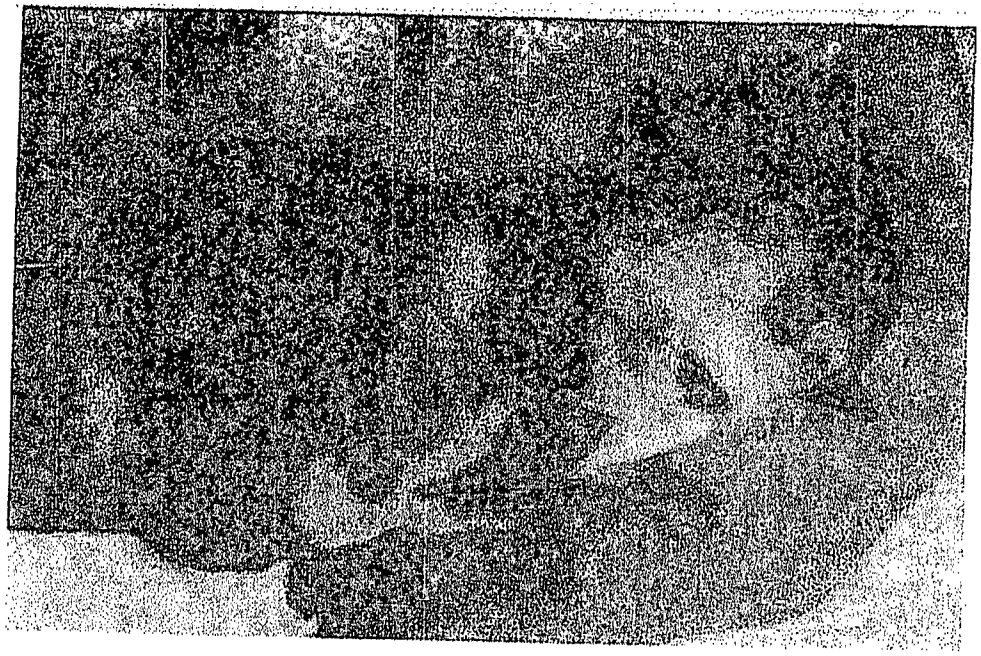


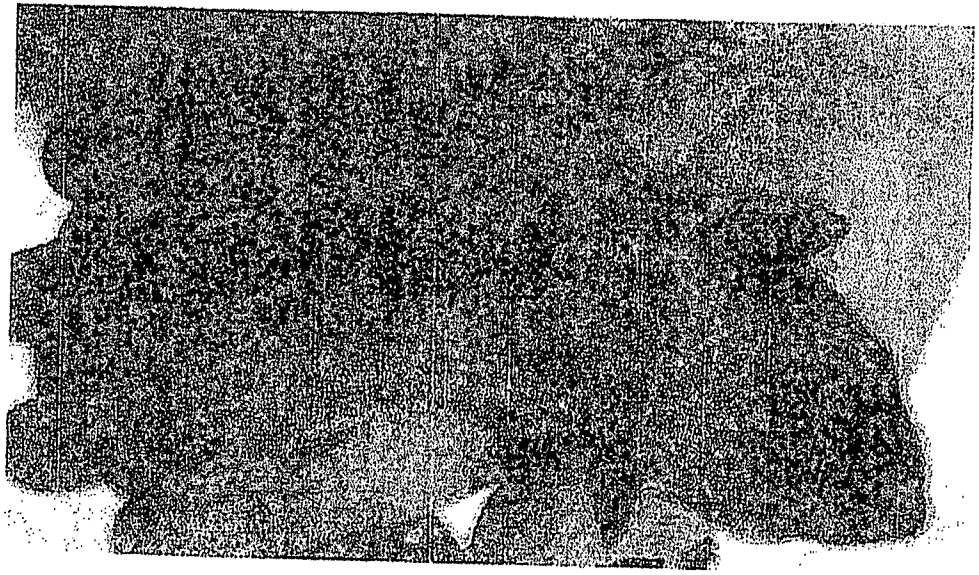
45





A True Copy Attest
Faye S. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC





46

218

DS

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

NORTHSIDE AUTO PARTS
1215 NORTH 5TH STREET
HARTSVILLE, SC 29550

PAGE 1 OF 1

CARHARTT CLOTHES - GEORGIA BOOTS - WRANGLER JEANS
*** GATES-PANELS-STOCK TANKS-WESTERN TACK-HEALTH SUPPLIES ***
****** WE APPRECIATE YOUR BUSINESS !!!! ******

CASH CUSTOMER

CASH INVOICE # 127100
SALESMAN # 10
12/28/12 06:54 PM
FOR

QUANTITY	LINE	PART NUMBER	DESCRIPTION	CORE	LIST PRICE	YOUR COST	EXTENSION	TAX
1	PAT	WORMER		10.00	13.99	9.99	9.99	T
5	PAT	40-WAY		0.00	7.70	5.50	27.50	T

TOTAL UNITS	TOTAL QTY	LABOR	MISC	CORE TOTAL	LIST TOTAL	NON-TAXABLE	TAXABLE	TOTAL TAX
6	6.00	0.00		0.00	52.49	0.00	37.49	3.00

RECEIVED BY: X

PAY THIS AMOUNT ▶ 40.49

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

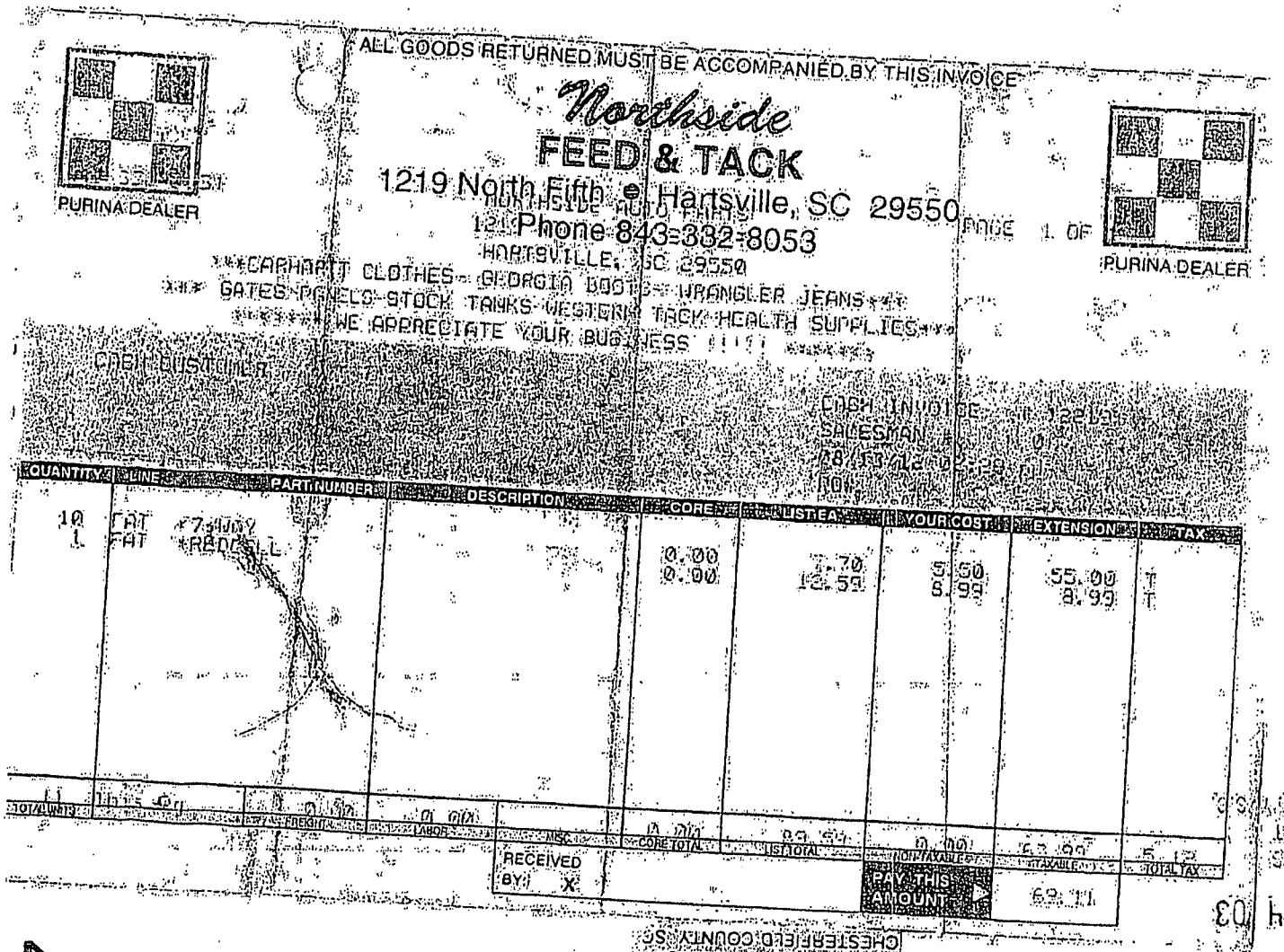
2013 MAR 28 PM 4 03

A True Copy Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

47

219

D6



ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

PURINA DEALER

Northside
FEED & TACK
1219 North Fifth St Hartsville, SC 29550
Phone 843-332-8053

PAGE 1 OF

PURINA DEALER

HARTSVILLE, SC 29550

CARHARTT CLOTHES- GEORGIA BOOTS- WRANGLER JEANS
*** GATES PANELS-STOCK TANKS-WESTERN TACK-HEALTH SUPPLIES***
***** WE APPRECIATE YOUR BUSINESS !!!! *****

CASH CUSTOMER

CASH INVOICE
SALESMAN #
0

QUANTITY	LINE	PART NUMBER	DESCRIPTION	CORE $	LIST EA	YOUR COST	EXTENSION	TAX
10	CAT			0.00	7.70	5.50	55.00	T
1	CAT			0.00	12.59	8.99	8.99	T

TOTAL UNITS	FREIGHT	LABOR	MISC	CORE TOTAL	LIST TOTAL	NON-TAXABLE	TAXABLE	TOTAL TAX
						0.00	63.99	5.12

RECEIVED BY: X

PAY THIS AMOUNT ▶ 69.11

A True Copy Attest:
Joyce D. Miller
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

2013 MAY 28 PM 4:03

CLERK OF COURT
FAYE L. SCREENS
CHESTERFIELD COUNTY, S.C.

48

220

D7

ALL GOODS RETURNED MUST BE ACCOMPANIED BY THIS INVOICE

PURINA DEALER

Northside FEED & TACK

1219 North Fifth • Hartsville, SC 29550

Phone 843-332-8053

PAGE 1 OF

PURINA DEALER

HARTSVILLE, SC 29550

CARHARTT CLOTHES--GEORGIA BOOTS--WRANGLER JEANS

*** GATES-PANELS-STOCK TANKS-WESTERN TACK-HEALTH SUPPLIES***

******* WE APPRECIATE YOUR BUSINESS !!! *******

CASH CUSTOMER

CASH INVOICE # 4852

SALESMAN # 0

96/01/12 02:54 PM

PUR

QUANTITY	LINE	PART NUMBER	DESCRIPTION	CORE	LIST EA	YOUR COST	EXTENSION	TAX
1	FAT	*NEMEX-2		0.00	18.19	12.99	12.99	T
1	FAT	*HORNER		0.00	13.99	9.99	9.99	T
1	FAT	*7-WAY		0.00	7.70	5.50	5.50	T

TOTAL UNITS	This Pa	FREIGHT	LABOR	MISC	CORE TOTAL	LIST TOTAL	NON-TAXABLE	TAXABLE	TOTAL TAX
3		0.00	0.00		0.00	39.88	0.00	28.48	2.28

RECEIVED BY: X

PAY THIS AMOUNT $ 30.76

A True Copy Attest

Joyce J. Miller

CLERK OF COURT C.P. & G.S.

CHESTERFIELD COUNTY, SC

2013 MAR 28 PM 4 03

FAYE L. GELLERS

CLERK OF COURT

CHESTERFIELD COUNTY, S.C.

46

221

222

Walmart

Save money. Live better.

(843) 383-4891
MANAGER TIM RINGER
1150 S 4TH ST
HARTSVILLE SC 29550
ST# 1135 OP# 00001160 TE# 05 TR# 03449

[redacted]
PEDIGREE CAN 00231000130 1 0.75 X
PEDIGREE CAN 00231000130 1 0.75 X
DRY DOG FOOD 060538802287 19.98 X
DRY DOG FOOD 060538802287 19.98 X
PEDIGREE CAN 00231000130 1 0.75 X
PEDIGREE CAN 00231000130 1 0.75 X
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PEDIGREE CAN 00231000130 8 0.75 X
[redacted]

SUBTOTAL [redacted]
TAX 1 8.000 % [redacted]
TAX 2 1.000 % [redacted]
TOTAL [redacted]
DEBIT TEND [redacted]
CHANGE DUE 0.00

EFT DEBIT PAY FROM PRIMARY
[redacted] TOTAL PURCHASE
ACCOUNT # **** **** **** 0194 S
REF # 306300468960
NETWORK ID 0056 APPR CODE 739026
TERMINAL # 13002556

03/04/13 17:37:51

ITEMS SOLD 34

TC# 8949 6821 2747 0424 2084 8

Low prices. Every day. On everything.
Backed by our Ad Match Guarantee
03/04/13 17:37:53

2013 MAR 28 PM 4 03
FILED - SCANNED
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

A True Copy Attest
Clerk of Court
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

DSL Name TIMMONS FRITZ ACTIVE 223
Name-2

St Add [redacted] CREATE SO
Town/St/Zip HARTSVILLE SC 29551 0367 CREATE TT
Org Ser Date 5/31/01 Last Act Date 7/10/08
Loc Ser Amt 63.33 Plan Amt .00 Tot Cur Bal 65.51
Cr Rating B Toll Lmt 150.00 Tot 30 Day .00
County Code 2 CHESTERFIELD Tot 60 Day .00
Tax Exempt Fed N State N Local N Dir Asst Ex N Tot 90 Day .00
Tot Bal Due 65.51
Toll Acct Y Tot Acct Due 65.51
Mail Bill(Y/N) Y Pmts This Mo .00
Copies 1 Future Pmts .00
Bill Cycle 01 CYCLE - 01 Treat Hist NGNNGNGNGNGN
Class of Serv R1 Residential Subscriber Validation
Interlata CXR 6667 SANDHILL COMMUNICATIONS Sec. Deposit
Intralata CXR 6667 SANDHILL COMMUNICATIONS Rec-Date Amt App-Date
.00 0/00/00

SS# XXX-XX-5327 F3=Exit PgDn
F4=CTV F5=Plnt F6=Carr Hst F8=Addr F9=Draft F10=Comnts F11=Bd Dbt F12=Pmt Hst
F13=CallPn F14=Recur F15=CapCrd F16=SecDp Hst F17=Mul Sv F18=Cr Hst F19=DefIns
F20=Addl Inet F21=Order Hst F22=Trouble Hst F23=Misc Chrg F24=Promo F7=Discnts

2013 MAR 28 PM 4:03
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

A True Copy Attest
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

A True Copy, Attest
Sophie S. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

A True Copy, Attest
Kaye S. Sullivan
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

A True Copy, Attest
Joyce S. Lollis
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

A True Copy, Attest
Julie S. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

A True Copy, Attest
Kelly S. Sellers
CLERK OF COURT OF C. & G.S.
CHESTERFIELD COUNTY, SC

A True Copy, Attest
Kelly C. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

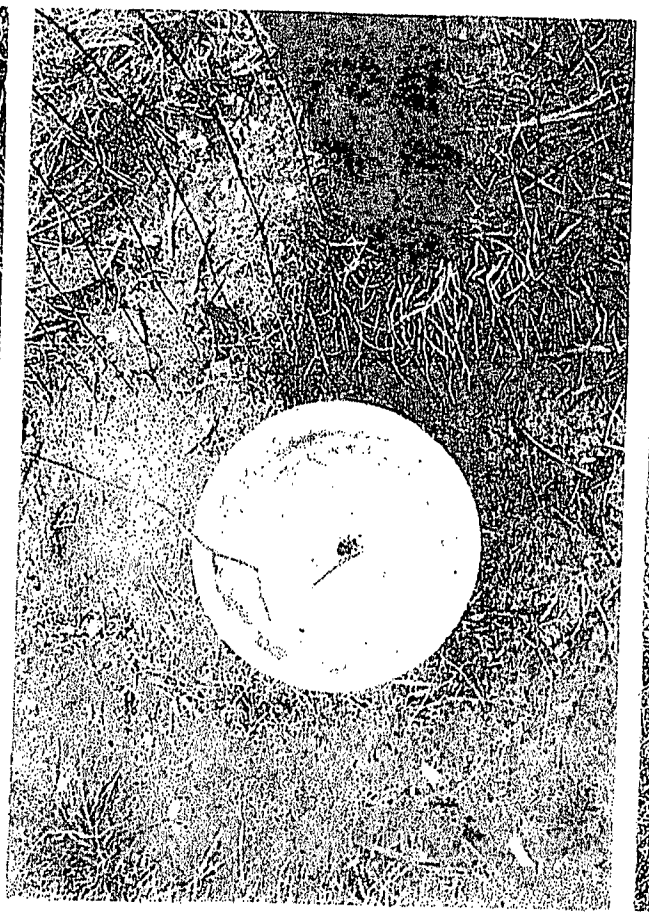
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Faye T. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

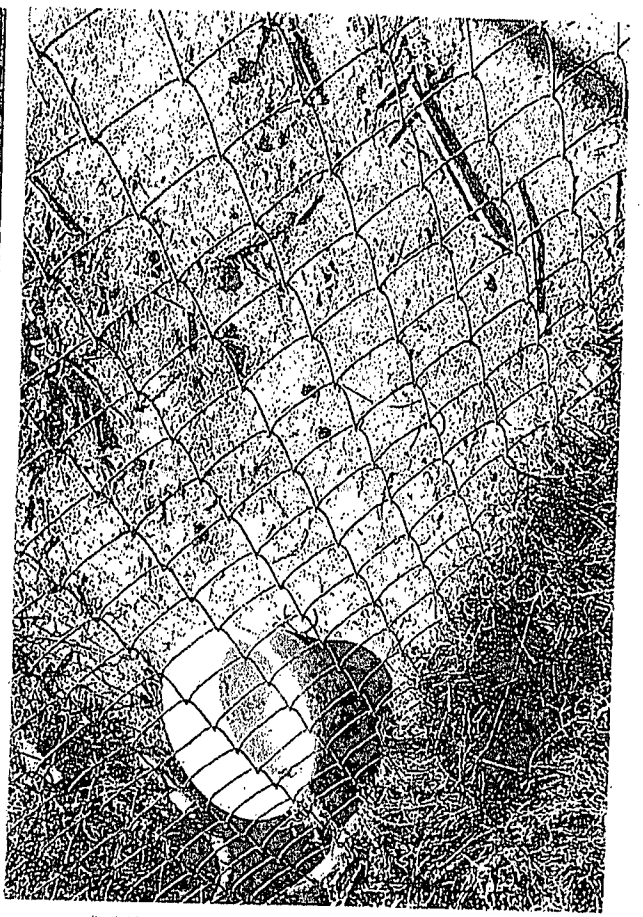
231

A True Copy Attest
Faye T. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

59







A True Copy Attest

Faye T. Sellers

CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

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Faye T. Sellers
CLERK OF COURT C.P. & G.S
CHESTERFIELD COUNTY, SC

A True Copy Attest
Faye T. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

STATE OF SOUTH CAROLINA

County of CHESTERFIELD

2013 MAR 28 PM 4 03

FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

A True Copy Attest
Faye L Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

SEARCH WARRANT

Date 3/4/13

Officer D. LEWIS

63

235

236

SOUTH CAROLINA

COUNTY OF CHESTERFIELD

SEARCH WARRANT

Form Approved by S.C. Attorney General Section 17-13-160 March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF CHESTERFIELD

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

[redacted] 2D. MOBILE

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

BELIEVED TO BE RECORDED DRUGS

2013 MAR 28 PM 4 03

CLERK OF COURT C.P. & G.S.

CHESTERFIELD COUNTY, S.C.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

A written inventory of all property seized pursuant to this Search Warrant shall be made to JUDGE JOHN DAVIS - [redacted]

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person a copy shall be attached to a prominent place on such premises.

Chester, S.C.

March 4, 2013

(L.S.)

Signature of Judge

A True Copy Attest

CLERK OF COURT C.P. & G.S.

CHESTERFIELD COUNTY, S.C.

A/513 (78)

64

STATE OF SOUTH CAROLINA

COUNTY OF CHESTERFIELD

AFFIDAVIT

Personally appeared before me, one JAMES LEWIS who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

[redacted] RED MARE

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

PROPERTY AND DWELLING

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

MUNICIPAL AND DEAD ANIMALS OUTSIDE AND EVIDENCE OF MORE ANIMALS OUTSIDE. NO FOOD OR WATER FOR ANIMALS

2013 MAR 28 PM 4 03
FAYE L. SELLERS
CLERK OF COURT
CHESTERFIELD S.C.

A True Copy Attest
CLERK OF COURT CHESTERFIELD COUNTY, SC

Sworn to and Subscribed before me this 11th day of March, A.D. 2013

(L.S.)

Signature of Judge

Affiant

Address SCOTCH RD.

CHESTERFIELD, SC

Phone [redacted]

65

RETURN

I received the attached Search Warrant 3-5-13, 2013, and have executed it as follows:

On 3-5-13, 2013 at 14:14 o'clock P M. I searched

(the person) described in the warrant and (the premises)

I left a copy of the warrant with Fritz Timmons
Name of person searched or "at the place of search" with.
Together with a receipt for the items seized.

The following is an inventory of property taken pursuant to the warrant: ALL BACKPACKS
1 BLACK BRIEFCASE - PRESENT
1 RED BAG - FOOR 1 RED BACKPACK
ATTACHED

2013 MAR 28 PM 4:03
TAMI L. BELLEW
CLERK OF COURT
CHESTER COUNTY, SC

This inventory was made in the presence of

AND

I swear that this Inventory is a true and detailed account of all the property taken by me on the warrant.

SWORN to before me this 5th day of March, 2013

Signature of Judge (L.S.)

(Signature of Officer Executing Warrant)

A True Copy Attest
CLERK OF COURT OF P & GS
CHESTER COUNTY, SC

239

2013CP13-150

STATE OF SOUTH CAROLINA	COMMON PLEAS CASE NUMBER
COUNTY OF Chesterfeild	1888 MAGISTRATE CIVIL CASE NUMBER
Fritz Allen Timmons APPELLANT(S)	IN THE COURT OF COMMON PLEAS
VS.	NOTICE OF CIVIL APPEAL
State of South Carolina RESPONDENT(S)	

The plaintiff/defendant (circle one), Fritz Allen Timmons hereby gives notice of appeal from the judgment of the magistrate's court in the above action, to the Circuit Court of Common Pleas, in the county of Chesterfeild.

This notice of appeal is made subsequent to personal notice of the judgment which was received on the 18th day of March, 2013.

The appellant's exceptions to the judgment of the magistrate are set forth as follows:

1) Minimum of 15 count of violation of code 17-13-141
2) Prabable cause requirements not met with nothing in plain sight.
3) Search warrant does not support any violations for state code 47-1-40 or county ordenance 415.60.
4) Positive identification of hunting dogs (47-1-70 c) was not performed during seizer or examination.
5) Information on supposed E-mail either torte based or collected by constitutional intrusion.
6) Duplicity, abandonment was sought due to statement ("abandoned trailer") given to WCCB Charlotte by animal control officers and broadcasted on march 6, 2013 @ 1:39 PM EDT.

FILED
2013 MAR 25 PM 1 27
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

Dated: 3/25/2013

Fritz Allen Timmons
Appellant (or his attorney)

True Copy Attest
Faye C. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

SCCA/720 (Amended 8/1/2011)

67

THE STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF CHESTERFIELD)	FOURTH JUDICIAL CIRCUIT
)	
Fritz Allen Timmons)	
)	May 8, 2013
Applicant)	
)	MOTION HEARING
Versus)	APPEAL FROM MAGISTRATE'S COURT
)	
State of South Carolina)	
)	
Respondent)	
)	

BEFORE

THE HONORABLE J. MICHAEL BAXLEY

APPEARANCES

Fritz Allen Timmons, Pro se

Adam M. Foard, Esquire
ATTORNEY FOR THE STATE

Pamela Ozment-Cartee
Circuit Court Reporter

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THE COURT: All right. Then the last, but not the least matter that we have, which is for a hearing this morning is, Fritz Allen Timmons' appeal from the magistrate's criminal decision. Mr. Timmons, please come up if you will. And of course we have the parties here for a matter we have set especially, and we will be with you in just a few moments.

All right. And Mr. Timmons, as we begin here, because you are a party, and what you tell me is going to be in the nature of testimony. Would you please accept our clerk's oath of a witness.

WHEREUPON, FRITZ ALLEN TIMMONS

AFTER BEING DULY SWORN TESTIFY AS FOLLOWS

MR. TIMMONS: I do.

THE COURT: All right. Just one moment and might we review what we have here, and I will be right with you.

(PAUSE)

MR. TIMMONS: May I request a copy of the solicitors emails sent him anonymous --

THE COURT: I'm sorry, tell me that again.

MR. TIMMONS: I am requesting a copy of emails to my previous request form.

THE COURT: All right. Tell you what, let me review this and I will be right back to you, and we will talk about that, okay.

(PAUSE)

THE COURT: Mr. Timmons, you have appealed the decision of the magistrate below, in which you were charged with ill treatment of animals. After a trial, you were found guilty. And a fine of three thousand dollars was imposed. Apparently a payment schedule was worked out for you at that time. The record before me includes the return from the magistrate, who heard this case below, and that is Judge Davis. As well as the photographs that were taken at the scene. And in addition, other documentation, incident reports, Hartsville Animal Hospital report, and other matters that were placed in the record at the trial.

Now, he began by asking me something about emails, and I am not familiar with what you are referring to. So, tell me what it is that you are asking me sir?

MR. TIMMONS: Yes, the animals service uses an anonymous e-mail as probable cause to get a search warrant, and I am requesting that e-mail.

THE COURT: All right. How about turning your microphone down toward you a little bit please. And let's tap it and make sure it is on. Turn that on Mr. Foard, if you would, let's make sure we can all hear him. And tell me, it is the basis of your

--- well, let me look a little further.

MR. FOARD: Your Honor, the e-mail he is referencing is on the second page of the magistrate's return in the third paragraph. It is referenced there.

THE COURT: All right. Now, let me just make sure, this was not in part a civil case, this was criminal only, am I correct?

MR. FOARD: Your Honor, yes it was. It was a combination of violations of the State law and county ordinance.

THE COURT: Very good. And you say the emails are on what page?

MR. FOARD: The first couple of pages of the return are the inventory and signature of the magistrate. In the actual return itself, it is on the second page, third paragraph. I will hand that up to the Court if it would be quicker.

THE COURT: It would help me if you would please.

MR. FOARD: Yes, Your Honor.

THE COURT: I see the e-mail.

MR. FOARD: The e-mail is not actually contained in the return that is actually the only reference to the e-mail.

THE COURT: All right, very good. Thank you.

I have that document. Let's do this. I don't have that e-mail in my possession to give to you. But, rather than getting hung up on that procedural issue right off the bat, let me hear from you on the basis of your appeal, and then we will make a decision about evidence, and about law. Go ahead, sir. Tell me what you believe happened below that would entitle you to have this decision set aside.

MR. TIMMONS: Well, first of all my driveway is a tenth of a mile long of which you cannot see nothing in my yard. Therefore, any possible evidence that could have been seen would have been conducted under the constitutional intrusion, or by somebody trespassing. Or, possibly completely tort in nature, which animal resources using that as a probable cause to --- for their search warrant. And then the affidavit also does not support the search warrant.

THE COURT: Pull the microphone closer to you so we can all hear. Thank you.

MR. TIMMONS: All right. Can you hear me now?

THE COURT: A little bit better.

MR. TIMMONS: All right.

THE COURT: Okay. So, if you raise the issue of trespass as you say, go ahead.

MR. TIMMONS: Well, that would be considered

as constitutional intrusion for the probable cause that they are using. Second of all, the affidavit that they used does not support their search warrant. And, the tickets that were wrote was not filled out and stuff at the time of the search.

THE COURT: All right, sir. Is there anything else?

MR. TIMMONS: So they basically used --- violated several violations of code, §17-13-141 several times in conducting the search and seizure, which led to my reluctant release of custody of my dog under unconstitutional conditions.

THE COURT: All right, sir. Is there anything else?

MR. TIMMONS: I believe the supposed e-mail was made up after the search warrant. Because, the order that was given by the magistrate's court that states, anonymous tip of poor conditions for more than thirty canines of which only fifteen of the canines were outside. All the others were inside, and since I am the sole person that has been in my house in the past four years, the only way that anyone would have known of any other dogs would have been after being inside my house, which the only ones that would have would have been animal services.

THE COURT: Yes sir. So, the only issue that you raise is constitutional, that there was not sufficient probable cause.

MR. TIMMONS: That, and the affidavit does not support a search warrant.

THE COURT: So, you have no response then to this very damning evidence which is in this file, of pictures of dog carcasses, and unfed dogs, and severely non-hygienic conditions. You have no response to the evidence against you?

MR. TIMMONS: Now, the evidence for the no food and no water, that is a false statement made by animal control and the sheriff's department, in which the pictures themselves shows where there is food and water.

THE COURT: All right. Let's hear from the State as to what your position is.

MR. FOARD: Thank you, Your Honor. I would like to just first point out that we are in possession of the notice of civil appeal filed by Mr. Timmons on March 25, 2013.

However, we are not in possession of any motion here today outlining exactly what relief he is seeking in this matter, Your Honor, other than just the general notice of appeal questioning the judgment of the magistrate. But that being a side, Your Honor,

the notice itself is very unclear and does not state with any kind of specificity, exactly what Mr. Timmons is appealing.

As Your Honor can see from reviewing the return, he was actually found not guilty of some charges; guilty on others, and plead guilty to a third section of charges, Your Honor. So I, as a representative of the State, have no way of knowing whether he is appealing his conviction, whether he is appealing the conviction and the guilty pleas. I don't know how to respond to that, Your Honor. I don't know what he is seeking.

As far as the issues he has raised in his notice of appeal, as well as the issues that you raised here --- verbally here today, Your Honor, I am not seeing any valid issues of law, or material issues of facts that are addressable, and have been preserved for you sitting in your role as an Appellate Court to a review, Your Honor. There is some indication that he did ask that certain information be provided during the trial. He made motions for dismissal based on certain things, but those motions were denied by the lower court and we're not preserved for appeal. Your Honor, I fail to see what we are here about today. I know he is alleging constitutional issues and obviously that is

technically an arena for an Appellate Court. But, if they were not properly preserved, there is nothing for the Court to review.

THE COURT: And let me hear from you on probable cause, if I may. What information do you have about probable cause?

MR. FOARD: Your Honor, as far as probable cause, the affidavit contained in the return indicates that, James Lewis the Affiant, did view malnourished and ill-treated animals, and a lack of food. He stated in the trial, which is contained in the return of the magistrate, that this was a combination of in plain view, and due to an anonymous e-mail that was received, Your Honor.

The State will take the standpoint that the anonymous e-mail gives animal control the right to conduct a welfare check at the property, and whatever was in plain view when they went to perform that welfare check is valid inclusion, and is in an affidavit for seeking a search warrant for further examination of the property in question.

THE COURT: All right. Did you want to reply to what you have heard, Mr. Timmons?

MR. TIMMONS: Yes. According to the affidavit, the property that was sought is actually my address and does not have nothing to do with animals. And

therefore, it does not support the search warrant. Second of all, as to canines that were found, I informed the magistrate that they was dug up, since they died in 2012. They was either dug up by my own dogs or by wildlife, and drug into the yard. And that --- let's see. Also, the search warrant has duality to it. So, it not known if they were going for abandoned animals or neglected animals.

THE COURT: And just to make sure that I understand, Mr. Timmons, you've received these guilty verdicts and a fine, but you were not given any active jail time; am I correct?

MR. TIMMONS: Correct.

THE COURT: All right, sir. Just one moment please.

(PAUSE)

THE COURT: All right. Mr. Timmons, this is the decision of the Court, sir. I am going to respectively deny your appeal and dismissed it for the following reasons.

First. I find that it is in artfully plead. It is on a civil appeal form. It is not a criminal appeal. This of course is a criminal case from below. The exceptions to the judgment are not appropriately stated.

But, based on what I have in your arguments today,

you have raised an issue of probable cause.

I find that there was sufficient probable cause here. And that I have not been presented either facts or law today which would require this Court to reverse the decision below.

I would simply say to you though, sir, respectively, that you are fortunate that you were not sent to active prison time as a result of the evidence that is here in this file. And, a better result here would be simply to pay the fine and proceed forward, and avoid this type of situation for any animals in the future.

And that is the decision of the Court. Good luck to you, and you may leave.

This appeal is dismissed.

MR. FOARD: Do you want me to do a form order?

THE COURT: Yes, I have written on the form that the appeal is dismiss an appropriately plead, and without merit. Have a good day.

Thank you.

(Whereupon, this hearing was concluded at 11:43 a.m. on Wednesday, May 8, 2013.)

CERTIFICATE OF REPORTER 13

I, the undersigned, Pamela Ozment-Cartee, official Court Reporter for the Fourth Judicial Circuit of South Carolina, do hereby certify, that the foregoing is a true, accurate and complete Transcript of Record in the above captioned case, relative to appeal, in The Court of General Sessions in Chesterfield County, South Carolina, on the 8th day of May 2013.

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

February 4, 2014

Pamela Ozment-Cartee
Circuit Court Reporter

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STATE OF SOUTH CAROLINA

COUNTY OF CHESTERFIELD

IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2013CP1300150

FAYE L. SELLERS CLERK OF COURT CHESTERFIELD COUNTY, S.C. 2013 MAY 9 AM 9:53

Fritz Allen Timmons *vs.* State Of South Carolina

CHECK ONE:

☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

☐ ACTION DISMISSED (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other: _____

☐ ACTION STRICKEN (*CHECK REASON*): ☐ Rule 40(j) SCRCP; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
☐ Other: _____

☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded;
☐ Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☐ See attached order; ☐ Statement of Judgment by the Court:

Appeal dismissed as inappropriately pled and without merit. This court finds probable cause insufficient.

Dated at Chesterfield, South Carolina, this 7th day of May, 2013.

Court Reporter: *PAMELA CARTEE*

PRESIDING JUDGE - J MICHAEL BAXLEY

A True Copy Attest
Faye L. Sellers
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, S.C.

This judgment was entered on the 8th day of May, 2013, and a copy mailed first class this 9th day of May, 2013 to attorneys of record or to parties (when appearing pro se) as follows:

Fritz Allen Timmons [redacted] Hartsville, SC 29550

ATTORNEY(S) FOR THE PLAINTIFF(S)

Adam M. Foard 120 N. Pearl St. Pageland, SC 29728

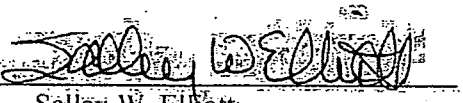
ATTORNEY(S) FOR THE DEFENDANT(S)

Faye L. Sellers

CPFORM4M
SCCA SCRCP Form 4 Revised 06/2008

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Supplemental Record on Appeal contains all material proposed to be included in the Supplemental Record on Appeal.

BY: 

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May 19, 2014