

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Special Circuit Court Judge

Circuit Court Case No. 2010-CP-40-1249
S.C. Court of Appeals Case No. 2013-001581
Unpublished Opinion No. 2015-UP-201, Filed April 15, 2015

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JUN 26 2015

S.C. Supreme Court

James W. Trexler,

Petitioner,

v.

The Associated Press;
Barrington Broadcasting
South Carolina Corp.;
Raycom TV Broadcasting,
Inc.; The Spartanburg Herald
Journal, Inc.; and The Pacific
& Southern Co., Inc.,

Respondents.

APPENDIX

Volume 3 of 3

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Ag official charged with starving horses

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By Seanna Adcox, Associated Press Writer

COLUMBIA, S.C. — A top South Carolina agriculture official and two of his relatives are accused of mistreating dozens of horses here and in Georgia, where authorities described some of the animals as looking like zombies "draped a hide over bones."

James Trexler, one of South Carolina's three assistant agriculture commissioners, was charged this week with five counts of ill treatment of animals. Authorities said five horses on his Hopkins property were found without food in stalls filled with manure and mud.

Trexler, who was suspended without pay from the job he's held since 2003, was released from jail Thursday on bond. His mother, Hazelene Trexler, and brother Terry Trexler remained behind bars because they are considered fugitives in Georgia. Both were charged there with 50 counts of animal cruelty, authorities said.

In October, investigators found about 70 Arabian horses, including one already dead, on about 75 acres in Jefferson County, Ga., sheriff's deputy Jimmy Kitchens said.

"They looked like you just draped a hide over bones," Kitchens said. "I used to raise and train quarter horses, and I've never seen anything like this before. If paperwork could've been done quicker, there'd be more charges."

None of the Trexlers could be reached for comment Thursday. No one answered the door at James Trexler's home. No one answered the phone at a listing for him and a message could not be left.

An attorney named by the Trexlers at the bond hearing said he was not representing them. The phones for several Sumter businesses listed under Terry Trexler's name had been disconnected.

The more than 20 horses seized Monday on property the mother and younger Trexler lease in Eastover, S.C., were so malnourished that their ribs were showing, said Lt. Chris Cowan, a Richland County, S.C., sheriff's spokesman.

None of the horses was at optimum weight and all shared a 15-gallon trough of water, officials said.

Kelly Graham, a spokeswoman for the Humane Society for the Prevention of Cruelty to Animals, said the organization did not find any food at the property or hay in the pasture. "The field was just mud. There was no grass at all," Graham said.

Hazelene Trexler, 70, is charged with 28 counts of ill treatment to animals, and Terry Trexler, 44, faces 23 counts of ill treatment to animals in South Carolina.

A tip led officials to investigate James Trexler's property on Tuesday, Graham said.

All 28 horses taken from the Trexlers, including a pregnant mare, are in veterinarian care and are expected to make full recoveries. The Humane Society plans to seek custody of them and eventually find people to adopt them, Graham said.

Terry Trexler also faces a kidnapping charge. Deputies said he refused to let a Humane Society investigator leave when she came to the pasture this month with a camera to follow up on a tip. At the time, he claimed he was his brother, James, officials said.

Terry Trexler, a former lawyer, was disbarred by the South Carolina Supreme Court in January 2001 for misconduct in two dozen cases and his conviction on breach of trust.

As director of administration for the Agriculture Department, James Trexler oversaw budgeting and procurement information technology, auditing, payroll and mailing services, agency spokesman Stephen Hudson said. He declined to comment on the charges.

James Trexler was hired under former Agriculture Commissioner Charlie Sharpe, who resigned in 2005 after admitting he took a \$10,000 bribe to protect a cockfighting ring.

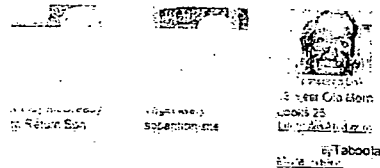
(This version CORRECTS Corrects to Eastover, S.C., also Ga., ADDS other reasons for Terry Trexler's disbarment.)

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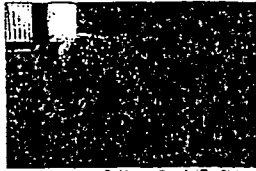


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Agriculture official charged with horse abuse

Updated 3/23/2009 11:03 AM | Comments: 5 | Print | Email | Print



Enlarge By Lindsay Sample, The State

An Arabian horse, possibly the one that was the head of a stallion in the S.C. case, was the subject of the nation's top agriculture official, James Trexler, is accused of mistreating dozens of horses.

COLUMBIA, S.C. (AP) — A top South Carolina agriculture official and two of his relatives are accused of mistreating dozens of horses here and in Georgia, where authorities described some of the animals as looking like someone "draped a hide over bones."

James Trexler, one of South Carolina's three assistant agriculture commissioners, was charged this week with five counts of ill treatment of animals. Authorities said five horses on his Hopkins property were found without food in stalls filled with manure and mud.

Trexler, who was suspended without pay from the job he's held since 2003, was released from jail Thursday on bond. His mother, Hazelene Trexler, and brother Terry Trexler remained behind bars because they are considered fugitives in Georgia. Both were charged there with 30 counts of animal cruelty, authorities said.

In October, investigators found about 70 Arabian horses, including one already dead, on about 75 acres in Jefferson County, Ga., sheriff's deputy Jimmy Kilchens said.

"They looked like you just draped a hide over bones," Kilchens said. "I used to raise and train quarter horses, and I've never seen anything like this before. If paperwork could've been done quicker, there'd be more charges."

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None of the horses was at optimum weight and all shared a 15-gallon trough of water, officials said.

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Terry Trexler, a former lawyer, was disbarred by the South Carolina Supreme Court in January 2001 for misconduct in two dozen cases and his conviction on breach of trust.

As director of administration for the Agriculture Department, James Trexler oversaw budgeting and procurement, information technology, auditing, payroll and mailing services, agency spokesman Stephen Hudson said. He declined to comment on the charges.

James Trexler was hired under former Agriculture Commissioner Charlie Sharpe, who resigned in 2005 after admitting he took a \$10,000 bribe to protect a cockfighting ring.

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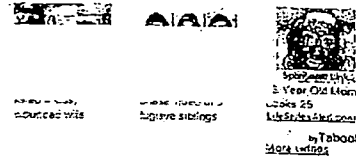
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Investigators remove horse bones from ag. official's former farm...

Mar 1 2008 8:26PM
Associated Press

Investigators remove horse bones from ag. official's former farm

SUMTER, S.C. (AP) Authorities have unearthed the remains of at least nine horses on land once owned by the family of South Carolina's suspended assistant Agriculture commissioner.

A veterinarian will test the bones to figure out how the horses died. James Trexler and his mother, Hazelene, and brother Terry are being charged with abusing horses, after officials seized 28 malnourished animals in fields. Those horses are expected to survive.

The Trexler family is being inundated with waves of legal and financial problems. The family lost the farm where the horses were buried to foreclosure.

Hazelene and Terry Trexler are in jail and face animal abuse charges in Georgia where other starving horses were found. Terry Trexler is also facing a kidnapping charge after police say he stopped a Humane Society investigator from leaving his land when she showed up with a camera.

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Enlarge by Mary Ann O'Connell, AP

Emaciated bones are visible by investigators in Sumter County, S.C., Friday, Feb. 26, 2005. Investigators searching for dead horses on land once owned by the family of suspended state official Kenneth Adair. Adair's Commission James Trexler and family, on Friday, pulled through a South Carolina field Monday night where they found bones of horses whose names were kept for the outside. (AP Photo/Mary Ann O'Connell)

By Meg Kinnard, Associated Press Writer

COLUMBIA, S.C. — Family members of a suspended South Carolina agriculture department official accused of abusing horses will be sent to Georgia to face animal cruelty charges there, authorities said Wednesday.

The brother and mother of Assistant Agriculture Commissioner James Trexler will be taken to Georgia on Thursday, Jefferson County, Ga., Sheriff's Deputy Jimmy Kitchens said.

Terry Trexler and his mother, Hazelene Trexler, each face 30 charges of animal cruelty and 25 counts of moving horses that had been quarantined in Georgia, Kitchens said. James Trexler is charged in a separate case in South Carolina.

Last week, 23 malnourished horses were discovered on South Carolina properties leased by Hazelene and Terry Trexler. Five more were found on James Trexler's property.

Richland County Sheriff Leon Lott said Monday that authorities had seized an additional 17 horses linked to the Trexlers from a property there.

In October, Georgia investigators found about 70 Arabian horses, including a dead one, on parched land about 40 miles from Augusta, Ga., Kitchens said. Authorities quarantined all the horses until Terry and Hazelene Trexler could show none had tested positive for equine infectious anemia, a potentially fatal

virus.

But the Trexlers and their horses disappeared. Twenty-five of the malnourished horses discovered on South Carolina land leased or owned by the Trexlers have been identified by photographs as animals that had been held in Georgia, Kitchens said.

The Humane Society for the Prevention of Cruelty to Animals, which has been caring for the animals since they were discovered in South Carolina, said none of the original 23 horses seized has tested positive for the disease.

Hazelene Trexler is charged in South Carolina with 28 counts of ill treatment to animals; Terry Trexler faces 23 similar counts, and James Trexler is charged with five counts.

Terry and Hazelene Trexler remained in jail Wednesday. James Trexler has been released on bond.

Prosecutors have said South Carolina Rep. Todd Rutherford informed them he had been contacted to represent James Trexler, but the Democrat refused to confirm Tuesday whether he represented any of the family members. There was no answer Wednesday at a number listed for James Trexler.

James Trexler faces no charges in Georgia. He has been suspended from his Department of Agriculture job without pay.

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Expert: More of SC ag official's horses starved

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COLUMBIA, S.C. (AP) — A forensic report on horse remains found on property managed by a former South Carolina agriculture official's family indicates that some of the animals likely starved to death.

Forensic veterinarian Melinda Merck says she examined the bones of at least half a dozen different horses excavated from two properties managed by James Trexler's family.

Merck said in a report released Thursday by the South Carolina Humane Society that bone marrow fat levels in the skeletal remains were low enough to show the animals died of starvation.

Trexler was an assistant agriculture commissioner. He, his mother and his brother were charged with ill treatment to animals earlier this year after malnourished horses were found on their property.

There was no answer Thursday at a number listed for James Trexler.

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Horses on former official's land starved, analysis finds

Associated Press

Aug. 15, 2008

COLUMBIA --- Analysis of horse remains found on property managed by a former South Carolina agriculture official's family indicates that some of the animals likely starved, according to a report released Thursday.

Bone marrow fat levels in horse skeletons excavated from properties managed by James Trexler's family were low enough to show the animals died of starvation, forensic veterinarian Melinda Merck said in the report provided by the South Carolina Humane Society.

Dr. Merck is a veterinarian with the American Society for the Prevention of Cruelty to Animals in Atlanta. She examined horse bones recovered earlier this year after authorities found malnourished horses on property belonging to Mr. Trexler, his mother and brother.

Bone marrow fat levels 60 percent or higher are considered normal, Dr. Merck said in her report. A horse leg bone excavated from the Trexlers' land in Sumter measured about 31 percent, while part of another skeleton found at the family's Richland County property measured less than 1 percent.

"When the bone marrow fat is low it indicates the animal died of end-stage starvation," Dr. Merck wrote, adding that an animal could starve even with normal bone marrow fat levels.

Remains from at least eight horses were examined from the two properties, including from several adults and a foal just a day or two old. One grave was at least 2 years old.

There was no answer Thursday at a number listed for James Trexler, who resigned from his post as assistant agriculture commissioner earlier this year when authorities began their investigation.

James Trexler, Hazelene Trexler and Terry Trexler have been charged with multiple counts of ill treatment to animals.



Doc: 00285345 DB: research_d_2008_1 Date: Thu Feb 28 13:37:38 2008
Alert Categories: agr kor lie non tra
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*** Version history. (* = this story, F = final, S = semifinal) ***

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Writethr
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Writethr
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LD8V3GJKG4 02-28-2008 14:21:54 BC-SC--Official
CORRECTIVE, 1st

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^BC-SC--Official Suspended, CORRECTIVE,0295<

^Correction: Official Suspended story<

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Columbia, S.C., dateline, are asked to use the ..

¶ COLUMBIA, S.C. (AP) — In a Feb. 27 story about a state agriculture official being arrested, The Associated Press, relying on information from Richland County Sheriff's Department, reported erroneously that Assistant Agriculture Commissioner James Trexler was charged with kidnapping.

¶ He has been charged with five counts of ill treatment of animals after an investigation of horses on his property that officials say were malnourished. His brother, Terry Trexler, has been charged with kidnapping in the holding of an investigator against her will, and 23 counts of ill treatment of animals, the Sheriff's Department now says. The identification error occurred because Terry Trexler claimed to be James Trexler when the farm was investigated by the Humane Society, the department said in a statement.

¶ The story erroneously described a different piece of property where other animals were found. That land was leased by Terry Trexler and his mother, not owned by them, according to the Humane Society.

¶ And the story incorrectly said the Humane Society found a malnourished dog and two rabbits at Trexler's farm. The Humane Society says those animals had food and water.



family had a lawyer.

¶ Terry Trexler is also charged with kidnapping for preventing a Humane Society investigator from leaving when she came with a camera to land he and his mother leased, where 23 of the horses were confiscated Monday.

¶ Both are fugitives from Georgia, where each faces 30 counts of animal cruelty charges for horses found starving last October on leased, parched land about 40 miles from Augusta, Ga. One had already died, said Jefferson County, Ga., sheriff's deputy Jimmy Kitchens.

¶ Kitchens described some of the animals as looking like someone "draped a hide over bones."

¶ A nationally known animal forensic investigator was coming to Sumter County to study the bones and should be able to determine whether the horses starved to death, Humane Society spokeswoman Kelly Graham said.

¶ Earlier in the day, she said the bones of scores of horses had been found Thursday evening scattered and stacked on the land. Later Friday, Humane Society and Sumter County Sheriff's investigators at the site said it was too early to have any count. They suspect roughly 75 horses once lived on the property.

¶ The nearly 50-acre property, which was foreclosed upon, is flat with pockets of grass, pecan trees, dilapidated, doorless horse stables with piles of manure and several other buildings. It is the address for Trexler businesses Carolina Arabian Show Horses and Ingleside Plantation Arabians. Phone numbers for those businesses have been disconnected.

¶ Terry Trexler is a former lawyer disbarred by the state Supreme Court in 2001 for misconduct in two dozen client cases and breach of trust, blackmail and conspiracy convictions. He declared bankruptcy in 2002.

¶ He is also wanted for a magistrate court in Sumter County for writing a bad check, Sumter Sheriff Anthony Dennis said.

Doc: 00292849 DB: research_d_2008_1 Date: Fri Feb 29 18:06:51 2008

*** Version history. (* = this story, F = final, S = semifinal) ***

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SC ag
mD8V457FG0 02-29-2008 13:49:34 EC-SC--Ag Official Charged, 1st Ld-
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mD8V460680 02-29-2008 14:42:17 EC-SC--Ag Official Charged, 2nd Ld-
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^Probe of SC ag official's family finds horses' bones<

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^By SEANNA ADCOX=

^Associated Press Writer=

¶ SUMTER, S.C. (AP) — Investigators searching for dead horses on land once owned by the family of a suspended state official on Friday picked through a South Carolina field marking spots where they found bones or believe shallow graves were dug for the animals.

¶ It was not clear how many horse bodies were buried or scattered over the Sumter County property once owned by Assistant Agriculture Commissioner James Trexler and his mother and brother.

¶ Authorities have marked at least 15 spots where bones were either easily visible on top of the ground, protruding from small earthen mounds or at the sites of sunken rectangles roughly 6-by-4 feet.

¶ All three Trexlers were charged this week with abusing horses that Humane Society investigators say were malnourished at two fields in Richland County, which borders western Sumter County.

¶ Hazelene Trexler faces 28 counts of ill treatment to animals for horses found in two locations in rural Richland County. Terry Trexler faces 23 counts and James Trexler faces five. All three were arrested at James Trexler's home Wednesday evening.

¶ It's unclear whether the Trexlers have an attorney. No one answered the door at James Trexler's home Friday, and his mother and brother remain jailed. Prosecutors said they did not know if the



EXHIBIT

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Mother, sons arrested in horse abuse case

by Brian McConchie

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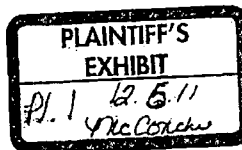
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A mother and her sons are behind bars in a developing Richland County animal mistreatment case.

The Humane Society has taken custody of nearly 30 horses from a Midlands family.

On Monday, officials took 23 horses from Hazel Trexler. The Humane Society calling them "malnourished."

Then on Tuesday, officials took five more horses from Trexler's son James. He's an assistant State Agriculture Commissioner who told our Brian McConchie that the horses are not his. He has been suspended from his position.

WACH FOX News has learned Hazel Trexler also faces 30 animal cruelty charges in Jefferson County, Georgia. Her other son Terry is also involved in that case.

Wednesday night, Hazel Trexler, and her sons Terry and James were in handcuffs. Richland County deputies arrested the trio after trying to get them out of a Hopkins home for nearly 90 minutes.

Since Monday, 28 horses have been seized from the Trexlers. Those animals are so malnourished their ribs are showing. Dr. Michael Privett says these animals have "obvious signs of neglect." The horses are now in his care after the Humane Society confiscated them.

"These animals weren't going to die, but, they were not getting enough food to keep themselves healthy," says Kelly Graham of the Humane Society.

Animal care workers say they can nurse the horses back to good health with proper feeding and medical care, but it will take time.

Dr. Privett has examined the animals and says many of them are ridden with



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parasites and need de-worming. He also says some are extremely undersized for their age.

"Normally when we see a situation like this we go and talk to the owners. Talk about the problem, how we can fix it. How we can help them fix it. We don't want to have to take away people's animals," says Graham.

Humane Society officials say earlier this week, they didn't get the cooperation they were looking for in this case. Now more than two dozen animals face a long road back to health while a mother and her son face charges in the case.

The Jefferson County, Georgia Sheriff's Department has a total of 61 arrest warrants for the Trexlers, all of them on animal cruelty charges. Those warrants date back to October of last year.

Hazel, Terry and James Trexler face multiple ill treatment of animals charges. They will likely have a bond hearing in Richland County on Thursday.

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Family accused of horse abuse in court

by Brian McConchie

Posted: 02-28-2008 at 11:40 PM

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The latest on a story we brought you first on FOX Wednesday night, a family in trouble, accused of mistreating several horses. WACH FOX News was the only news operation there when Richland County deputies put the cuffs on Hazelene Trexler and her sons Terry and James.

All three face animal cruelty charges after the Humane Society found 28 severely malnourished horses on their property. The family was in bond court Thursday. Terry and James Trexler sat about ten feet away from their 71-year-old mother during the proceedings.

A judge warned the Trexlers several times to keep quiet while investigators described the charges against them.

The Humane Society has seized 28 horses from the family's property since Monday, those animals, now in a veterinarian's care, are malnourished and riddled with parasites.

Some of the horses may have also been in Georgia where Terry and his mother Hazel also have warrants for their arrest. The pair faces dozens of animal cruelty charges there as well.

"The animals just disappeared," Deputy Holly Wagner told a judge at Thursday's bond hearing. "We (Richland County authorities) have been in contact with the people in Georgia and it appears that some of the animals that were seized here are the same that were under quarantine in Georgia."

44-year-old Terry Trexler also faces a kidnapping charge. Authorities say while Humane Society investigator Michelle Hart was inspecting the family's property, Terry and his mother tried to intimidate the woman, and Terry wouldn't let her leave.

"He pulled his pick-up truck behind hers (Hart's) and blocked her in so she couldn't leave for about 20 minutes until law enforcement came," Deputy Wagner told a judge.

This latest incident is not Terry's first brush with the law. The former Sumter attorney was convicted of breach of trust with criminal intent back in July 2000. A year later, the State Supreme Court stripped his law license a year later for mishandling several cases.

Now he and his mother, Hazel, face 23 ill treatment of animals charges each, while his older brother James, an assistant state agriculture commissioner, who is now suspended from that job, faces five charges.

James claims he doesn't own any horses or the land where they were found. He is out of jail. As of late Thursday night, Terry Trexler and his mother Hazel were still at the Alvin S. Glenn Detention Center.

All three are due back in court late next month. Also, Georgia investigators are expected to come here to the Midlands next week to address the charges Terry and his mother face in that state.

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More charges possible in horse abuse case

by Ashley Norris

Posted: 02.29.2008 at 11:08 PM

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WACH FOX News has been following stories about abused horses all week.

Wednesday night, Hazel and Terry Trexler were arrested for ill treatment of animals. Thursday, they went in front of Judge along with brother James, who is the Assistant Commissioner of Agriculture. James is free on bond, but suspended from his position. The other two Trexlers remain behind bars for more abuse charges in Georgia.

Investigators have dug up a new lead in the Trexler case. Sumter County Sergeant Randy Wright says, "When we got here it looked more like a shallow grave sight."

Investigators got an anonymous tip Thursday night that animal remains were all over the old Trexler place. Wright says, "It definitely was a large animal and this is a horse farm and there were a lot of horses out here."

Not anymore, horses no longer live there. Officials say the Sumter Trexler farm went bankrupt late last year. Now, all you see are empty stalls, open land and large bones.

Neighbors across the street say they've seen dead horses on the land that were covered with just wooden pallets. Wright says, "Normally you wouldn't bury a horse and lay pallets on top of it."

Forensic specialists are coming from Atlanta to determine what kind of bones are on the land. Neighbors suspect more animal abuse. They say, many times horses would get out and roam the busy streets. Wright says that's odd, but so are shallow graves. He says, "You would bury a horse as you would a human, six-feet deep so you couldn't smell it."

Now, officials are digging deep to find why so many bones are on this land and why.

Animal abuse investigators will be out at the old Trexler property early Saturday morning. If autopsy results show the animals died from abuse, Wright says the Trexlers could face more charges.

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by Brian McConchie

Posted: 03/05/2008 at 12:25 AM

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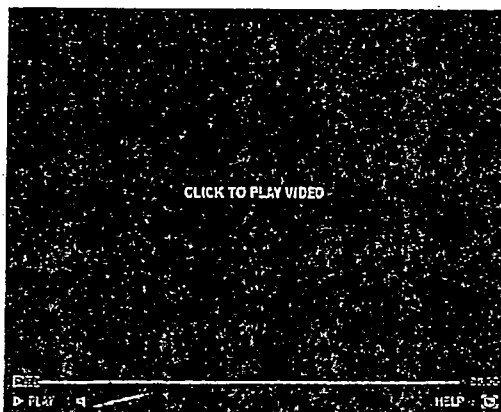
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There are now developments in the case of 45 sick and malnourished horses the Humane Society seized last week. Georgia officials confirm more than half of those horses had been placed under quarantine in that state and somehow turned up here in South Carolina.



Jefferson County, Georgia Sheriff's Deputy Jimmy Kitchens says 25 horses discovered on land leased by Assistant Agriculture Commissioner James Trexler's mother and brother were the same animals quarantined in Georgia for equine infectious anemia.

Hazel Trexler and her son Terry are still behind bars, facing multiple animal cruelty charges. Officials will take the pair to Georgia Thursday to face additional animal cruelty charges, and transporting quarantined horses charges.

Assistant agriculture commissioner James Trexler, also faces charges here in South Carolina, but is not involved with the Georgia case. He has been out of jail since last week, free on bond.

The 45 horses in question continue to recover, the Humane Society is working to nurse the animals back to health, but, that care is expensive. It is so costly it's putting a strain on the organization's bank account and officials hope you can help. Right now, the fundraising efforts are very much in their early stages, and money is becoming a very big problem.

At this point, Midlands veterinarian Michael Privett is caring for the horses. Twenty-eight of them were seized last week, horses so malnourished you could see their bones sticking out, and many of them were also riddled with parasites. They needed extensive medical care, blood tests, full physical examinations, along with food and nutritional supplements to get them back on the road to good health.

"It costs a lot to feed them and a lot to board them," says the Humane Society's

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Kelly Graham. "Right now, we have them being boarded because we don't have the facilities to do that, so we have to pay somebody to do it."

Officials expect the horses to recover, but, it costs big money. The first bill came in at \$14,000 to cover last week's costs. Keep in mind, the Humane Society seized another 17 horses this past Monday from another piece of land in Richland County that the Trexlers were leasing, so the bills are going to keep piling up.

"It's quite a large undertaking. We're talking with several horse product manufacturers asking them for donations," says Graham. "We're also asking the public for help."

The Humane Society says volunteers have been very helpful in this process so far, but, the organization needs more help. A fundraising benefit is planned for next month at a Lexington horse farm. It will likely be a concert-type event with all proceeds going to support the care of the 45 horses. As soon as we have more details about the event, WACH FOX News will pass them along.

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Abused Trexler horses ready for foster care

by Jt

Posted: 03.20.2008 at 5:23 PM

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Good news for the 45 abused and neglected horses seized from Hazeltine, James and Terry Trexler's farm.

Several of the animals can go into foster care starting next week. Dr. Michael Privett has been caring for the horses at his Hopkins farm ever since.

He says, "The group in general has taken well to feeding and that's been the first step." There is one mare who still has intestinal problems and is being kept alive with fluids. The Humane Society is footing the \$20,000 bill for Privett's care.

Kelly Graham of the Humane Society says, "This will continue until the criminal trial is over and we get these animals in our possession and able to adopt them out. So until then, they are our responsibility to keep up and cared for."

The Humane Society is sponsoring a fundraiser to help defray those costs. The Mane Event takes place Friday, April 25 at The Millstone at Adams Pond. Single tickets are \$75 and it's \$60 for two or more tickets. Those who attend will enjoy live bluegrass entertainment, dinner and a silent auction.

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epple said: Sunday, April 06, 2008

The chestnut mare on the right is O A Sweet Promise and is still registered with IAHA to my daughter, Terry Vince (TV Arabians). She is branded as you can see under her mane. We have regretted every day selling her to the Trexlers who "wanted a mare with her breeding" and called constantly. Would foster her in a heartbeat. Can send pics of how she looked when she left here about 3 yrs ago.

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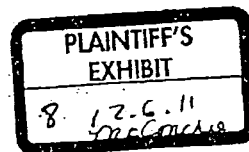
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Expert: More of SC ag official's horses starved

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COLUMBIA, S.C. (AP) — A forensic report on horse remains found on property managed by a former South Carolina agriculture official's family indicates that some of the animals likely starved to death.

Forensic veterinarian Melinda Merck says she examined the bones of at least half a dozen different horses excavated from two properties managed by James Trexler's family.

Merck said in a report released Thursday by the South Carolina Humane Society that bone marrow fat levels in the skeletal remains were low enough to show the animals died of starvation.

Trexler was an assistant agriculture commissioner. He, his mother and his brother were charged with ill treatment to animals earlier this year after malnourished horses were found on their property.

There was no answer Thursday at a number listed for James Trexler.

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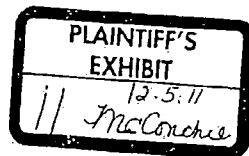
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Agriculture
Weather Watcher
Weather School

Neighborhood
Good Day Getaways
Calendar
Change for Change
Honor Flight
Right Stuff
Pet Adoption
Autism
Heart Gallery
Trees for Troops

Best Bets
Auto
Beauty
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EXHIBIT

I

11 PM February 27, 2008

08 - 1 [WLTX]ARCHIVE.2008.FEB SLUG V-HORSES FOLO

7/6/2010 17:13:10, USER Tony Santaella

{M}

CAM 2

ON CAM: JR

TAKE MUG

ON CAM: JR

TONIGHT...RICHLAND DEPUTIES
ARRESTED THREE PEOPLE ACCUSED OF
MISTREATING DOZENS OF HORSES.

TAKE MUG

THEY ARE 70 YEAR OLD HAZEL TREXLER
...AND HER TWO SONS 44 YEAR OLD TERRY
TREXLER AND 48 YEAR OLD JAMES TREXLER.

ALL THREE WERE ARRESTED A SHORT
TIME AGO AT A HOME ON DERBY LANE IN
HOPKINS.

WIPE VO

EARLIER THIS WEEK...THE HUMANE SOCIETY
TOOK 28 HORSES FROM TWO PROPERTIES
OWNED BY THE FAMILY.

RICHLAND DEPUTIES AND THE HUMANE SOCIETY
SAY THE ANIMALS WERE MALNOURISHED.
BUT EARLIER THIS WEEK...WE TALKED WITH
HAZEL TREXLER.

SHE SAYS HER HORSES ARE IN GOOD SHAPE.

WIPE VO



5Am February 28, 2008

104 - 1 [WLT]ARCHIVE.2008.FEB SLUG ****V-HORSES FOLO

7/6/2010 17:10:44, USER Tony Santaella

ON CAM:

TAKE MUG

DEK013MUG3PERSONARRESTEDHAZEL

TREXLER TERRY TREXLER JAMES

TREXLER MUG FILTER GRAPHIC GENERIC

SILLOUETTE MUG FILTER GRAPHIC GENERIC

SILLOUETTE MUG FILTER GRAPHIC GENERIC

SILLOUETTE

WIPE VO

HTTP://BALZRICHLANDONLINE.COM/SERVICES/RESEARCH/OFFENDERS/

ON CAM: NAT

THREE PEOPLE ARE BEHIND BARS THIS MORNING... ACCUSED OF MISTREATING DOZENS OF HORSES.

TAKE MUG????

RICHLAND COUNTY DEPUTIES ARRESTED 70 YEAR OLD HAZEL TREXLER... AND HER TWO SONS 44 YEAR OLD TERRY TREXLER AND 48 YEAR OLD JAMES TREXLER.

WIPE VO

EARLIER THIS WEEK... THE HUMANE SOCIETY TOOK 28 HORSES FROM TWO PROPERTIES OWNED BY THE FAMILY.

RICHLAND COUNTY DEPUTIES AND THE HUMANE SOCIETY SAY THE ANIMALS WERE MALNOURISHED.

BUT... WHEN NEWS19 TALKED WITH HAZEL TREXLER EARLIER THIS WEEK... SHE SAID HER HORSES WERE IN GOOD SHAPE.

(M)

WIPE SOT

RUNS=00:07

OUTCUE=

DEKOT1113RD12LINEHAZELTREXLERHORSE

OWNER

TAKE MUG

DEKOT131MUG1PERSON

CENTERARRESTEDJAMESITREXLERMUG

FILLERGRAPHICGENERICSILOUETTE

ON CAM:

TAKE MUG

DEKOT131MUG2PERSONARRESTEDHAZEL

TREXLERITERRYITREXLERMUGFILLER

GRAPHICGENERICSILOUETTEMUGFILLER

GRAPHICGENERICSILOUETTE

ON CAM:

DEKOT1113RD12LINEHAZELTREXLERHORSE

WIPE SOT

DEKOT1113RD12LINEHAZELTREXLERHORSE

CAREOFI HAVEBEENRASINGHORSESFOR15

YEARSISITKNOWGOODBYHORSES

TAKE MUG???

ON CAM:NAT

WE SHOULD NOTE THAT JAMES TREXLER IS THE STATE'S ASSISTANT AGRICULTURE COMMISSIONER.

HE'S BEEN CHARGED WITH FIVE COUNTS OF ILL TREATMENT TO ANIMALS AND WITH KIDNAPPING. DEPUTIES SAY HE THREATENED AND DETAINED A HUMANE SOCIETY INVESTIGATOR LOOKING INTO THE ABUSE ALLEGATIONS.

BECAUSE OF THIS INVESTIGATION... HE'S BEEN SUSPENDED FROM HIS JOB.

TAKE MUG???

WE'RE ALSO BEING TOLD THAT BOTH HAZEL AND TERRY TREXLER ARE FACING AT LEAST 61 COUNTS OF ANIMAL CRUELTY IN JEFFERSON COUNTY, GEORGIA.

JAMES TREXLER IS NOT BELIEVED TO BE A PART OF THAT INVESTIGATION.

BACK ON CAM:

OF COURSE, WE'LL CONTINUE TO FOLLOW THIS STORY BOTH ON THE AIR AND ON OUR WEBSITE... WLT.COM

6AM February 28, 2008

J08 - 1 [WLT] ARCHIVE.2008.FEB SLUG ****V-HORSES FOLO

7/6/2010 17:06:53, USER Tony Santaella

ON CAM:

ON CAM: CURTIS

RICHLAND COUNTY DEPUTIES ARRESTED
THREE PEOPLE ACCUSED OF MISTREATING
DOZENS OF HORSES.

TAKE MUG

TAKE MUG

THEY ARE 70 YEAR OLD HAZEL TREXLER...
AND HER TWO SONS 44 YEAR OLD TERRY
TREXLER AND 48 YEAR OLD JAMES TREXLER.

ALL THREE WERE ARRESTED AT A HOME
ON DERBY LANE IN HOPKINS.

WIPE VO

WIPE VO

EARLIER THIS WEEK... THE HUMANE
SOCIETY TOOK 28 HORSES FROM TWO
PROPERTIES OWNED BY THE FAMILY.

RICHLAND COUNTY DEPUTIES AND THE
HUMANE SOCIETY SAY THE ANIMALS WERE
MALNOURISHED.

BUT... WHEN NEWS19 TALKED WITH HAZEL
TREXLER EARLIER THIS WEEK...
SHE SAID HER HORSES WERE IN GOOD SHAPE.

(M)

WIPE SOT

RUNS=00:07

OUTCUE=

DEKOT113RD/21NE HAZEL TREXLER HORSE

OWNER

ON CAM:

WIPE SOT

WE KNOW THESE HORSES ARE WELL TAKEN
CARE OF. I HAVE BEEN RASING HORSES FOR 15
YEARS SO I KNOW GOOD BY HORSES

ON CAM: CURTIS

WE SHOULD NOTE THAT JAMES TREXLER
IS THE STATE'S ASSISTANT AGRICULTURE
COMMISSIONER.

AND BECAUSE OF THIS INVESTIGATION...
HE'S BEEN SUSPENDED FROM HIS JOB.

HE'S BEEN CHARGED WITH FIVE COUNTS
OF ILL TREATMENT TO ANIMALS AND WITH
KIDNAPPING.

DEPUTIES SAY HE THREATENED AND
DETAINED A HUMANE SOCIETY INVESTIGATOR
LOOKING INTO THE ABUSE ALLEGATIONS.

WE'RE ALSO BEING TOLD THAT BOTH
HAZEL AND TERRY TREXLER ARE FACING AT
LEAST 61 COUNTS OF ANIMAL CRUELTY IN
JEFFERSON COUNTY GEORGIA.

JAMES TREXLER IS NOT BELIEVED TO BE
A PART OF THAT INVESTIGATION.

OF COURSE, WE'LL CONTINUE TO
FOLLOW THIS STORY BOTH ON THE AIR AND ON
OUR WEBSITE... WLTx.COM

DEKOT113RD/21NE HAZEL TREXLER HORSE

Noon February 28, 2008

2 CTR

TAKE MUG

DEKO(3)MUG(1)PERSON(LEFT(4)INFO(LINES(0)
CS:CHARGEDHAZELTREXLER28COUNTS
OFILLTREATMENTOFANIMALS\$20000
BOND(1)TREXLERHAZELENE

TAKE MUG

DEKO(3)MUG(1)PERSON(LEFT(4)INFO(LINES(0)
CS:CHARGEDTERRYTREXLER23COUNTS
OFILLTREATMENTOFANIMALS1COUNTOF
KIDNAPPING\$50000BOND(1)TREXLER(TERRY

TAKE MUG

DEKO(3)MUG(1)PERSON(LEFT(4)INFO(LINES(0)
CS:CHARGEDJAMESTREXLER5COUNTSOFILL
TREATMENTOFANIMALS(SUSPENDEDFROM
STATEASSITANTAG\$10000
BOND(1)TREXLER(JAMES

WIPE VO

TAKE MUG

DEKO(3)MUG(2)PERSON:CHARGEDHAZEL
TREXLER(TERRY
TREXLER(TREXLERHAZELENE(TREXLER(TERRY

2 CTR

DEKO(1)13RDWLT(1)DOT(1)COM(1)

ON CAM:

BOND HAS BEEN SET FOR THREE PEOPLE...ALL
RELATED..FROM HOPKINS IN CONNECTION TO
THE MIS- TREATMENT OF 28 HORSES.

TAKE MUG

70-YEAR OLD HAZEL TREXLER IS CHARGED
WITH 28 COUNTS OF ILL TREATMENT OF ANIMALS
WITH A 20 THOUSAND DOLLAR BOND.

TAKE MUG

HER SON 44 YEAR OLD TERRY TREXLER IS
CHARGED WITH 23 COUNTS OF ILL TREATMENT OF
ANIMALS AND ONE COUNT OF
KIDNAPPING....DEPUTIES SAY HE THREATENED
AND DETAINED A HUMANE SOCIETY
INVESTIGATOR LOOKING INTO THE ABUSE
ALLEGATIONS....HIS BOND IS SET AT
50-THOUSAND DOLLARS

TAKE MUG

AND HIS BROTHER.... 48 YEAR OLD JAMES
TREXLER IS CHARGED WITH 5 COUNTS OF ILL
TREATMENT OF ANIMALS WITH A BOND OF
10-THOUSAND DOLLARS.
NOW.. WE SHOULD NOTE THAT JAMES TREXLER
IS THE STATE'S ASSISTANT AGRICULTURE
COMMISSIONER.
BECAUSE OF THIS INVESTIGATION... HE'S BEEN
SUSPENDED FROM HIS JOB

WIPE VO

EARLIER THIS WEEK... THE HUMANE
SOCIETY TOOK 28 HORSES FROM TWO
PROPERTIES OWNED BY THE FAMILY.

RICHLAND COUNTY DEPUTIES AND THE
HUMANE SOCIETY SAY THE ANIMALS WERE
MALNOURISHED.

BUT...WHEN NEWS19 TALKED WITH HAZEL
TREXLER EARLIER THIS WEEK... SHE SAID HER
HORSES WERE IN GOOD SHAPE.

TAKE MUG

WE'RE ALSO BEING TOLD THAT BOTH
HAZEL AND TERRY TREXLER ARE FACING AT
LEAST 61 COUNTS OF ANIMAL CRUELTY IN
JEFFERSON COUNTY GEORGIA.

BACK ON CAM:

OF COURSE, WE'LL CONTINUE TO FOLLOW
THIS STORY BOTH ON THE AIR AND ON OUR
WEBSITE... WLT(1)X.COM

5 PM February 28, 2008

D12 - 1 (WLTJ)ARCHIVE.2008.FEB SLUG v-Trexler Bond Hearing

7/6/2010 17:03:44, USER Tony Santaella

CAM 5CTR

(M)

(M)

TAKE VO

INGEST: TREXLER BOND HEARING RAW.02

DARCI

JAMES TREXLER, POSTED BAIL EARLIER TODAY.

TAKE VO

HE, HIS MOTHER HAZEL AND BROTHER TERRY, IS CHARGED WITH ILL TREATMENT OF ANIMALS. HIS BOND WAS SET AT TEN THOUSAND DOLLARS AT A HEARING THIS MORNING.

BOND FOR HAZEL TREXLER IS SET AT 20 THOUSAND DOLLARS. AND TERRY TREXLER, WHO ALSO FACES KIDNAPPING CHARGES IN THIS CASE, HAS A 50 THOUSAND DOLLAR BOND.

6 PM February 28, 2008

A04 - 1 [WLT]XARCHIVE.2008.FEB.SLUG V-Trexlers in Bond Court

7/6/2010 17:00:23, USER Tony Santaella

CAM 2

(M)

TAKE VO

DEKO1113RD SINGLE LINE RICHLAND
COUNTY COURTHOUSE

(M)

(M)

(M)

(M)

(M)

TAKE MUG

DEKO131MUG1PERSONLEFT4INFO LINES NO
CS CHARGED HAZEL TREXLER 28 COUNTS ILL
TREATMENT OF ANIMALS TREXLER HAZEL ENE

TAKE MUG

DEKO131MUG1PERSONLEFT4INFO LINES NO
CS CHARGED JAMES TREXLER 15 COUNTS ILL
TREATMENT OF ANIMALS TREXLER JAMES

TAKE MUG

DEKO131MUG1PERSONLEFT4INFO LINES NO
CS CHARGED TERRY TREXLER 23 COUNTS ILL
TREATMENT OF
ANIMALS KIDNAPPING TREXLER TERRY

TAKE VO

ANDREA

THIS MORNING... THE FAMILY WAS IN
COURT...FOR A BOND HEARING, AFTER BEING
ARRESTED LAST NIGHT.

70-YEAR-OLD HAZEL
TREXLER...44-YEAR-OLD TERRY TREXLER, AND
48-YEAR-OLD JAMES TREXLER.

EACH OF THEM ARE FACING MULTIPLE
CHARGES STEMMING FROM AN INVESTIGATION
OF SEVERE AND BARBARIC TREATMENT OF 28
HORSES THAT WERE IN THE TREXLER'S
CUSTODY.

TAKE MUG

HAZEL TREXLER IS CHARGED WITH 28
COUNTS OF ILL TREATMENT OF ANIMALS.

TAKE MUG

JAMES TREXLER IS CHARGED WITH 5
COUNTS OF ILL TREATMENT OF ANIMALS.

TAKE MUG

AND TERRY TREXLER IS CHARGED WITH
23 COUNTS OF ILL TREATMENT OF ANIMALS...AND
ONE COUNT OF KIDNAPPING.

INVESTIGATORS SAY WHEN A HUMANE
SOCIETY OFFICIAL CAME TO LOOK AT THE
HORSES AFTER GETTING A COMPLAINT... TERRY
TREXLER KEPT HER FROM LEAVING THE
PROPERTY.

BUT THESE AREN'T THE ONLY ANIMAL
ABUSE CHARGES HAZEL AND TERRY ARE
FACING.

7 PM February 28, 2008

107 - 1 [WLTX]ARCHIVE.2008.FEB SLUG V-TREXSLERS BOND HEARING

7/6/2010 16:50:32, USER Tony Santaella

CAM 3

CAM 2CTR

(M)

ON CAM:

TAKE MUG

DEK013|MUG|PERSON|BOND|

HEARINGS|HAZEL TREXLER|TERRY

TREXLER JAMES|

TREXLER TREXLER|HAZELENE TREXLER|TERRY

TREXLER JAMES|

TAKE CHROMA

DEK014|CHROMA|KEY|ELEMENT|PLUS|

FONT|HORSE SEIZED|2/28|HORSE ABUSE|BOND|

HEARINGS|

ON CAM:ASHLEY

TAKE VO

(M)

(M)

TAKE MUG

DEK013|MUG|PERSON|LEFT 4 INFO LINES|NO

CS IN COURT|HAZEL TREXLER|\$20,000 BOND|28

COUNTS OF ANIMAL

ABUSE|TREXLER|HAZELENE

TAKE MUG

DEK013|MUG|PERSON|LEFT 4 INFO LINES|NO

CS IN COURT|JAMES TREXLER|\$50,000 BOND|23

COUNTS OF ANIMAL

ABUSE|KIDNAPPING|TREXLER|TERRY

TAKE MUG

DEK013|MUG|PERSON|LEFT 4 INFO LINES|NO

CS IN COURT|JAMES TREXLER|\$10,000 BOND|5

COUNTS OF ANIMAL|ABUSE|TREXLER|JAMES

TAKE CHROMA

BACK ON CAM

DEK014|CHROMA|KEY|ELEMENT|PLUS|

FONT|HORSE SEIZED|2/28|HORSE ABUSE|BOND|

HEARINGS|

ON CAM:

THE THREE PEOPLE ACCUSED OF STARVING MORE THAN 2 DOZEN HORSES TO THE POINT OF NEAR DEATH FACED A JUDGE TODAY.

TAKE MUG

HAZEL TREXLER...AND HER TWO SONS...TERRY AND JAMES WERE ALL IN BOND COURT THIS MORNING.

WITH DETAILS ON THEIR APPEARANCE... WE TURN TO ASHELY YARCHIN.

ASHLEY?

TAKE CHROMA

ON CAM:ASHLEY.

JR...FROM ILL TREATMENT OF ANIMALS...TO KIDNAPPING...THIS TRIO IS FACING A VARIETY OF CHARGES.

TAKE VO

THEY WERE ARRESTED LAST NIGHT FOLLOWING A LENGTHY INVESTIGATION BY THE HUMANE SOCIETY.

THIS MORNING...THE TREXSLERS WENT BEFORE A JUDGE...FOR A BOND HEARING.

TAKE MUG HAZELENE

FOR 70-YEAR-OLD HAZEL TREXLER...CHARGED WITH 28 COUNTS OF ABUSE...A 20-THOUSAND DOLLAR BOND HAS BEEN SET.

AT LAST CHECK...SHE WAS STILL BEHIND BARS...

TAKE MUG TERRY

...ALONG WITH HER SON, TERRY.

THE 42-YEAR-OLD IS BEING HELD ON 50-THOUSAND-DOLLARS BOND FOR 23 COUNTS OF ABUSE...AND ONE COUNT OF KIDNAPPING, THAT LAST CHARGE STEMS FROM AN ACCUSATION THAT HE HELD AN INVESTIGATOR AGAINST HER WILL DURING AN EVALUATION OF THE HORSES.

TAKE MUG JAMES

AND 48-YEAR-OLD JAMES TREXLER FACES 5 COUNTS OF ABUSE AND "WAS" BEING HELD ON 10-THOUSAND DOLLARS BOND.

TAKE CHROMA

BACK ON CAM

NOW, THESE AREN'T THE ONLY ISSUES THE TREXSLERS HAVE DEALT WITH. BOTH HAZEL AND TERRY ARE FACING SIMILAR CHARGES IN GEORGIA...WHERE THEY'RE ACCUSED OF 61 COUNTS OF ANIMAL CRUELTY. ON TOP OF THAT...TERRY IS NO STRANGER TO TROUBLES WITH THE LAW.

THE FORMER FAMILY LAW ATTORNEY WAS DISBARRED 7 YEARS AGO FOR MISCONDUCT IN DEALINGS WITH HIS CLIENTS. FINALLY...JAMES TREXLER HAS BEEN SUSPENDED FOR THE DURATION OF THIS INVESTIGATION...FROM HIS POSITION AT THE AGRICULTURE DEPARTMENT AS ASSISTANT

COMMISSIONER OF ADMINISTRATION.
JR?

11 PM February 28, 2008

414 - 1 [WLTX]ARCHIVE.2008.FEB SLUG TERRY'S BOND

7/6/2010 16:48:41, USER Tony Santaella

{M}

ON CAM: ANDREA

TAKE VO

ON CAM: ANDREA

TAKE VO

BOND FOR TERRY TREXLER WAS SET AT
50-THOUSAND DOLLARS.

THAT'S BECAUSE HE'S ALSO CHARGED
WITH ONE COUNT OF KIDNAPPING.

DEPUTIES SAY HE THREATENED AND
DETAINED A HUMANE SOCIETY OFFICER AS SHE
WAS INVESTIGATING THE CASE.

ACCORDING TO HIS SLED
RECORD...TERRY TREXLER IS A CONVICTED
FELON...WITH PREVIOUS CONVICTIONS OF
BLACKMAIL AND CRIMINAL CONSPIRACY.

HE WAS ALSO A SUMTER ATTORNEY WHO
WAS DISBARRED IN 2001.

{M}

SAM February 29, 2008

A10 - 1 [WLTX]ARCHIVE.2008.FEB SLUG TERRY'S BOND

7/6/2010 16:26:55, USER Tony Santaella

ON CAM:
TAKE VO

ON CAM:
TAKE VO

AND BOND FOR TERRY TREXLER WAS SET
AT 50-THOUSAND DOLLARS.

THAT'S BECAUSE HE'S ALSO CHARGED
WITH ONE COUNT OF KIDNAPPING.

DEPUTIES SAY HE THREATENED AND
DETAINED A HUMANE SOCIETY OFFICER AS SHE
WAS INVESTIGATING THE CASE.

ACCORDING TO HIS SLED RECORD...
TERRY TREXLER IS A CONVICTED FELON.... WITH
PREVIOUS CONVICTIONS OF BLACKMAIL AND
CRIMINAL CONSPIRACY.

HE WAS ALSO A SUMTER ATTORNEY WHO
WAS DISBARRED IN 2001.

{M}

6 AM February 29, 2008

J07 - 1 [WLT]XARCHIVE.2008.FEB SLUG V-TREXSLERS BOND HEARING

7/6/2010 16:21:40, USER Tony Santaella

ON CAM:

TAKE VO

{M}

TAKE MUG

[DEKO]3[MUG]3[PERSON]1[FEET]4[INFO]1[INES]NO
[HEARINGS]HAZEL[TREXLER]TERRY
[TREXLER]JAMES
[TREXLER]TREXLERHAZELENE[TREXLER]TERRY
[TREXLER]JAMES

{M}

TAKE MUG

[DEKO]3[MUG]3[PERSON]1[FEET]4[INFO]1[INES]NO
[CS]IN[COURT]HAZEL[TREXLER]1[20,000]BOND[28]
[COUNTS]OF[ANIMAL]
[ABUSE]TREXLERHAZELENE

TAKE MUG

[DEKO]3[MUG]3[PERSON]1[FEET]4[INFO]1[INES]NO
[CS]IN[COURT]JAMES[TREXLER]1[50,000]BOND[23]
[COUNTS]OF[ANIMAL]
[ABUSE]KIDNAPPING[TREXLER]TERRY

TAKE MUG

[DEKO]3[MUG]3[PERSON]1[FEET]4[INFO]1[INES]NO
[CS]IN[COURT]JAMES[TREXLER]1[10,000]BOND[5]
[COUNTS]OF[ANIMAL]ABUSE[TREXLER]JAMES

ON CAM:

ON CAM:

THE THREE PEOPLE ACCUSED OF
STARVING MORE THAN 2 DOZEN HORSES TO THE
POINT OF NEAR DEATH FACED A JUDGE
YESTERDAY.

TAKE VO

THEY WERE ARRESTED WEDNESDAY
NIGHT FOLLOWING A LENGTHY INVESTIGATION
BY THE HUMANE SOCIETY.

TAKE MUG

HAZEL TREXLER... AND HER TWO SONS...
TERRY AND JAMES WERE ALL IN BOND COURT
YESTERDAY MORNING.

FROM ILL TREATMENT OF ANIMALS...TO
KIDNAPPING...THIS TRIO IS FACING A VARIETY OF
CHARGES.

TAKE MUG HAZELENE

FOR 70-YEAR-OLD HAZEL TREXLER...CHARGED
WITH 28 COUNTS OF ABUSE...A 20-THOUSAND
DOLLAR BOND HAS BEEN SET.

AT LAST CHECK...SHE WAS STILL BEHIND BARS...

TAKE MUG TERRY

...ALONG WITH HER SON, TERRY.

THE 42-YEAR-OLD IS BEING HELD ON
50-THOUSAND-DOLLARS BOND FOR 23 COUNTS
OF ABUSE...AND ONE COUNT OF KIDNAPPING.
THAT LAST CHARGE STEMS FROM AN
ACCUSATION THAT HE HELD AN INVESTIGATOR
AGAINST HER WILL DURING AN EVALUATION OF
THE HORSES.

TAKE MUG JAMES

AND 48-YEAR-OLD JAMES TREXLER FACES 5
COUNTS OF ABUSE AND "WAS" BEING HELD ON
10-THOUSAND DOLLARS BOND.

ON CAM:

NOW, THESE AREN'T THE ONLY ISSUES THE
TREXSLERS HAVE DEALT WITH.
BOTH HAZEL AND TERRY ARE FACING SIMILAR
CHARGES IN GEORGIA...WHERE THEY'RE
ACCUSED OF 61 COUNTS OF ANIMAL CRUELTY.
ON TOP OF THAT....TERRY IS NO STRANGER TO
TROUBLES WITH THE LAW.
THE FORMER FAMILY LAW ATTORNEY WAS
DISBARRED 7 YEARS AGO FOR MISCONDUCT IN
DEALINGS WITH HIS CLIENTS.
FINALLY...JAMES TREXLER HAS BEEN
SUSPENDED FOR THE DURATION OF THIS
INVESTIGATION...FROM HIS POSITION AT THE
AGRICULTURE DEPARTMENT AS ASSISTANT
COMMISSIONER OF ADMINISTRATION.

11 PM March 4, 2008

116 - 1 [WLT]ARCHIVE.2008.MAR SLUG TREXLER HORSE TODAY

7/6/2010 16:15:05, USER Tony Santaella

(M)

CAM 1

ON CAM: ANDREA

(M)

TAKE VO

ON CAM: ANDREA

THERE'S WORD TONIGHT THAT PROSECUTORS PLAN TO ASK A GRAND JURY TO INDICT THE TREXLER FAMILY ON MORE SERIOUS ..."FELONY ANIMAL CRUELTY" CHARGES AFTER OFFICIALS SAY THEY NEGLECTED MORE THAN 40 HORSES.

TAKE VO

ASSISTANT AGRICULTURE COMMISSIONER JAMES TREXLER IS CHARGED WITH FIVE COUNTS OF ILL TREATMENT TO ANIMALS. HIS MOTHER HAZEL FACES 28 COUNTS...AND HIS BROTHER TERRY IS CHARGED WITH 23 COUNTS OF ILL TREATMENT OF ANIMALS AND KIDNAPPING

THE FELONY CHARGES HAVE A MAXIMUM SENTENCE OF UP TO 20 YEARS IN PRISON, WHILE THE CURRENT CHARGES ARE MISDEMEANORS AND CARRY A PUNISHMENT OF LESS THAN A YEAR IN JAIL.

5 AM March 5, 2008

D14 - 1 [WLT]ARCHIVE.2008.MAR SLUG TREXLER HORSE TODAY

7/6/2010 16:07:39, USER Tony Santaella

ON CAM:

(M)

TAKE VO

ON CAM: CURTIS

THERE'S WORD THAT PROSECUTORS
PLAN TO ASK A GRAND JURY TO INDICT THE
TREXLER FAMILY ON MORE SERIOUS ... "FELONY
ANIMAL CRUELTY" CHARGES AFTER OFFICALS
SAY THEY NEGLECTED MORE THAN 40 HORSES.

TAKE VO

ASSISTANT AGRICULTURE COMMISSIONER
JAMES TREXLER IS CHARGED WITH FIVE COUNTS
OF ILL TREATMENT TO ANIMALS.
HIS MOTHER HAZEL FACES 28 COUNTS...AND HIS
BROTHER TERRY IS CHARGED WITH 23 COUNTS
OF ILL TREATMENT OF ANIMALS AND
KIDNAPPING

THE FELONY CHARGES HAVE A MAXIMUM
SENTENCE OF UP TO 20 YEARS IN PRISON, WHILE
THE CURRENT CHARGES ARE MISDEMEANORS
AND CARRY A PUNISHMENT OF LESS THAN A
YEAR IN JAIL.

Humane Society Seized 23 Horses They Say Were Malnourished

1/25/2008 11:26:56 AM Modified:1/25/2008 5:37:35 PM

Eastover (WLTJ) - The Humane Society seized 23 horses Monday morning which they say were malnourished. Officials with the society arrived at the Eastover property around 10 a.m. Monday to investigate claims that the animals weren't being fed properly.

A veterinarian was called to the scene to examine the animals. Based on the doctor's analysis, the Humane Society took custody of the horses.

"You ride up here and you see these horses are underweight, they're ribs are showing," said Humane Society Spokeswoman Kelly Graham. Horse owner, Hazel Trexler, says the ribs are showing because some of the horses just gave birth. "When horses have babies, they lose weight. These horses just had babies so they will be putting their weight back on," said Trexler. Graham also says the babies were growing into the horses' faces because they hadn't been taken off.

"We could let these animals stay here and suffer and come back when a few are dead, but instead of doing that we've decided we're going to take these animals and get them vetted and bring them back to health," said Graham. A mother dog and her puppies were also taken.

Those animals did not have any food or water available for them, according to the Humane Society. Charges could be coming against the owners of the horses, but none have been filed yet. The owners do not live on the property, but say they feed them daily and have spent \$1,200 dollars since the first of the year on food.

"You feed them, water, and give them shelter. That's your responsibility: food, water, and shelter," said Trexler.

The horses will be taken to stables around the area to be nursed back to health. WLTJ.com will have more information as it becomes available.

Five More Horses Seized from Richmond County Family

Created:1/25/2008 4:37:36 PM Modified:1/25/2008 7:57:46 PM

Eastover (WLTJ) - The Humane Society seized more horses Tuesday in Richmond County that they say were malnourished. The Humane Society says the seizures happened at the property they believe belongs to James Trexler.

That's a different location than the Monday seizures. (Read the Original Story) Five horses, two dogs and a rabbit were taken. They have been taken to a vet for inspection.

The Humane Society believes the horses are owned by the Trexler family. Humane Society officials say the animals seized Tuesday are more malnourished than the ones from the day before.

One a scale of one to ten, five being healthy, Humane Society Spokeswoman Kelly Graham says they think all the horses seized Tuesday will range from one to two, which is very underfed. Monday, she says most animals ranged from three to four, and only one horse was a one. Monday, 23 animals were taken from a property near Eastover. A veterinarian determined that the animals were not fed properly. Based on the doctor's analysis, the Humane Society took custody of the horses. A mother dog and her puppies were also taken. Those animals did not have any food or water available for them, according to the Humane Society. Charges could be coming against the owners of the horses, but none have been filed yet.

WLTJ.com will have more information as it becomes available.

Agriculture Department Official Suspended Over Horse Abuse Investigation

Created:1/27/2008 10:42:05 AM Modified:1/27/2008 8:37:13

Columbia (WLTJ) - The State Department of Agriculture on Wednesday suspended an employee that has been questioned for abusing horses.

Agriculture Commissioner Hugh Weathers has suspended James Trexler, the Assistant Commissioner of Administration, during the investigation.

Officials say Trexler was in charge of finance, budgeting, procurement, and information technology. Weathers says they will make more decisions regarding Trexler's future with the department after the investigation has completed. No charges have been filed in the investigation, but so far 26 horses have been taken.

The Humane Society believes the 18 belong to the Trexler family. Monday, 23 malnourished horses were taken from land in Eastover. Officials say those horses were underfed and had bricks growing into their faces. Tuesday, five more horses were taken from a different location in Hopkins. Officials say they were in worse shape than the horses taken Monday.

The Humane Society says if they find reason to charge the individuals in question, they could face fines for each malnourished horse.

Bond Set for Family in Horse Abuse Case

Created:1/27/2008 10:11:06 PM Modified:1/28/2008

Richland County (WLTJ) - The Richland County Sheriff's Department has arrested three people in connection to the inhumane treatment of 26 horses.

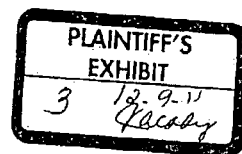
Authorities say 70-year-old Hazelene Trexler, 44-year-old Terry Trexler, and 40-year-old James Trexler were arrested at approximately 8 p.m. Wednesday after the Sheriff's Department and the MSPCA investigated severe and barbaric treatment of 26 horses that were supposed to be in the Trexlers' custody.

Thursday morning, bond for Hazelene was set at \$20,000; bond for Terry was set at \$50,000; and bond for James was set at \$10,000. Each of the Trexlers faces numerous charges: Hazel Trexler--28 counts of ill treatment of animals, James Trexler--5 counts of ill treatment of animals, Terry Trexler--23 counts of ill treatment of animals, along with 1 count of kidnapping.

The kidnapping charge stems from an incident where the Sheriff's Department says he held a MSPCA investigator against her will and refused to let her leave a farm during an evaluation of the horses February 13. Investigators found that the horses had injuries ranging from malnutrition to infections that caused their bodies to grow into their faces.

Richland County Sheriff Leon Lott says the Trexlers have proven time and time again that they have no business owning animals. James Trexler is an Assistant Commissioner of Administration with the State Agriculture Department. Wednesday, Agriculture Commissioner Hugh Weathers suspended him until the investigation is complete.

Terry and Hazel face similar charges in Jefferson County Georgia. Officer Jimmy Kitchers with the Jefferson County Sheriff's Office says they face over 51 counts of animal cruelty there, and Terry faces one count for allowing animals to roam at large. For these Georgia charges alone, they could each face up to 30 years in prison and a \$30,000 fine.



Authorities say that because these charges are at misdemeanors, they have not been able to extradite the duo back to Georgia. Lori states that the MSPCA and investigators will continue to work with the Solicitors' Office in South Carolina and with authorities in Georgia to make sure the duo are prosecuted to the fullest extent of the law.

The horses currently are in the care of veterinarians.

Terry Trexler's No Stranger to Trouble

Created: 2/28/2008 8:21:05 PM Modified: 2/28/2008 7:29:10

Columbia (WLTN) - One of three people arrested in the Richland County case involving malnourished horses is Terry Trexler, and this isn't the first time he's been in trouble with the law.

The former family law attorney based in Sumter was disbarred seven years ago for 24 cases in which his clients were forced to file complaints against him for repeated misconduct.

"Well, in 1994, my first wife and I got married...and that went along fine until there was just too many differences...so that's when I contacted Mr. Trexler to be my attorney," said Robbie Solesbee, who had known Trexler since fourth grade. "And I would've rather paid someone I know than someone I didn't know and turned out, when it got right down to it, I didn't know this person."

For a \$1,000 fee, Trexler arranged for Solesbee's divorce to be finalized in August of 1996. "He'd told me I had a court date and everything" and when I checked with the Sumter Clerk of Court and Probate, he said, "He you don't," Solesbee recalled. "And then when he asked me who my attorney was and I told him Terry Trexler, he told me, 'You have big problems.'"

He wasn't the only one. A 2001 State Supreme Court document indicates that Solesbee's matter was one of 24 cases of misconduct that led to Trexler's disbarment. Among the criminal violations listed were misappropriated funds for his own use, untruthfulness and forgery. Solesbee said that's why Trexler's later troubles are no surprise.

"I mean, if they don't care anything about human lives and how they affect people's lives, you pretty much can judge how they feel about an animal," he said. Solesbee and all of the others listed in Trexler's disbarment have been compensated for their losses.

According to Trexler's SLED background check, he had been convicted of several felonies, including blackmail and criminal conspiracy.

Yet, Horse Bones Found in Shallow Graves

Created: 2/28/2008 5:46:30 PM Modified: 2/29/2008

Sumter (WLTN) -- Sumter County authorities are resuming their search for animals' remains found on a property there.

The property was once owned by the Trexler family, and three family members are at the center of a horse abuse case in Richland County. The three--Hazelene Trexler, James Trexler and Terry Trexler--were charged Wednesday with neglecting horses. (Related Story: Suspects Appear in Court) | (Related Story: Terry's Trexler's Previous Troubles)

Animal Humane Society Crime Scene Investigators have been called in to assist Sumter County deputies with their investigation of the Sumter property where horse bones were discovered on Thursday. Deputies say the investigator will arrive sometime this weekend from Atlanta. Officials at the Sumter County Sheriff's Office say officers are currently working with the county magistrate to obtain a search warrant for the property, and they plan to resume their investigation at noon.

The Sumter County property has since been foreclosed, and Wells Fargo Bank now owns the land. Some bones found at the location were hidden under papers on the Trexlers' foreclosed property, but others were out in the open.

The possible animal remains are the smallest sign of life. Where at least 50 horses once reared free, now only patches of grass and stubble remain. It's at least 75 acres detectives are investigating inch by inch. "They have found some more holes where it appears to be a pile of dirt. It appears they were trying to hide something," says Major Hampton Gardner.

If hide-and-seek was the plan, then Major Hampton Gardner says there was little effort. "There are people who have animals who take it out back and bury it but we're just not sure, just not sure," says Gardner. Veterinarian Lynn Hawkins worked with Gardner's team Thursday.

"They're kinda scattered all over the field here; most people have one area they put them," says Hawkins. What's most unusual to the 25-year veterinarian is finding the remains above surface. "Most people who do bury them do so that they aren't dug up by animals and things like that," Hawkins adds.

Hawkins says the proper way to dispose of an animal is underground or the County Landfill facility. As suspicious as it seems, the vet admits it could just be a coincidence. "Sometimes you have this many horses and something happens they could get some feed and have some toxin, but that would be no fault of the owners," adds Hawkins.

So were the graves meant to be found or forgotten? It's an question detectives hope to bring to life sooner than later.

"We're checking the perimeter to see if we can find anything else," adds Gardner. The Humane Society has received several calls from citizens saying animal bones were present at a property formerly owned by a family being investigated for mistreating horses.

WLTN.com will have more information as it becomes available.

Neighbor Remembers Animal Abuse on Trexler Property

Created: 2/29/2008 6:34:25 PM Modified: 2/29/2008 7

Sumter County (WLTN) -- A neighbor who says she remembers animal abuse on the Trexlers' property sounds off, hoping horse owners treat their animals with tender loving care.

Patricia Hunt remembers less about her neighbors and more about their horses. "We never saw them. They would just be in the road walking around," says Hunt.

Behind the Trexler's fence, she saw worse images. "We saw one laying in the field with nothing on it for days and days and eggs carried parts of it out in the road," adds Hunt.

For the horse-lover to hear there may be more charges against the Trexlers, she's not shocked. "I wouldn't be surprised," she says.

Meanwhile, Sumter County deputies are investigating. "We're not going out looking for something just to be looking for it but from what we've found thus far we feel we need to go further," says Major Hampton Gardner.

Legally, bones should be buried underground, but authorities aren't ruling out the fact that weather conditions could have surfaced the remains. "Water may have washed them so many times until you can now were able to see them," adds Gardner.

As much of a possibility that is, based on what this neighbor's seen; she's doubtful. She also wishes every horse owner would see health as a responsibility. "It's a seven day a week job you have to feed them and keep up with their health as far as vaccinations and de-worming," adds Gardner.

Animal "CSI Unit" Investigates Horse Bones

Created: 3/1/2008 1:44:20 PM Modified: 3/1/2008

(WLTN) - Sumter County deputies along with Animal Humane Society Crime Scene Investigators are continuing their investigation on some property that was formerly owned by the Trexler family.

Some bones found on a Brewington Road pasture were hidden under pallets on the Trexlers' foreclosed property, but others were out in the open. Sumter County authorities previously discovered six possible burial sites. An investigator with the Animal Humane Society CSI unit was called to assist in this investigation.

Saturday morning, the investigator arrived on the Sumter property that is now owned by Wells Fargo Bank after foreclosure and began checking out each of the possible burial sites. On Friday in Richland County, authorities along with the veterinarian who is caring for the seized horses, returned to the Trexler's property on Zeigler Road in Eastover. The vet found three possible burial sites there.

23 horses were seized from this location on Monday. The Humane Society is also looking into two more locations that are connected to the Trexler family. The Humane Society has received permission to search some property off of Fish Hatchery Road in Lexington County that is being leased to the Trexlers. Another property in Richland County is also being looked at. For Dr. Melinda Merck, looking for things in the ground and putting together the pieces is just a part of her day.

"First thing we do is map it out," Merck tells her team.

Her job is to piece together when and how animals died - and if cruelty was a part of it.

"One of the challenges we're gonna have is that we have so many potential gravesites," says Merck. She's here today to look at the horse remains found on a Sumter property that once belonged to Terry and Hazel Trexler. They've been in the news lately for their arrests, stemming from animal cruelty charges and the 23 horses that were seized from another property.

"Certainly it's the most difficult thing to do with deceased remains, especially skeletal remains because we have no tissue really to work with," says Merck. The team has to dig up each one of the six graves the Sumter County Sheriff's Office found - looking for visual evidence of how they died. Then, everything gets sent to the lab and they could have results in just a few weeks. Merck can look at the bones to see if there was any trauma, and the bone marrow tests that will be sent to the lab can tell whether the horse died from starvation.

"I focus on the evidence, follow the evidence, see what I can provide to the case," she says. But, it's not always just puzzle-solving and science for Merck.

"It's harder to deal with live animals. I think, for any of us because we see that suffering first hand," she says. And that suffering is what they are ultimately trying to stop, by making sure the people who are responsible for the cruelty face the consequences.

"There's certainly other options for anybody who can no longer care for their animals," she says. Merck says that if cruelty is found in the deaths of the horses, more charges could be added to the Trexlers' list. The Humane Society received permission yesterday to investigate a property that was leased by the Trexlers on Fish Hatchery Road in Lexington County, and they say they are also working with Richland County Sheriff's Department to investigate another property there.

WLTN.com will have this latest information as it becomes available.

Missing Georgia Horses Found in Richland County

Created: 3/3/2008 1:11:28 PM Modified: 3/3/2008 6:32

Sumter (WLTN) - More horses have been found in Richland County which the Humane Society were missing from Georgia.

The discovery was made Monday at a farm in Hopkins. It's the latest development in an ongoing investigation of horse mistreatment which Humane Society investigators say involves the Trexler family. Seventeen horses were discovered Monday.

The Humane Society will not say how many of them are from Georgia, only that a portion of them are from a property in Georgia owned by the Trexlers. The Trexlers--Hazel and Trexler, Terry Trexler, and James Trexler--face charges of mistreatment of animals. A

About two dozen of the animals were found at a horse farm in lower Richland County last week. Five more were found at another location.

A veterinarian examined the animals, and determined they were severely malnourished.

There's also an investigation in Sumter County into the discovery of animal remains found there. The Humane Society says that property was once owned by the Trexlers. Humane Society officials say the animals discovered Monday are not in as bad shape as some of the animals discovered previously, but they are neglected. The animal group says the owner of the property agreed to house the animals for the Trexlers, apparently back in January. The owner where these latest horses were found is not facing any charges, in fact, the animals will stay at that location for now, but will be monitored.

The Humane Society says its missing horses were also found during the earlier seizures.

Meanwhile, the Humane Society officials say they have temporary custody of horses some of the horses they say were abused. On Friday in Richland County, authorities along with the veterinarian who is caring for the seized horses, returned to the Trexlers' leased property on Zeigler Road in Eastover. The vet found three possible burial sites there. Twenty-three horses were seized from this location on Monday. Hazel and Terry Trexler were charged in Georgia in connection with abused horses there.

Prosecutors to Seek More Serious Charges in Neglected Horses Case

3/4/2008 5:29:20 AM Modified:3/4/2008

COLUMBIA, S.C. (AP) - Prosecutors plan to ask a grand jury to indict a suspended state official and his mother on more serious felony animal cruelty charges for neglecting horses.

Assistant Agriculture Commissioner James Trexler is charged with five counts of ill treatment to animals. His mother Hazelene Trexler faces 26 counts.

The felony charges have a maximum sentence of up to 20 years in prison, while the current charges are misdemeanors and carry a punishment of less than a year in jail. Prosecutor JB Andrews tells The State Newspaper the circumstances of the abuse led her to push for more serious charges, but she wouldn't give details.

Trexler's brother Terry is charged with 23 counts of ill treatment of animals and kidnapping.

Horse Bones Found in Eastover Sent to Florida

3/4/2008 1:29:33 PM Modified:3/4/2008 3:06:47 PM

(Eastover)- Bones from two deceased horses found on land leased by the Trexler family have been sent for examination in Florida.

Humane Society Spokeswoman Kelly Graham says the animal crime scene unit in town Saturday to investigate bones found in Sumter, also investigated graves found on Ziegler Road in Eastover. She says remains of three horses were found.

Dr. Kerinda Merck, one of the animal investigators, tells Graham the bones from two of the horses were "fleshy." She says the horses must not have died too long ago, and suspects it was untimely.

The third horse found was a foal, a baby horse, and it appears it died during birth. Graham says the younger bones may make it easier for investigators to pull out the bone marrow. That's how they determine if the horse was starved.

The bones were taken, with the older bones confiscated from the Trexler's old property on East Bretingham Road in Sumter, back to Florida State University. Graham expects the test results to come back in two weeks. Meantime, investigators also searched a property the Trexler's owned on Fish Hatchery Road on Friday. Graham says there is one area of interest that they'll have to get more equipment to dig into. She expects that to be later this week.

Official Trexler Brings 26 Horses to SC Despite Quarantine

Created:3/5/2008 3:32:22 PM Modified:3/5/2008

COLUMBIA, S.C. (AP) - Authorities say more than two dozen horses that had been under quarantine in Georgia because they were suspected of having a disease were among the malnourished animals discovered last week on land leased by the family of a South Carolina agriculture department official.

Jefferson County, Georgia Sheriff's Deputy Jimmy Kitchens says 26 horses discovered on land leased by Assistant Agriculture Commissioner James Trexler's mother and brother were the same animals quarantined in Georgia for equine infectious anemia. Kitchens says a Georgia agriculture inspector positively identified the horses by using photographs taken during an investigation there. Trexler has been charged with five counts of ill treatment to animals.

His mother faces 26 counts, and his brother is charged with 23 counts of ill treatment to animals and kidnapping.

Suspects in Horse Abuse Case to Be Sent to Georgia

Created:3/5/2008 5:22:18 PM Modified:3/5/2008

COLUMBIA, S.C. (WLTN/AP) - Georgia authorities say they will extradite family members of a South Carolina agriculture department official to face animal cruelty charges there.

Jefferson County, Georgia, Sheriff's Deputy Jimmy Kitchens says the brother and mother of Assistant Agriculture Commissioner James Trexler will be taken to Georgia on Thursday.

Kitchens says deputies will be leaving Georgia before 6 a.m. to embark on the two-hour trip to the Richmond County jail. He says Terry Trexler and his mother, Hazelene Trexler, each face 30 charges of animal cruelty, as well as 25 counts of moving horses that had been quarantined.

Jefferson County will send two officers, and have assigned a female officer to handle Hazelene. James Trexler is charged in a separate case. No attorneys for the family have commented.

Authorities say that 25 horses seized from the Trexlers in South Carolina had been quarantined for health reasons in Georgia.

Ag Department Official Resigns Amid Animal Abuse Charges

Created:3/7/2008 12:30:21 PM Modified:3/7/2008

Columbia (WLTN) -- Officials at the Department of Agriculture say James Trexler has resigned, after authorities say he allowed horses to be neglected on his property. (Trexlers May Face More Serious Charges)

According to Becky Walton at the department, Trexler resigned from his position of Assistant Agriculture Commissioner on Wednesday.

Trexler faces five counts of ill treatment of animals. Hazelene Trexler and Terry Trexler, James's mother and brother, respectively, each were charged in the investigation.

Hazelene is charged with 26 counts of ill treatment of animals, while Terry faces 23 counts of the charge. He also faces an additional kidnapping charge. Hazel and Terry were extradited to Jefferson County, Georgia on Thursday. Bond was set at \$50,000 each.

Neglected Horses Recovering Slowly, Humane Society Needs Your Help

Created: 3/7/2008 1:46:07 PM Modified: 3/7/2008

Richland County (WLTN) -- Humane Society officials have begun the healing process for a group of more than 30 horses they discovered on land being cared for by a family that faces animal cruelty charges. [Ag Official Resigns Amid Animal Abuse Charges]

Experts at the Humane Society say many of the horses were malnourished and unhealthy when they took them into their care. The neglected horses were found on a number of properties under the care of Hazlene Trexler, Terry Trexler, and former Assistant Agriculture Commissioner James Trexler.

James faces five counts of ill treatment of animals. Hazelene Trexler and Terry Trexler, James's mother and brother, respectively, each were charged in the investigation. Hazelene is charged with 26 counts of ill treatment of animals, while Terry faces 23 counts of the charge. He also faces an additional kidnapping charge.

Officials measure the horses weights with a numbering system from one to nine. While one is considered starving, a nine is given to horses who are morbidly obese. Experts say horses who are given a five are considered to have ideal weight.

Like the rest of her family, Number 35 doesn't have a name. While that may not seem uncommon in a group of 26 horses seized after officials say their owners malnourished and neglected them, Number 35 has something else to distinguish her from the others. "She scored a 1.5 on the helwie scale and so she was one of the worst ones that we have seized so far," says Kelly Graham with the Humane Society.

A 1.5 on a scale where five is the ideal, Number 35 still has a long way to go.

"As they continue to lose condition, then the ribs will become more and more prominent and on her it's kind of like clicking your fingers down a picket fence," says Dr. Michael Privett, the vet who's been caring for the horses. She was one of the five rescued from James Trexler's property, officials say she was locked in a stall and rarely let out.

"The stalls were horrible. I mean, they were like a cesspool. Just feces, urine, mud. No signs of food in the stalls," says Graham.

Dr. Privett says she's gaining her health back everyday. "She's doing well, she's not taken her head out of the feedbucket since she got here." But will have to be here longer than the others - who could soon be sent to foster families. "Those at the lower end of the scale, I don't want to worry about them going somewhere else," says Privett. This horse with no name may have lived her life so far with little love from the world around her. "She doesn't care what you call her as long as she gets fed," says Privett.

But hopefully one day, that will be a thing of the past, as she continues to get stronger along with the rest of her family. "With a little bit of handling and a little bit of training, they should be pretty decent citizens," says Privett.

So far, the Humane Society has spent nearly \$14,000 to nurse the animals back to health, and they need your help to do more. They are currently taking donations to help with the horses' care. If you can donate, or you'd like more information, call the Humane Society at 783-1267 or e-mail them at visit their website at www.humanesoc.org.

Trexler's Released on Bond in Georgia

3/8/2008 2:15:26 PM Modified: 3/8/2008

JEFFERSON COUNTY, GA (WLTN) -- The mother and son duo from Richland County who have been in the spotlight for neglecting horses posted bond in Georgia Friday afternoon.

Hazel Trexler, and her son Terry, were released from the Jefferson County Jail after posting bond that was set at \$50,000 each. Both Trexler's were charged with 30 counts of animal cruelty, as well as 25 counts of moving horses that had been quarantined.

Authorities say that 25 horses seized from the Trexlers in South Carolina had been quarantined for health reasons in Georgia.

Humane Society to Hold Event for Seized Horses

Created: 3/8/2008 11:26:36 AM Modified: 3/16/2008

Columbia (WLTN) -- After the Humane Society seized as many as 45 horses from properties overseen by the Trexler family, they are planning to hold an event to raise money to help nurse them each back to health.

The "Mane Event," which will feature a silent auction, cuisine from Southern Way, and a live bluegrass band is set to begin at 7 p.m. on Friday, April 25th at The Millstone at Adams Pond, according to organizers.

The focus of the event is to raise funds for the recently seized Arabian horses, like No. 35 seen on News15, from properties overseen by Hazelene, Terry, and James Trexler, Humane Society officials say.

If you are interested in helping the seized horses, you can find tickets at www.humanesoc.org or by calling 803-763-1267. Tickets are \$75 per individual, and \$60 each when you buy two or more tickets. All proceeds from the Mane Event will go towards the cost of vetting, boarding, feeding and rehabilitation of the 45 Arabian horses due to malnourishment and neglect, Humane Society officials say. They say they have already accumulated more than \$20,000 in vetting and care fees. They are asking for the public's help to end animal cruelty.

Hazel and Terry Trexler May Face More Charges

Created: 3/17/2008 8:50:10 AM Modified: 3/18/2008

Jefferson County, GA (WLTN) -- Hazel and Terry Trexler may be looking at more charges after Hazel admitted in court the 70-80 horses seized in Georgia came from South Carolina.

In addition to numerous charges of animal cruelty in South Carolina, the two Treaslers currently face thirty charges of animal cruelty in Georgia, and now may see more for transporting horses into the state without the proper paperwork and health certification.

According to Jefferson County authorities, the Trezler matriarch admitted to the transporting charge on March 6. Hazel also said she had no objections when reminded that anything she said could be used against her in a court of law.

Terry Trezler remains in jail, while Hazel has been out on a \$50,000 bond since March 7. Hazel's other son, James, who has been charged in South Carolina, is not a part of the Georgia case.

Felony Charges for Former Ag Official, Mother, Brother

Created: 3/21/2008 8:50:35 AM Modified: 3/21/2008

COLUMBIA, S.C. (The State, AP) -- A Richland County grand jury has indicted a former South Carolina agriculture department official, his mother and brother on felony ill treatment of animal charges.

Authorities say they seized malnourished horses owned by the family last month.

The State reports 46-year-old James Trezler was indicted on four counts of ill treatment of animals, while his 70-year-old mother Hazelene faces seven counts and 44-year-old brother Terry faces three counts. Each felony count carries a sentence of 180 days to five years in prison and a \$5,000 fine.

The family members had been charged with misdemeanors that carried up to 60 days in jail and a fine of \$100 to \$500.

Felony Charges for Former Ag Official, Mother, Brother

Created: 3/21/2008 9:25:51 AM Modified: 3/21/2008 9:26:55 AM

COLUMBIA, S.C. (AP) -- A Richland County grand jury has indicted a former South Carolina agriculture department official, his mother and brother on felony ill treatment of animal charges.

Authorities say they seized malnourished horses owned by the family last month.

The State reports 48-year-old James Trezler was indicted on four counts of ill treatment of animals, while his 70-year-old mother Hazelene faces seven counts and 44-year-old brother Terry faces three counts. Each felony count carries a sentence of 180 days to five years in prison and a \$5,000 fine.

The family members had been charged with misdemeanors that carried up to 60 days in jail and a fine of \$100 to \$500.

Horse Seized from Trezler Property Given Foal

Created: 4/2/2008 2:36:46 PM Modified: 4/2/2008 6:33:44 PM

Columbia (WLTN) -- One of the horses that was seized from a property police say was overseen by the Trezler family is a new mother Wednesday.

Kelly Graham, Director of Public Relations at the Humane Society, says the new foal was born from one of five pregnant Arabian horses seized from the various properties located in Richland and Sumter counties.

"The new foal kinda represents hope for the new generation of Arabians that we have saved," Graham said Wednesday. Graham said the foal was born at normal weight and is healthy. She said it took a bit of coaxing for the mare's maternal instinct to kick in, but she is watching over her new bundle of joy like any mother would.

"We feel really good about being able to intervene," Graham said. "And have these pregnant mares." Graham says four more foals are expected to be born in the coming months.

The Humane Society official says she believes the foal may have had some trouble adjusting to its mother without the opportunity for the two to be isolated from the other horses. Graham says the mother and foal may not have had a chance to bond had they not been rescued from their original home.

If you're interested in helping the foal and its mother, you can contact the Humane Society's office at 783-1267. They are looking for financial donations and food for the animals. Read more about the Humane Society's Mane Event.

One of the Seized Trezler Horses Passed Away

Created: 4/10/2008 11:59:33 AM Modified: 4/10/2008

Columbia (WLTN) -- Humane Society officials confirm that one of the horses which was seized from a local landowner's property back in February has died.

The agency says that a female Arabian horse named Jabask Gdancer passed away about two weeks ago.

Joan Gowans with the Humane Society says the animal developed colic, and could not overcome what the agency says was a lack of proper care given before they seized her. Gowans said, "Given the conditions of the horse and what it went through, we do feel like it's general condition is such that it couldn't recover from the ailment that it had."

Meanwhile, Humane Society officials say the other 45 Arabian horses have all improved under official care. Kelly Graham, spokesperson for the humane society said Thursday, "All of the horses are doing really well."

Graham says each horse that was seized in March from properties overseen by the Trezler family has improved at least one body condition. Four of the horses have been fostered to homes during their time of rehabilitation, Graham says. Officials say four more foals, baby horses, are expected to be born soon.

The Humane Society is holding a fundraising event that is scheduled to be hosted by Gervais & Vine on Wednesday, April 16th from 4:30 p.m. - 11 p.m. to support the 45 Arabian horses seized in the investigation. Organizers will feature horse-themed wine and they say a generous portion of the proceeds go to help the horses. Gervais and Vine is located at 620 Gervais Street in Columbia.

Humane Society Holds Benefits for Arabian Horses

Created:4/15/2008 8:06:57 PM Modified:4/15/2008 8:31:02 PM

(WLTN) — The Humane Society is set to hold two events to benefit horses seized from properties maligned by the Trexler family.

Kelly Graham, spokesperson with the Humane Society, talked with News15 Tuesday evening about the pair of events.

The first is a fundraiser to be hosted by Gervais & Vine on Wednesday, April 16th from 4:30 p.m. - 11 p.m. to support the 45 Arabian horses seized in the investigation. Graham says that after the Humane Society took the horses into their custody, they have each improved at least by one body condition. Organizers will feature horse-themed wine at the Gervais and Vine event, and they say a generous portion of the proceeds go to help the horses.

The tapas restaurant is located at 620 Gervais Street in Columbia.

The "Mane Event," will feature a silent auction, cuisine from Southern Way, and a live bluegrass band is set to begin at 7 p.m. on Friday, April 25th at The Minstrel at Adams Park, according to organizers. The focus of the event is to raise funds for the recently seized horses from properties overseen by Hazlett, Tarry, and James Trexler, Humane Society officials say.

If you are interested in helping the seized horses, you can find tickets at The Humane Society's Official Site or by calling 803-783-1267. Tickets are \$75 per individual, and \$50 each when you buy two or more tickets. All proceeds from the Mane Event will go towards the cost of vetting, boarding, feeding and rehabilitation of the 45 Arabian horses due to malnourishment and neglect, Humane Society officials say. They say they have already accumulated more than \$26,000 in vetting and care fees. They are asking for the public's help to end animal cruelty.

Four of the horses have been fostered to homes during their time of rehabilitation, Graham says.

Humane Society: 3 Cruelty Cases Connected to Public Officials

Created:5/5/2008 12:48:22 PM Modified:5/5/2008 7:38:16 PM

Columbia (WLTN) -- Humane Society authorities say three public officials this year have used poor judgment in dealing with animals, resulting in three animal cruelty cases.

The most recent, Mud Pie, a 7-month-old kitten, was shot twice and killed by Frank Hodge, Bluffton's director of Building Safety, when the kitten chased a butterfly into his yard, officials say. The incident happened while Amy Longley, Mud Pie's owner, went into her house to answer the phone after playing with the kitten on the front porch.

Hodge was charged with malicious injury to an animal and for discharging a firearm within city limits. Hodge was charged \$520 dollars and was put on a two week suspension.

"We feel like that that's just not good enough. It was malicious, it was done purposely," says Kelly Graham, spokesperson for the Humane Society.

Bluffton Police Chief David McAllister said that since Hodge didn't torture the animal, like "setting it on fire," South Carolina cruelty laws didn't come into play. McAllister says Hodge just shot Mud Pie twice.

Four months into 2008, the Humane Society has had three public officials who have used poor judgment when dealing with animals. "They're supposed to be leadership. They're the people that we look to to kind of hold the standards of our communities," says Graham.

Former Assistant Director of the Department of Agriculture, James Trexler is connected with an animal cruelty case involving the neglect of 45 Arabian horses. One of the horses, Jabash Gdancer, died this year after not being able to recover, Humane Society officials say.

Officials say Senator Kent Williams of Marion County called animal control to pick up his full term pregnant German Shepherd and take it to the local pound. Graham says the pound where the animal was taken is one of the worst in the state, so it was most likely the animal would have been euthanized. Fortunately, Humane Society workers were able to rescue the dog in time.

The Humane Society says whether a case involves 45 horses or one kitten, the fact remains that animal cruelty is illegal, unethical and is unacceptable behavior. "These people aren't above the law, and they should have a little bit more knowledge of the law," says Graham.

Humane Society officials said in a Monday news release that Title 47 in the South Carolina Code of Laws, which addresses animal cruelty and the penalties for such actions, must be consistently enforced by police officers, solicitors and judges to appropriately punish offenders, thereby sending a clear message that abuse to animals will no longer be tolerated.

Forensic Results of Trexler Petal Sites

Created:6/14/2008 12:04:36 PM Modified:6/14/2008 7:10:36 PM

Agency: Sumter County - Sheriff's Dept, Humane Society

Deputy: Nancy Wright (SD); Michelle Hart (HS)

Case: 28006-1006 (Equine births)

Examining Veterinarian: Dr. Malinda Marx

6175 Hickory Flat Hwy

Suite 210-222

Centon, Georgia

30115 678-773-8014

Date of Excavation: 03-01-06

PRELIMINARY SUMMARY OF FINDINGS. SCENE: There were 9 burial sites (G1-G9) identified at the first site (Site 1) located in Sumter, SC. G1 and G2 were excavated to identify the horse remains and look for any obvious cause of death and collect evidence. Then the other grave sites were excavated to obtain a long leg bone for testing. Mapping of Site 1 and the burial sites was conducted by Dep. Wright. Site 2 was located on Zepher Road. There was a cut corn field where 3 different grave sites were located. Each grave site was covered with sandy soil and no vegetation growth was present.

EXCAVATION: Site 1 - G1: There appeared to be one complete equine skeleton. There was an irregular fracture of the dorsal spinous process of one of the thoracic vertebrae. There was an irregular fracture of the right rib, 9th rib from the caudal rib. Both fractures appeared to be post mortem injuries. A yellow nylon rope was found wrapped around the front and back legs. There were additional bones found in the same grave of at least 2 additional horses. Entomological evidence was found in the grave. Samples were taken and preserved; environmental readings recorded. The deepest buried leg bone from the complete skeleton was retrieved for testing.

G2: There was one complete equine skeleton. Entomological evidence was found in the grave. Samples were taken and preserved; environmental readings recorded. The deepest buried leg bone was retrieved for testing.

G3: This was a shallow grave with bones protruding from the surface. The grave site was actually a mound. Most of the bones were disarticulated. There appeared to be bones from a minimum of 3 juvenile horses. The deepest buried leg bone was retrieved for testing.

G4-9: Each site was dug up to retrieve a single leg bone that was buried the deepest, if possible.

Site 2: G1: The head of an adult horse was partially exposed. Dr. Privett, equine veterinarian at the scene, estimated the age 3mo-2yrs. The body was severely decomposed. It was partially excavated to obtain a deeper leg. The attached tissue was removed for submission for bone marrow fat analysis. Maggots were present around the head and the leg removed. Maggot samples were collected and preserved; environmental readings recorded.

G2: There was the body of an adult horse. The grave was partially excavated to obtain a deeper leg. Maggots were present; they were collected, preserved; environmental readings recorded.

G3: The grave contained the body of a newborn foal. There was a membrane covering the bottom of the hoof. Estimated age by Dr. Privett was 1-2 days old. Part of the body was protruding from the grave and there was evidence of scavengers.

TESTS AND RESULTS: 1. All entomology samples were submitted to forensic entomologist, Dr. Johan Byrd, for analysis. Results: pending Comments: pending 2. All bones from each grave site were submitted to Diagnostic Center for Population and Animal Health at Michigan State University for bone marrow fat analysis. Results: Bone marrow only recovered from 3 bones Site 1, G9: 63.1% Site 1, G6: 31.4% Site 2, G1: 0.8%

Comments: Normal Bone Marrow Fat% > 60% The body consumes its own fat stores and muscle protein for nourishment in the state of starvation. The external fat is used first; the deep organ fat is next to last to be used with the bone marrow fat the last place the body will consume. When the bone marrow fat is low it indicates the animal died of end-stage starvation. An animal can survive to starvation prior to consuming all its own body fat and muscle for nourishment so a normal bone marrow fat does not exclude cause of death as starvation.

DOCUMENT 2:

Agency: Sumter County - Sheriff's Dept, Humane Society Deputy

Randy Wright (SD): Michelle Hart (HS)

Case: 262005-1000 (Equine Burials)

Examining Veterinarian: Dr. Melinda Merck

6175 Hickory Flat Hwy

Suite 130-233

Canton, Georgia

30115 678-773-8014

Date of Excavation: 03-01-06

PRELIMINARY SUMMARY OF FINDINGS

SCENE: There were 9 burial sites (G1-G9) identified at the first site (Site 1) located in Sumter, SC. G1 and G2 were excavated to identify the horse remains and look for any obvious cause of death and collect evidence. Then the other grave sites were excavated to obtain a long leg bone for testing. Mapping of Site 1 and the burial sites was conducted by Dep. Wright. Site 2 was located on Zepher Road. There was a cut corn field where 3 different grave sites were located. Each grave site was covered with sandy soil and no vegetation growth was present.

EXCAVATION: Site 1 - G1: There appeared to be one complete equine skeleton. There was an irregular fracture of the dorsal spinous process of one of the thoracic vertebrae. There was an irregular fracture of the right rib, 9th rib from the caudal rib. Both fractures appeared to be post mortem injuries. A yellow nylon rope was found wrapped around the front and back legs. There were additional bones found in the same grave of at least 2 additional horses. Entomological evidence was found in the grave. Samples were taken and preserved; environmental readings recorded. The deepest buried leg bone from the complete skeleton was retrieved for testing.

G2: There was one complete equine skeleton. Entomological evidence was found in the grave. Samples were taken and preserved; environmental readings recorded. The deepest buried leg bone was retrieved for testing. Plants were removed from the top center of the grave site and submitted for forensic botany examination.

G3: This was a shallow grave with bones protruding from the surface. The grave site was actually a mound. Most of the bones were disarticulated. There appeared to be bones from a minimum of 3 juvenile horses. The deepest buried leg bone was retrieved for testing.

G4-9: Each site was dug up to retrieve a single leg bone that was buried the deepest, if possible.

Site 2- G1: The head of an adult horse was partially exposed. Dr. Privett, equine veterinarian at the scene, estimated the age 3mo-2yrs. The body was severely decomposed. It was partially excavated to obtain a deeper leg. The detached tissue was removed for submission for bone marrow fat analysis. Maggots were present around the head and the leg removed. Maggot samples were collected and preserved; environmental readings recorded.

G2: There was the body of an adult horse. The grave was partially excavated to obtain a deeper leg. Maggots were present; they were collected, preserved; environmental readings recorded.

G3: The grave contained the body of a newborn foal. There was a membrane covering the bottom of the hole. Estimated age by Dr. Privett was 1-2 days old. Part of the body was protruding from the grave and there was evidence of scavengers.

TESTS AND RESULTS: 1. All entomology samples were submitted to forensic entomologist, Dr. Jason Byrd, for analysis. Results: pending Comments: pending

2. All bones from each grave site were submitted to Diagnostic Center for Population and Animal Health at Michigan State University for bone marrow fat analysis. Results: Bone marrow only recovered from 3 bones Site 1, G9: 63.1% bone marrow fat Site 1, G5: 31.4% bone marrow fat Site 2, G1: 0.6% bone marrow fat: Normal Bone Marrow Fat% = >60%

3. Plant evidence submitted to Dr. David Hall for forensic botany analysis. From G2, the burial is 2 or more years old.

Comments: The body consumes its own fat stores and muscle protein for nourishment in the state of starvation. The external fat is used first; the deep organ fat is next to last to be used with the bone marrow fat the last place the body will consume. When the bone marrow fat is low it indicates the animal died of end-stage starvation. An animal can succumb to starvation prior to consuming all its own body fat and muscle for nourishment so a normal bone marrow fat does not exclude cause of death as starvation.

Officers: Horses Died of Starvation

Created:8/14/2008 11:34:41 AM Modified:8/14/2008 7:12:15 PM

Richland County (VLTx) -- Forensic experts say they have determined that horse remains found on properties maintained by a former agiculture show that the horses died of starvation. Dr. Melinda Merck says the fact that bone marrow fat levels in the skeletal remains were very low proves that there is no question that the animals died of starvation.

(Read all of Merck's preliminary results, [edited](#))

Another hearing for the "Trexler family," comprised of former Assistant Agriculture Commissioner Jim Trexler, his mother, Hazelene Trexler, and his brother, Terry, is set for Friday.

In that hearing, a judge will hear misdemeanor charges against them after deputies say they found neglected horses on properties maintained by the family.

"This was unprecedented for us at the Humane Society... Sometimes, we'll go out and there will be five or six horses and we're able to work with the people and figure out what the problem is," says Kelly Graham with the Humane Society. But, that wasn't the case in February when officials first seized 23 horses from Trexler properties.

"After evaluating them, we took those horses, [but] kept pouring in," Graham says.

In all, investigators seized 45 horses from the family properties. Hazel Trexler faces 28 counts of misdemeanor neglect, James Trexler faces five, and brother Terry faces 23 counts.

The Richland County felony charges have not been addressed in a hearing yet, and the family could face more felony charges there, now that the final results have been released from forensic tests done on horse remains found in Eastover.

Merck, a veterinary forensics specialist, found very low marrow in the bones tested, proving that the animals were starved to death. To read the original story about the Eastover bones found, [click here](#).

This could also bring more felony charges in Sumter County, where the doctor collected and tested several other horse remains from another property where the Trexlers kept horses. To read the original story about bones found in Sumter County, [click here](#).

The Humane Society says their attorney is working with investigators in both counties to bring more charges against the family.

The family is also facing charges in Jefferson County, Georgia, where officials say they neglected another set of horses. They're also accused of bringing about 25 of them, which were quarantined at the time, across state lines, back to Eastover.

Friday's hearing is just another step in the process to get a conviction, says Humane Society officials. "We're just hoping that this sets a precedent for this type of abuse and neglect in the state and that we can hold that up and say we're not gonna put up with this," Graham says.

No Decision Made In Sumter County Hearing, Attorney Warns

Created:8/15/2008 1:53:16 PM Modified:8/15/2008 4:11:45 PM

Columbia (VLTx) -- The judge made no ruling in the hearing for the misdemeanor charges against the Trexler family Friday, accused of neglecting horses in Richland County. Read Thursday's updated story in the investigation.

Former Assistant Agriculture Commissioner James Trexler, his mother, Hazel Trexler, and his brother, Terry Trexler, face misdemeanor and felony charges of neglect.

James is facing five misdemeanor charges, while Hazel and Terry are facing 26 and 23 misdemeanor charges, respectively.

Each of the Trexlers' personal lawyers appeared in their place in court Friday.

There were questions from attorneys about whether the preliminary hearing was necessary, because it's unusual to have for the types of misdemeanor charges against them. Judge Kirby Shealy said it wasn't a ruling he could make.

Trexler Horses "Healthy and Happy"

Created:12/15/2008 5:47:22 PM Modified:12/15/2008 5:57:59 PM

Columbia (WLTX) — Back in February, nearly four dozen horses were seized in the Midlands from properties owned by the Trexler family.

The Humane Society says now, nine months later, the horses are doing great. These pictures, courtesy of the Humane Society, are of the two of the horses that were seized.

Spokeswoman Kelly Graham says these horses are both healthy and happy now.

Hazel Trexler, and her sons Terry and James, were arrested back in February for inhumane treatment of animals.

The trio are also facing felony charges in Richland County, and may have more added in Sumter County.

Man Accused of Mistreating Horses Sues Prosecutor

Created:1/22/2009 3:10:46 PM Modified:1/22/2009 5:37:43 PM

Columbia (AP, WLTX) — The brother of a former agriculture official accused of mistreating horses found on properties owned by his family has filed a lawsuit against the prosecutor, saying the solicitor mishandled the case.

On Wednesday, Terry Trexler filed state and federal lawsuits accusing Solicitor Barney Giese of malicious prosecution and negligence in bringing charges against Trexler, his mother and brother.

Trexler and mother Hazelene Trexler face various animal abuse charges. Brother James Trexler resigned as assistant agriculture commissioner in March after he was charged with ill treatment of animals.

Terry Trexler tells The Associated Press his family has never abused animals.

Dozens of horses were seized last year on properties associated with the family.

Trexler Family Horse Update

Created:1/23/2009 6:01:03 PM Modified:1/23/2009 6:59:01 PM

Hopkins (WLTX) — More than 40 horses were seized during the investigation into Hazelene, Terry and James Trexler and each suspect was accused of neglect.

The horses were seized from properties that investigators say were overseen, owned or managed by the Trexlers.

About half of the horses live with foster families and the rest are cared for by a Hopkins veterinarian.

"They've all done well basically since 90-120 days since we've gotten them here. That was what we projected, and the horses pretty much fell in with that," says Dr. Michael Privett.

Privett has been taking care of these horses for almost a year now, although some haven't been around quite that long. "No problems with those two," he says, referring to a colt and filly in his care.

"The birth, the early days, were fine and they've mixed in with the herd here."

Overall, there have been four new births for the herd since they were seized from the Trexlers' properties. Kelly Graham, who works with the Humane Society, says she sees a drastic change. "Now, they're looking so good. It's really hard. They don't look like the same horses," she laughs. "I have to have Dr. Privett with me to kind of point out."

For Privett, the first few months were challenging. "The little pasture full of stallions is like a gym full of 15-year-old boys. But other than dealing with these normal, expected things we've had no problems," he says.

The horses' dispositions depend on what you're trying to get them to do. Explains Privett, "We are not trying to teach these horses to show, to ride or do anything other than just what horses are going to naturally."

These foster families are just one of the ways that some of the horses are getting used to different expectations. "A lot of the fosters - some have two, some have five, some have just taken one; so everybody is in a good place," says Graham.

The horses will be ready to go wherever the case may take them.

Terry Trexler has said that he loves animals and would never hurt them.

The Attorney General's office is denying Terry's claim that the law under which the family was charged doesn't apply to livestock animals.

Rescued Horses Set Up for Adoption

Created:2/1/2011 10:00:01 PM Modified:2/1/2011 10:30:39 PM

Columbia, SC (WLTX) — Some horses seized by law enforcement several years ago are now being offered for adoption.

In 2006, the Humane Society began taking horses from Richmond County properties owned by the Trexler family, saying the animals were neglected and malnourished. In court, the Trexlers pleaded no contest and gave up rights to the horses, Humane Society director Wayne Brennessel said.

"As big and as majestic and as strong as they are, if they're not cared for properly, their health deteriorates rapidly," Brennessel said.

Originally there were 45, but after some horses had babies, there were a total of 51. Today, 23 horses still need owners.

"When they were removed, they were in really terrible shape -- halters were grown into their skin, their hooves were splayed," Brennessel said.

By this summer, they were back in shape with good nutrition and lots of care and the Humane Society paying their boarding costs.

"The horses that remain are still in great shape, tip-top health, but they've never had any socialization," Brennessel said. "They've always lived as a part of a herd and with that herd mentality, they need to be worked with and socialized."

It takes a special home to care for these horses, one that the Humane Society is hoping to find for all of them by the end of the year.

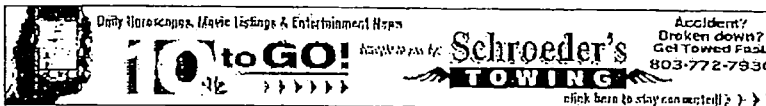
The Humane Society is accepting donations to help with the cost of caring for the horses. You can reach them at 121 Humane Lane, Columbus, SC 29209 or by phone at (803) 763-1267.

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Asst. Ag. Commissioner suspended after malnourished horses found

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Posted: Feb 26, 2008 6:05 PM EST

Updated: Feb 29, 2008 12:25 AM EST

RICHLAND COUNTY, SC (WIS) - The state's Assistant Commissioner of Agriculture has been suspended after investigators say they found five more neglected horses at a Richland County farm.

Wednesday Commissioner of Agriculture Hugh Weathers says James Trexler has been "suspended from his duties at the Department of Agriculture pending further investigation."

Weathers says, "Subsequent decisions will be made when all pertinent facts of this issue are clearly understood by this agency and have been reconciled by the proper authorities."

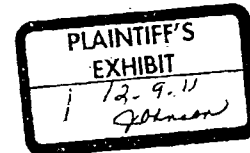
A Humane Society spokeswoman says the horses found Tuesday are in worse shape than the ones rescued Monday. In fact, officials say the horses were found in a barn up to their ankles in manure.

The Humane Society took custody of 23 horses Monday. A spokesperson for the Humane Society says the horses were malnourished and had very little water. Deputies say the owner of the horses is Hazel Trexler and that she may face mistreatment charges.

Tuesday, the Humane Society got a tip that James Trexler had horses at a different farm in Richland County.

Officials say the five horses were found at a barn at his house. Officials say a dog and two rabbits were also found malnourished and confiscated.

Hazel Trexler says the horses taken Tuesday belong to her, not her son. She also claims to own half of the property where the horses were confiscated. Right now, the horses are being assessed by a



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Trexler farm may hold more evidence

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Posted: Feb 27, 2008 4:49 PM EST

Updated: Mar 04, 2008 11:55 PM EST

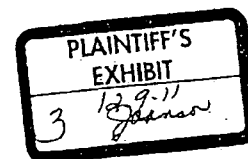
(WIS) - This week the WIS News 10 newsroom has been following stories of neglected horses. It started with horses confiscated from Hazel Trexler's land. Then more horses were confiscated from her son James' land. And he has since been suspended from his position as Assistant Commissioner of Agriculture.

Richland County Sheriff Leon Lott says at about 8:00pm Wednesday night the Richland County Sheriff's Department's Fugitive Task Force apprehended Hazel Trexler, 70; Terry Trexler, 44; and James Trexler, 48. Thursday morning, they appeared in court for a bond hearing:

- **Hazelene E. Trexler** - \$20,000 cash/surety bond
-28 counts of ill treatment of animals
- **Terry A. Trexler** - bond was set at \$50,000 cash or surety
-23 counts of ill treatment of animals
-1 count of kidnapping (Terry is accused of holding an HSPCA investigator against her will/refusing to allow the investigator to leave a farm on 2/13 during an evaluation of the horses)
- **James Trexler** - \$10,000 PR bond.
-5 counts of ill treatment of animals

Sheriff Lott initially said Trexler had been charged with kidnapping, but Lieutenant Chris Cowan tells WIS News 10 that Trexler's brother, Terry, claimed to be James Trexler when Humane Society investigators were on the property on February 13th.

Lott says Terry Trexler is charged with kidnapping because he refused to let the investigator leave his farm. Terry Trexler also is charged with 23 counts of ill treatment of animals.



<http://www.wistv.com/Global/story.asp?S=7935144>

4/8/2011

veterinarian. The Humane Society will later go before a judge and try to assume ownership of the horses.

Previous story:

- Owner of confiscated Richland Co. horses denies withholding feed

Reported by Drew Stewart

Posted by Chantelle Janelle

the Alternative Minimum Tax

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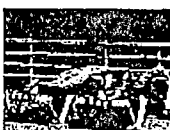


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4/8/2011

Sheriff Anthony Dennis says they have also found shallow horse graves on the Trexler farm in Sumter. Animal Control does not know how those horses died.

It's believed some of the confiscated horses were owned by the Trexlers in Georgia. There, Terry and Hazel also have more than two dozen outstanding warrants.

"These animals disappeared from the state of Georgia. We've been in contact with them and believe some of the animals we've received were quarantined in Georgia," says Michelle Hart of the Humane Society.

Hart tried documenting what she saw on the Trexler's farm. She says Terry and Hazel walked up to her, tried taking her camera and then told her to leave. But then, she says, Terry wouldn't let her.

"While she was walking back across there, Mr. Trexler drove his pickup truck around, parked it behind her vehicle and detained her there ... refusing to let her leave."

For that, Terry faces charges of kidnapping. Both he and his mother are also charged with the ill-treatment of nearly 30 animals.

James Trexler faces far fewer charges and claims he didn't own any of the horses or the properties they were found on. He's been suspended from his post without pay, but he's out of jail Thursday night. His brother and mother are still being held.

According to officials in Georgia, Hazel and Terry Trexler have been charged with a combined 61 counts of animal cruelty.

"The News and Farmer" newspaper sent us pictures Thursday. The newspaper says they were taken on the Trexlers' property in Jefferson County. They show several horses with ribs showing and poorly-kept coats. We also found pictures of a dead horse on the property.

Georgia investigators say the animals have since been moved out of the state.

Terry Trexler has a substantial arrest record and several run-ins with the State Supreme Court. As for James, we went to our own archives and found one questionable episode that brought attention from police.

Jim Trexler has worked for the State of South Carolina for half of his 48 years. Five years ago, he joined the State Agriculture Department, rising to the post of Assistant Commissioner of Agriculture - responsibilities that included budgeting, procurement and information technology.

But since his arrest on five counts of mistreating animals, Trexler has been suspended without pay.

Trexler's brother - a former attorney in Sumter - has a more troubled past. In 1997, the State Supreme Court publicly reprimanded Terry Trexler after he was named in complaints from two clients.

The following year the court suspended him. Then in 2001, the high court stripped Trexler of his law license. The court said Trexler had mishandled the cases of at least two dozen clients.

By then, Trexler had begun compiling a criminal record. The State Law Enforcement Division says charges against Terry Trexler include multiple counts of breach of trust, blackmail and conspiracy.



Above pictures from Trexler property in GA courtesy "News and Farmer" newspaper



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A few years ago, Terry Trexler was also named in a federal lawsuit filed by a man who hired Trexler in a divorce case. That client, a veteran Air Force fighter pilot, says the now-45-year-old Trexler swindled him out of his house in Sumter.

Jim Trexler has no criminal record. But in 1993, a man named Jim Trexler and identified as a State Budget and Control Board employee appeared before a judge in Columbia on charges of assault and battery with intent to kill and unlawful possession of a firearm.

Police said the suspect had fired several gunshots during a fight with another man at a St. Andrews apartment complex.

A Budget and Control spokesman confirms Jim Trexler was an employee with that agency.

The Jim Trexler arrested in 1993 had no prior arrests and he told WIS News 10 at the time he hoped to go through pre-trial intervention to clear his record.

We've found no indication of any criminal background for Hazelene Trexler - mother of James and Terry.

Additionally, we're following the fate of the horses confiscated in South Carolina. WIS News 10 sent Drew Stewart to learn more about what will happen to those animals.

It's a scene veterinarian Dr. Michael Privett sees all too often. "We'll see cases with the Humane Society periodically, every year or two. But this type of condition is not that unusual, but on a smaller scale."

In these horses, Sheriff Lott says there were also inflections could have caused lameness and halters growing into the faces of the horses.

The horses in question this week were confiscated earlier in the week by the Humane Society. They were brought to Dr. Privett's Richland County farm for evaluation and diagnosis. He says they need "deworming. But mainly deworming and feeding them properly."

But more often, Privett sees cases where the owners just don't understand how to take care of their horses. "I'll run across situations where the owners were feeding the horses pine straw and Cheerios, and they thought that was the right thing to do."

Another problem is owners who run out of money to care for their horses. Privett estimates a cost of around \$2,500 annually to feed a horse properly. He says the horses are often the first neglected when the owner gets into financial troubles.

Dr. Privett uses a one to 10 scale, with 10 being an overweight horse and five being optimal. The horse WIS News 10 saw got a one rating, but the good news is that with care and proper feeding, the horse can be rehabilitated.

Privett estimates it could take from three to five months. "I don't think we'll have a lot of trouble bringing these horses back. This one behind me is one of the worst, but I don't think she's too far gone that with proper feeding we can't bring her back. She's still energetic and interested in feeding."

But often, the best way to solve the problem of a malnourished horse is teaching the owner. "The owners will call us out, and it's just a matter of education," says Dr. Privett.

Johnson faced previous charges before murders

Stephen Garcia suspended again, this time indefinitely

Restaurant fire near Harbison Boulevard

Man arrested after police say he forced a child to have oral sex

Gamecock fans react to Garcia's latest suspension

Person shot and killed at Waffle House identified

Hyman: Garcia suspended to get his act together

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Previous stories:

- Asst. Ag. Commissioner suspended after malnourished horses found
- Owner of confiscated Richland Co. horses denies withholding feed

the Alternative Minimum Tax

Apple fans line up to buy first batch of iPad 2s

Reported by Drew Stewart & Jack Kuenzie

Posted by Chantelle Janelle

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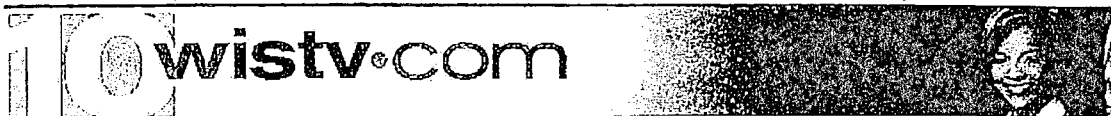
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Horse #47 confiscated from Trexlers dies

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Posted: Apr 10, 2008 10:54 PM EDT

Updated: Apr 15, 2008 6:40 AM EDT

COLUMBIA, SC (WIS) - There are new developments in the case involving the Trexler family horses.

The Humane Society says one of the horses has died. The horse was known as #47. He was one of the four dozen taken from the family farm owned and operated by Hazel Trexler and her sons James and Terry.

Because of ill treatment, officials say, the horses are suffering with health problems. Horse #47 was too weak to survive.

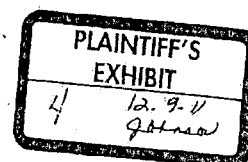
Many of you want to help the animals. You have a chance to do that at the Humane Society's "Mane Event" April 25th at The Millstone at Adams Pond off Bluff Road in Columbia. That's 5301 Bluff Road. The event is scheduled from 7pm to 11pm.

It is a cowboy cocktail party that will raise money to treat and house the horses until they can be adopted. Southern Way will be providing the food and there's also live bluegrass entertainment and a silent auction planned.

Call the Humane Society at 783-1267 or visit <http://www.humanesc.org> to buy tickets to The Mane Event. They cost \$75 per person or \$60 for the purchase of two or more.

Posted by Chantelle Janelle

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4/8/2011

958

APP. 1058

Doc: 00282221 DB: research_d_2008_1 Date: Wed Feb 27 23:48:39 2008
Alert Categories: agr kor lle non
Profiler Categories: Agriculture Crime Legal Philanthropy

*** Version History. (* = this story, F = final, S = semifinal) ***

mD8V3143G0 02-27-2008 20:44:46 BC-SC--Official Suspended:Assistant
Ag Com
mD8V328600 02-27-2008 22:01:47 BC-SC--Official Suspended, 1st Ld-
Writethr
mD8V33Q901 02-27-2008 23:48:39* BC-SC--Official Suspended, 2nd Ld-
Writethr
mD8V3FUIG2 02-28-2008 13:36:58 BC-SC--Official Suspended,
CORRECTIVE:Corr
mD8V3GJI00 02-28-2008 14:21:44 BC-SC--Official Suspended,
CORRECTIVE, 1st

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^BC-SC--Official Suspended, 2nd Ld-Writethru,0170<

^Assistant Ag Commissioner charged with ill treatment of animals<

^Eds: APNewsNow. UPDATES with Trexler's attorney not commenting.<

^iwis-jsc<

¶ COLUMBIA, S.C. (AP) _ Assistant Agriculture Commissioner James Trexler has been charged with five counts of ill treatment of animals and kidnapping.

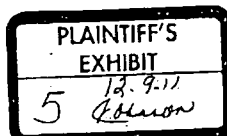
¶ Richland County deputies arrested Trexler on Wednesday night, the same day he was suspended from his job.

¶ Sheriff Leon Lott says the kidnapping charge was filed because Trexler refused to let a Humane Society investigator leave his farm earlier this month.

¶ The Humane Society tells WIS-TV that five horses, a dog and two rabbits were found malnourished at Trexler's farm on Tuesday.

¶ Authorities checked Trexler's farm after the Humane Society said it found malnourished animals on a farm owned by Trexler's mother earlier in the week. She faces 26 counts of ill treatment toward animals and denied mistreating animals when interviewed by WIS on Monday.

¶ A phone listing for James Trexler could not be found. WIS reported no one was home when its reporter tried to speak to Trexler earlier this week, and The (Columbia) State reported his attorney Richard Blackmon had no comment.





SOCIETY SAYS THE HORSES WERE MALNOURISHED AND HAD VERY LITTLE WATER.

DEPUTIES SAY THE OWNER OF THE HORSES IS HAZEL TREXLER AND THAT SHE MAY FACE MISTREATMENT CHARGES.

Anchor:ONCAM

{ONCAM}

CG :BLANK RED TAB
2LINE\Developing Story\Horses
rescued@different house\Richland
County Farm

TODAY...THE HUMANE SOCIETY GOT A TIP THAT TREXLER'S SON HAD HORSES AT A DIFFERENT FARM IN RICHLAND COUNTY.

JAMES TREXLER IS THE STATE'S ASSISTANT COMMISSIONER OF AGRICULTURE.

OFFICIALS SAY THE FIVE HORSES TODAY WERE FOUND AT A BARN AT HIS HOUSE.

CG :BLANK RED TAB
2LINE\Developing Story\1 dog, 2 rabbits
also taken\Richland County Farm

A DOG...AND TWO RABBITS WERE ALSO FOUND MALNOURISHED AND TAKEN AWAY.

TAKE: DREW IN NEWSROOM

Anchor:DSTEWART

(***DREW***)

ReadRate:14

CG :BLANK RED TAB
2LINE\Developing Story\Craig
Melvin\cmelvin@wistv.com

WIS NEWS TEN
HAS LEARNED
INVESTIGATORS
FOUND THOSE
HORSES AFTER
FOLLOWING UP ON A
TIP.

TAKE VO

{VO}

CG :BLANK RED TAB
2LINE\Developing Story\5 horses
rescued today\Richland County Farm

TODAY... A
HUMANE SOCIETY
SPOKESWOMAN
SAYS THE HORSES
WERE FOUND...
MALNOURISHED...
ON A PROPERTY
OWNED BY JAMES
TREXLER... HE'S THE
STATE'S ASSISTANT
COMMISSIONER OF
AGRICULTURE.

OFFICIALS SAY
THE FIVE HORSES
WERE FOUND AT A
BARN ON TREXLER'S
PROPERTY.

TWO DOGS...AND
A RABBIT WERE
ALSO FOUND
MALNOURISHED AND
TAKEN AWAY.

byRUSS CONGDON

TAKE: WIPE TO VO

{WIPE TO VO}

byRUSS CONGDON

Anchor:DSTEWART

(**DREW**)

ReadRate:14

TAKE VO

{VO}

CG :BLANK RED TAB
2LINE\Developing Story\Zeigler Road
South\Richland County

JAMES TREXLER
IS THE SON OF
HAZEL TREXLER
WHO OWNED 23
HORSES RESCUED
YESTERDAY.

A
SPOKESPERSON
FOR THE HUMANE
SOCIETY SAYS THE
23 HORSES
RESCUED FROM
THAT FARM WERE
MALNOURISHED AND
HAD VERY LITTLE
WATER.

Anchor:ONCAM

{ONCAM}

I SPOKE WITH
HAZEL TREXLER ON
THE PHONE EARLIER
TONIGHT.

SHE SAYS THE
HORSES FOUND AT
JAMES TREXLER'S
PROPERTY BELONG
TO HER. SHE SAYS
THAT THE HORSES
ORIGINALLY
BELONGED TO HER
LATE HUSBAND AND
SHE INHERITED
THEM. SHE ALSO

byRUSS CONGDON

TOLD ME THAT HALF
OF HER SON'S
PROPERTY
BELONGS TO HER AS
WELL.

WE'LL KEEP YOU
UP TO DATE ON THIS
STORY AS IT
DEVELOP.

DREW STEWART,
WIS NEWS 10.

byRUSS CONGDON

TAKE: CRAIG AT PLASMA

TAKE: VO IN PLASMA:

{VO IN PLASMA}

Notes:**new video of neglected
horses..make these long & steady shots

Anchor:CRAIG

{**CRAIG**}

ReadRate:13

NEWS TEN
CONTINUES TO
FOLLOW THE STORY
OF
MALNOURISHED...AN
D NEGLECTED
HORSES.

TONIGHT, FIVE
MORE HORSES
BELONGING TO A
RICHLAND COUNTY
FAMILY ARE IN THE
CUSTODY OF THE
HUMANE SOCIETY.

TONIGHT'S
HORSES WERE
FOUND ON
PROPERTY
BELONGING TO A
HIGH-RANKING
STATE OFFICIAL.

JUST YESTERDAY,
THE SOCIETY
RESCUED 23 OTHER
HORSES.

DREW STEWART
TONIGHT ON THE
RESCUE AND THE
REACTION FROM
THE PERSON
ACCUSED.

byRUSS CONGDON

TAKE PKG

{TAKE PKG}

OUTCUE: STANDARD

ITEM TIME:1:26

CG in 0:00 to 0:06:2LINE

SUPER\Congaree Road\Lower

Richland Community

CG in 0:10 to 0:16:2LINE SUPER\Drew

Stewart\dstewart@wistv.com

CG in 0:20 to 0:27:2LINE SUPER\Kelly

Graham\Humane Society

byRUSS CONGDON

966

APP. 1066

TAKE PKG

b

{TAKE PKG}

ReadRate:15

THE ANIMALS
WERE FOUND AFTER
AFTER DEPUTIES
EXECUTED A
SEARCH WARRANT.
FIVE HORSES WERE
REMOVED FROM
THE PROPERTY
ALONG WITH 2 DOGS
AND A RABBIT ...ALL
OF WHICH THE
HUMAN SOCIETY
SAYS WERE
MISTREATED.

TAKE SOT
AT: 7:51:51
TO: 7:52:02
DURATION:0:11

{STANDUP....the
horses found today
were in worse shape
than the ones found
yesterday....in fact
those horses were
found in a barn up the
their ankles in manure}

TAKE SOT
AT: 7:38:20
TO: 7:38:35
DURATION:0:15

{on a scale of one to
ten, five being a healthy
horse, the horses we
picked up yesterday
rated as 3's or 4s,
these will probably rate
as 1's or 2's}

BUT PERHAPS
MOST SHOCKING,
WAS THAT
OFFICIALS SAY
THESE HORSES

WERE FOUND ON
PROPERTY OWNED
BY JAMES TREXLER,
THE ASSISTANT
COMMISSIONER OF
AGRICULTURE FOR
THE STATE OF
SOUTH CAROLINA.

JAMES TREXLER
IS ALSO THE SON OF
HAZEL TREXLER,
WHO WATCHED AS
TWENTY THREE OF
HER HORSES WERE
REMOVED FROM A
FARM SHE WAS
LEASING
YESTERDAY.

WE KNOCKED ON
TREXLER'S DOOR
FOR COMMENT, BUT
NO ONE ANSWERED.

TAKE SOT
AT: 7:39:06
TO: 7:39:14
DURATION:0:08

{once we get these
horses vetted, we will
pursue this case like
we did the one
yesterday}

TAKE SOT
AT: 1:18
TO: 1:41
DURATION:0:23

{DREW IN
NEWSROOM....that
could include charges
against the horses
owners.

i spoke by phone
tonight to hazel trexler.
she says the horses
taken today belong to
her, not her son. she
also claims to own half

of the property where
the horses were
confiscated.

right now, the
horses are being
assessed by a
veteranarian. the
humane society will
later go before a judge
and try to assume
ownership of the
horses.

drew stewart, wis
news 10.}

TAKE: WIPE TO VO

{WIPE TO VO}

Anchor:JUDI

{JUDI}

ReadRate:13

NEW
DEVELOPMENTS
NOW IN A STORY
WE'VE BEEN
COVERING ALL
WEEK.

SINCE MONDAY --
THE HUMANE
SOCIETY HAS
SEIZED 28 HORSES
BELONGING TO A
RICHLAND COUNTY
FAMILY.

OFFICIALS SAID
THEY WERE BADLY
MALNOURISHED AND
NEGLECTED.

TAKE: ON CAM

{ON CAM}

TONIGHT --
SURPRISING NEW
INFORMATION
ABOUT THE OWNER
OF THE PROPERTY
WHERE THE FIVE
LATEST HORSES
WERE FOUND.

INSERT: DOUBLEBOX: TITLE: NEW
DEVELOPMENTS//(NO LOCATORS)

DAVID STANTON
IS IN THE
NEWSROOM WITH
MORE.

Notes:EXPORTED FROM OASIS - 11P
NEGLECTED HORSES H PLS VO

TAKE: DAVID IN NEWSROOM

Anchor:DAVID

{DAVID}

ReadRate:14

CG :LIVE2\David
Stanton\dstanton@wistv.com

W-I-S NEWS 10
HAS LEARNED THE
OWNER OF THAT
PROPERTY, JAMES
TREXLER, HAS BEEN
SUSPENDED FROM
HIS JOB AS
ASSISTANT STATE
AGRICULTURE
COMMISSIONER.

TAKE VO

{VO}

CG :2LINE SUPER\Congaree
Road\Lower Richland Community

HUMANE SOCIETY
OFFICIALS SEIZED
FIVE HORSES FROM
TREXLER'S
PROPERTY IN
RICHLAND COUNTY
YESTERDAY.

OFFICIALS SAY
ALL OF THEM HAD
BEEN MISTREATED.

JUST THE DAY
BEFORE -- THE
HUMANE SOCIETY
TOOK 23 HORSES
FROM TREXLER'S
MOTHER'S FARM.

THE MOTHER
SAYS THOSE
HORSES -- AND THE

ONES FOUND -- ON
HER SON'S
PROPERTY ALL
BELONG TO HER.

CG :BLANK RED TAB 2LINE\New
Developments\Trexler
Suspended\Seized Horses

AGRICULTURE
OFFICIALS SAY THEY
WILL WAIT TO LEARN
MORE ABOUT THIS
CASE BEFORE
MAKING A
PERMANENT
DECISION ON
TREXLER'S JOB.

TAKE: DAVID IN NEWSROOM

WE HAVE
CONTACTED JAMES
TREXLER -- AND HE
REFERRED US TO
HIS ATTORNEY.

IN THE
NEWSROOM -- DAVID
STANTON -- W-I-S
NEWS 10.

Notes:HORSE B-ROLL - EXPORTED
FROM OASIS - 11P NEGLECTED
HORSES PKG

Anchor:DSTANTON

(***DAVID***)

ReadRate:14

TAKE: WIPE TO VO

{WIPE TO VO}

CG :3LINE SUPER\Congaree
Road\Lower Richland Community\Only
on 10

YESTERDAY, FIVE
MORE HORSES
WERE
CONFISCATED, THIS
TIME FROM
PROPERTY
BELONGING TO
JAMES TREXLER.
HE IS ANOTHER
SON OF HAZEL'S
AND ALSO THE
ASSISTANT
COMMISSIONER OF
AGRICULTURE IN
SOUTH CAROLINA.
- HIS MOTHER -
TOLD NEWS 10
THOSE HORSES ARE
ALSO HERS.

JAMES TREXLER
IS *NOT* BELIEVED
TO BE INVOLVED IN
THE CASE IN
GEORGIA.

THE WARRANTS
IN GEORGIA ARE
MISDEMEANOR
CHARGES, SO BY
LAW JEFFERSON
COUNTY CANNOT
ENTER SOUTH
CAROLINA TO
EXTRADITE HAZEL

byRUSS CONGDON

AND TERRY
TREXLER.

byRUSS CONGDON

Anchor:DAWNDY

{**DAWNDY**}

ReadRate:14

INSERT: OTS LBOX: TITLE: NEW
DEVELOPMENTS // REVEAL 1: SEX
SCANDAL // TREXLER UPDATE

THERE ARE ALSO
NEW
DEVELOPMENTS IN
THE CASE AGAINST
THE TREXLER
FAMILY.

INSERT: FS DOUBLE MUG: JAMES
TREXLER//HAZEL TREXLER

{FS}
WIS HAS
LEARNED
PROSECUTORS
PLAN TO ASK A
GRAND JURY TO
INDICT ASSISTANT
STATE
AGRICULTURE
COMMISSIONER
JAMES TREXLER
AND HIS MOTHER --
HAZEL TREXLER ON
FELONY ANIMAL
CRUELTY CHARGES.
THOSE CHARGES
CARRY A MAXIMUM
SENTENCE OF 20
YEARS IN PRISON.

TAKE VO

{VO}
LAST WEEK --
AUTHORITIES TOOK
DOZENS OF HORSES
FROM PROPERTY
BELONGING TO THE
TREXLER:
OFFICIALS SAY

THE HORSES WERE
BADLY NEGLECTED
AND
MALNOURISHED.

JAMES TREXLER'S
BROTHER -- TERRY
TREXLER -- IS ALSO
CHARGED IN THE
CASE.

Notes:EXPORTED FROM OASIS - 11P
NEGLECTED HORSES

EXHIBIT

K

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News & Nation Census Troops at Risk Lotteries

Agriculture official charged with horse abuse

Updated 2/20/08 11:04 AM, Comments 5, Pages: 1 2

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By Lindsey Simon, The State

An Arabian horse found in the back of a stall at a farm in Eastover, S.C., Wednesday. One of the state's top agricultural officials, James Trexler, is accused of mistreating dozens of horses.

COLUMBIA, S.C. (AP) — A top South Carolina agriculture official and two of his relatives are accused of mistreating dozens of horses here and in Georgia, where authorities described some of the animals as looking like skeletons "draped a hide over bones."

James Trexler, one of South Carolina's top assistant agriculture commissioners, was charged this week with five counts of ill treatment of animals. Authorities said five horses on his Hopkins property were found without food in stalls filled with manure and mud.

Trexler, who was suspended without pay from the job he's held since 2003, was released from jail Thursday on bond. His mother, Hazelene Trexler, and brother Terry Trexler remained behind bars because they are considered fugitives in Georgia. Both were charged there with 30 counts of animal cruelty, authorities said.

In October, investigators found about 70 Arabian horses, including one already dead, on about 76 acres in Jefferson County, Ga., sheriff's deputy Jimmy Kitchens said.

"They looked like you just draped a hide over bones," Kitchens said. "I used to make and train quarter horses, and I've never seen anything like this before. If paperwork couldn't be done quicker, there'd be more charges."

None of the Trexlers could be reached for comment Thursday. No one answered the door at James Trexler's home. No one answered the phone at a listing for him and a message could not be left.

An attorney named by the Trexlers at the bond hearing said he was not representing them. The phones for several Sumter businesses listed under Terry Trexler's name had been disconnected.

The more than 20 horses seized Monday on property the mother and younger Trexler lease in Eastover, S.C., were so malnourished that their ribs were showing, said Lt. Chris Cowan, a Richland County, S.C., sheriff's spokesman.

None of the horses was at optimum weight and all shared a 15-gallon trough of water, officials said.

Kelly Graham, a spokeswoman for the Humane Society for the Prevention of Cruelty to Animals, said the organization did not find any food at the property or hay in the pasture. "The field was just mud. There was no grass at all," Graham said.

Hazelene Trexler, 70, is charged with 28 counts of ill treatment to animals, and Terry Trexler, 44, faces 23 counts of ill treatment to animals in South Carolina.

A tip led officials to investigate James Trexler's property on Tuesday, Graham said.

All 28 horses taken from the Trexlers, including a pregnant mare, are in veterinary care and are expected to make full recoveries. The Humane Society plans to seek custody of them and eventually find people to adopt them, Graham said.

Terry Trexler also faces a kidnapping charge. Deputies said he refused to let a Humane Society investigator leave when she came to the pasture this month with a camera to follow up on a tip. At the time, he claimed he was his brother, James, officials said.

Terry Trexler, a former lawyer, was disbarred by the South Carolina Supreme Court in January 2004 for misconduct in two dozen cases and his conviction on breach of trust.

As director of administration for the Agriculture Department, James Trexler oversaw budgeting and procurement, information technology, auditing, payroll and mailing services, agency spokesman Stephen Hudson said. He declined to comment on the charges.

James Trexler was hired under former Agriculture Commissioner Charlie Snipe, who resigned in 2005 after admitting he took a \$10,000 bribe to protect a cockfighting ring.

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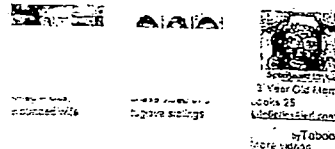
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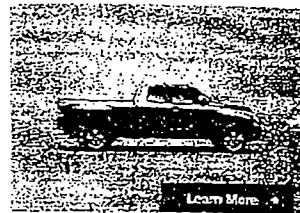
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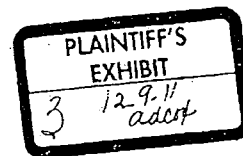


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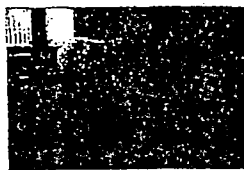
News » Nation Census Troops at Risk Lotteries

Agriculture official charged with horse abuse

UPDATE: 1/24/11 11:45 AM; Comments

1. Photographs

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Saveage By Lindsay Graham, The South Carolina

An Arabian horse rescued by a rescue group is seen in a stall at a farm in South Carolina. The horse was found in a state of neglect and was the subject of a criminal case against a state agriculture official.

COLUMBIA, S.C. (AP) — A top South Carolina agriculture official and two of his relatives are accused of mistreating dozens of horses here and in Georgia, where authorities described some of the animals as looking like someone "dropped a hide over bones."

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considered fugitives in Georgia. Both were charged with 30 counts of animal cruelty, authorities said.

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James Trexler was hired under former Agriculture Commissioner Charlie Sharpe, who resigned in 2005 after admitting he took a \$10,000 bribe to protect a copyrighted ring.

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NASA

Posted 01/24/2011 11:45 AM

Updated 01/24/2011 11:45 AM

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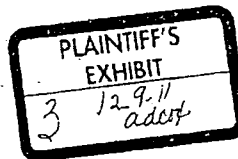
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EXHIBIT

M

1 together?

2 MR. BENDER: Object to the form of
3 the question.

4 Q. Generally?

5 MR. BENDER: I object to the form of
6 the question.

7 A. Ask the question again.

8 Q. The person that -- you said it's not your purview, the
9 photos and the caption at the A.P.

10 A. Uh-uh (negative response).

11 Q. But there is somebody at the A.P. who is in charge of
12 photos and captions; is that correct?

13 A. Yeah.

14 Q. And if this passed through the A.P. with this photo
15 and this caption to go out on the Wire, they would
16 have seen the photo and the caption; is that correct?

17 MR. BENDER: I object to the form
18 of the question.

19 A. Someone would have.

20 Q. Okay. If you can read the last line of the caption in
21 the photo for us.

22 A. Okay.

23 Q. Could you read it out loud, please?

24 A. "One of the State's top agriculture officials, James
25 Trexler, is accused of mistreating dozens of horses."

JAMES W. TRXELER VS. THE ASSOCIATED PRESS, ET AL.
JAMES W. TREXLER VS. McCLATCHY NEWSPAPERS, INC., ET AL.

EXHIBIT

N

6 AM February 29, 2008

J07 - 1 [WLT]XARCHIVE.2008.FEB SLUG V-TREXLEERS BOND HEARING

7/6/2010 16:21:40, USER Tony Santaella

ON CAM:

TAKE VO

(M)

TAKE MUG

DEKO(3)MUG(1)PERSON(LEFT 4)INFO(LINES)NO:
HEARINGS(1)HAZEL TREXLER(TERRY
TREXLER(JAMES
TREXLER(TREXLER(HAZELENE TREXLER(TERRY
TREXLER(JAMES

(M)

TAKE MUG

DEKO(3)MUG(1)PERSON(LEFT 4)INFO(LINES)NO:
CS:IN COURT(HAZEL TREXLER(\$20,000 BOND)28
COUNTS OF ANIMAL
ABUSE(TREXLER(HAZELENE

TAKE MUG

DEKO(3)MUG(1)PERSON(LEFT 4)INFO(LINES)NO:
CS:IN COURT(JAMES TREXLER(\$50,000 BOND)23
COUNTS OF ANIMAL
ABUSE(KIDNAPPING(TREXLER(TERRY

TAKE MUG

DEKO(3)MUG(1)PERSON(LEFT 4)INFO(LINES)NO:
CS:IN COURT(JAMES TREXLER(\$10,000 BOND)5
COUNTS OF ANIMAL ABUSE(TREXLER(JAMES

ON CAM:

ON CAM:

THE THREE PEOPLE ACCUSED OF
STARVING MORE THAN 2 DOZEN HORSES TO THE
POINT OF NEAR DEATH FACED A JUDGE
YESTERDAY.

TAKE VO

THEY WERE ARRESTED WEDNESDAY
NIGHT FOLLOWING A LENGTHY INVESTIGATION
BY THE HUMANE SOCIETY.

TAKE MUG

HAZEL TREXLER... AND HER TWO SONS...
TERRY AND JAMES WERE ALL IN BOND COURT
YESTERDAY MORNING.

FROM ILL TREATMENT OF ANIMALS...TO
KIDNAPPING...THIS TRIO IS FACING A VARIETY OF
CHARGES.

TAKE MUG HAZELENE

FOR 70-YEAR-OLD HAZEL TREXLER...CHARGED
WITH 28 COUNTS OF ABUSE...A 20-THOUSAND
DOLLAR BOND HAS BEEN SET.

AT LAST CHECK...SHE WAS STILL BEHIND BARS...

TAKE MUG TERRY

...ALONG WITH HER SON, TERRY.

THE 42-YEAR-OLD IS BEING HELD ON
50-THOUSAND-DOLLARS BOND FOR 23 COUNTS
OF ABUSE...AND ONE COUNT OF KIDNAPPING.
THAT LAST CHARGE STEMS FROM AN
ACCUSATION THAT HE HELD AN INVESTIGATOR
AGAINST HER WILL DURING AN EVALUATION OF
THE HORSES.

TAKE MUG JAMES

AND 48-YEAR-OLD JAMES TREXLER FACES 5
COUNTS OF ABUSE AND "WAS" BEING HELD ON
10-THOUSAND DOLLARS BOND.

ON CAM:

NOW, THESE AREN'T THE ONLY ISSUES THE
TREXLEERS HAVE DEALT WITH.
BOTH HAZEL AND TERRY ARE FACING SIMILAR
CHARGES IN GEORGIA...WHERE THEY'RE
ACCUSED OF 61 COUNTS OF ANIMAL CRUELTY.
ON TOP OF THAT...TERRY IS NO STRANGER TO
TROUBLES WITH THE LAW.

THE FORMER FAMILY LAW ATTORNEY WAS
DISBARRED 7 YEARS AGO FOR MISCONDUCT IN
DEALINGS WITH HIS CLIENTS.

FINALLY...JAMES TREXLER HAS BEEN
SUSPENDED FOR THE DURATION OF THIS
INVESTIGATION...FROM HIS POSITION AT THE
AGRICULTURE DEPARTMENT AS ASSISTANT
COMMISSIONER OF ADMINISTRATION.

EXHIBIT

O

1 kidnapping to be a serious one?

2 A. Yes.

3 Q. Would you think that an allegation of kidnapping might
4 raise spite in the minds of the people to whom you are
5 broadcasting?

6 A. I can't answer that.

7 MR. BENDER: Object to the form.

8 Q. You wouldn't want someone to accuse you of kidnapping,
9 would you?

10 A. It depends if I kidnapped someone or not.

11 Q. If you didn't.

12 A. No.

13 Q. Okay. If you could look on Exhibit Number -- the
14 transcript that says "6:00 A.M. February 29," in the
15 transcript packet, and it's document number J07. If
16 we look up at the very top on this -- right after it
17 says "On cam," and it reads, "The three people accused
18 of starving more than two dozen horses to the point of
19 near death faced a judge yesterday." If you didn't
20 have any information and you read that, or you heard
21 that statement, would you be inclined to think that
22 all three of the people were accused of starving the
23 horses to the point of near death, the two dozen
24 horses?

25 A. Is this just a personal question?

JAMES W. TREXLER VS. THE ASSOCIATED PRESS, ET AL.
JAMES W. TREXLER VS. McCLATCHY NEWSPAPERS, INC.

1 Q. This is a personal question.

2 A. Can you ask me again? I'm sorry.

3 Q. If you -- if you read that, does it appear to you that
4 that implicates all three people as being accused of
5 starving more than two dozen horses to the point of
6 near death?

7 A. It appears that someone accused three people.

8 Q. Okay. Now, if two people were accused of starving
9 horses and one person was not accused of starving
10 horses, that statement would be false, wouldn't it?

11 A. I would have to read through the whole thing. I mean,
12 that's not one statement. This is one -- this whole
13 page is one story, I believe.

14 Q. I just mean this -- this statement right here. This
15 first one.

16 A. Right. But this is one -- one complete story ---

17 Q. I understand, but I'm ---

18 A. -- from beginning to end.

19 Q. -- only speaking about this statement.

20 A. That would be like reading the beginning of a book and
21 not knowing the end.

22 Q. Well, exactly. That's exactly the point. But looking
23 at that sentence right there, if two people were
24 accused of starving horses and one was not accused of
25 starving horses, that statement would be false,

JAMES W. TREXLER VS. THE ASSOCIATED PRESS, ET AL.
JAMES W. TREXLER VS. McCLATCHY NEWSPAPERS, INC.

1 wouldn't it?

2 MR. BENDER: I object to the form of
3 the question.

4 MR. HUGHES: Same objection.

5 MS. JACOBY: Do I have to answer it?

6 MR. BENDER: If you can.

7 A. I would just say three people here are accused of
8 that. That's how I read it. That's how I interpret
9 it.

10 Q. Okay. If you could look at page -- the page that's
11 marked at "11:00 P. M." at the top, and it's document
12 number A16. It's the 11:00 P.M. March the 4th.

13 A. Uh-huh (affirmative response).

14 Q. Document A16. And in the text portion of the -- of
15 the document "On cam Andrea." Who is Andrea?

16 A. Andrea Mock.

17 Q. Is that M-A-C-H?

18 A. M-O-C-K.

19 Q. Okay. I'm from out of town.

20 A. That's okay.

21 Q. And on cam she says, "There's word tonight that
22 prosecutors plan to ask a Grand Jury to indict the
23 Trexler family on more serious felony animal cruelty
24 charges after officials say they neglected more than
25 40 horses." Do you know where it says the word

JAMES W. TREXLER VS. THE ASSOCIATED PRESS, ET AL.
JAMES W. TREXLER VS. McCLATCHY NEWSPAPERS, INC.

EXHIBIT

P

Humane Society Seizes 23 Malnourished Horses

2/25/2008 11:28:56 AM Modified:2/25/2008 6:37:15 PM

Eastover (WLTX) - The Humane Society seized 23 horses Monday morning which they say were malnourished. Officials with the society arrived at the Eastover property around 10 a.m. Monday to investigate claims that the animals weren't being fed properly.

A veterinarian was called to the scene to examine the animals. Based on the doctor's analysis, the Humane Society took custody of the horses.

"You ride up here and you see these horses are underweight, they're ribs are showing," said Humane Society Spokeswoman Kelly Graham. Horse owner, Hazel Trexler, says the ribs are showing because some of the horses just gave birth. "When horses have babies, they lose weight. These horses just had babies so they will be putting their weight back on," said Trexler. Graham also says the babies were growing into the horses' faces because they hadn't been taken off.

"We could let these animals stay here and suffer and come back when a few are dead, but instead of doing that we've decided we're going to take these animals and get them vetted and bring them back to health," said Graham. A mother dog and her puppies were also taken.

These animals did not have any food or water available for them, according to the Humane Society. Charges could be coming against the owners of the horses, but none have been filed yet. The owners do not live on the property, but say they feed them daily and have spent \$1,200 dollars since the first of the year on food.

"You feed them, water, and give them shelter. That's your responsibility: feed, water, and shelter," said Trexler.

The horses will be taken to stables around the area to be nursed back to health. WLTX.com will have more information as it becomes available.

Five More Horses Seized from Sumland County Property

Created:2/25/2008 4:37:36 PM Modified:2/25/2008 7:57:48 PM

Eastover (WLTX) - The Humane Society seized more horses Tuesday in Richland County that they say were malnourished. The Humane Society says the seizures happened at the property they believe belongs to James Trexler.

That's a different location than the Monday seizures. (Read the Original Story) Five horses, two dogs and a rabbit were taken. They have been taken to a vet for inspection.

The Humane Society believes the horses are owned by the Trexler family. Humane Society officials say the animals seized Tuesday are more malnourished than the ones from the day before.

One a scale of one to ten, five being healthy, Humane Society Spokeswoman Kelly Graham says they think at the horses seized Tuesday will range from one to two, which is very underfed. Monday, she says most animals ranged from three to four, and only one horse was a one. Monday, 23 animals were taken from a property near Eastover. A veterinarian determined that the animals were not fed properly. Based on the doctor's analysis, the Humane Society took custody of the horses. A mother dog and her puppies were also taken. Those animals did not have any food or water available for them, according to the Humane Society. Charges could be coming against the owners of the horses, but none have been filed yet.

WLTX.com will have more information as it becomes available.

Agriculture Department Official Suspended During Horse Abuse Investigation

Created:2/27/2008 10:42:05 AM Modified:2/27/2008 6:37:13

Columbia (WLTX) -- The State Department of Agriculture on Wednesday suspended an employee that has been questioned for abusing horses.

Agriculture Commissioner Hugh Weathers has suspended James Trexler, the Assistant Commissioner of Administration, during the investigation.

Officials say Trexler was in charge of finance, budgeting, procurement, and information technology. Weathers says they will make more decisions regarding Trexler's future with the department after the investigation has completed. No charges have been filed in the investigation, but so far 26 horses have been taken.

The Humane Society believes the all belong to the Trexler family. Monday, 23 malnourished horses were taken from land in Eastover. Officials say these horses were underfed and had bridles growing into their faces. Tuesday, five more horses were taken from a different location in Hopkins. Officials say they were in worse shape than the horses taken Monday.

The Humane Society says if they find reason to charge the individuals in question, they could face fines for each malnourished horse.

Bond Set for Family in Horse Abuse Case

Created:2/27/2008 10:11:09 PM Modified:2/28/2008

Richland County (WLTX) - The Richland County Sheriff's Department has arrested three people in connection to the inhumane treatment of 26 horses.

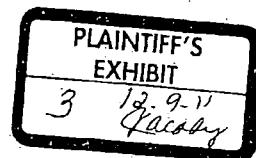
Authorities say 70-year-old Hazelene Trexler, 44-year-old Terry Trexler, and 40-year-old James Trexler were arrested at approximately 8 p.m. Wednesday after the Sheriff's Department and the MSPCA investigated severe and barbaric treatment of 26 horses that were supposed to be in the Trexlers' custody.

Thursday morning, bond for Hazelene was set at \$20,000; bond for Terry was set at \$50,000; and bond for James was set at \$10,000. Each of the Trexlers faces numerous charges: Hazel Trexler--28 counts of ill treatment of animals, James Trexler--5 counts of ill treatment of animals, Terry Trexler--23 counts of ill treatment of animals, along with 1 count of kidnapping.

The kidnapping charge stems from an incident where the Sheriff's Department says he held a MSPCA investigator against her will and refused to let her leave a farm during an evaluation of the horses February 13. Investigators found that the horses had injuries ranging from malnutrition to infections that caused their bellies to grow into their faces.

Richland County Sheriff Leon Lett says the Trexlers have proven time and time again that they have no business owning animals. James Trexler is an Assistant Commissioner of Administration with the State Agriculture Department. Wednesday, Ag Commissioner Hugh Weathers suspended him until the investigation is complete.

Terry and Hazel face similar charges in Jefferson County Georgia. Officer Jimmy Kitchens with the Jefferson County Sheriff's Office says they face over 11 counts of animal cruelty there, and Terry faces one count for allowing animals to roam at large. For these Georgia charges alone, they could each face up to 30 years in prison and a \$30,000 fine.



EXHIBIT

Q

Agriculture (the "Department" or "Agency").

4. In September of 2004, Hugh Weathers became Commissioner of Agriculture. Shortly thereafter, Commissioner Weathers decided to evaluate the existing structure and responsibilities of Agency employees. See Exhibit "B."

5. On January 4, 2005 Commissioner Weathers assigned me the responsibility for the management of the budget and the finance section of the Department. See Exhibit "C."

6. Commissioner Weathers often referred to my duties as "back room" or "back office" functions of the agency.

7. 75% of my job was generic accounting, 10% of my job was to provide budget information to legislators or their staff concerning the Agency's budget, as they needed it. Another 10% of my job consisted of providing support to senior staff in their overall direction of the Agency. See Exhibit "D."

8. As part of my job functions I also provided financial and budget data to Commissioner Weathers, lobbyists he hired to represent the Agency in public and to the legislature. I was not known to the public in any capacity.

9. During my entire tenure with the Department I was regularly evaluated on criteria used exclusively for rank in file state employees through the Employee Performance Management System (EPMS) provided by the Office of Human Resources of the Budget and Control Board. See Exhibit "E."

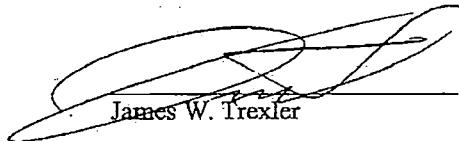
10. Neither Commissioner Weathers nor members of the Agriculture Commission, who are appointed by the Governor, are evaluated under the EPMS system.

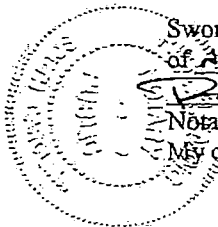
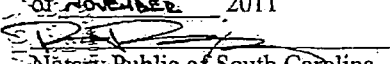
11. I was never elected or appointed to any position at the Department of Agriculture or to any job I've ever held over my 27 years in state government.

12. I was hired into my first job in state government after filling out an employee application, and was promoted in the same manner as any other regular state employee thereafter.

13. No official position known as Assistant Commissioner of Agriculture or Assistant Commissioner of Administration exists at the Agency or in the State of South Carolina.

FURTHER AFFIANT SAYETH NOT.


James W. Trexler

 Sworn to before me this 15TH day
of NOVEMBER, 2011

Notary Public of South Carolina
My commission expired: 12/19/15

EXHIBIT

R

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)

James W. Trexler,) Civil Action No.: 2010-CP-40-1249
Plaintiff,)

v.)

AFFIDAVIT OF HUGH E. WEATHERS

The Associated Press, Barrington)
Broadcasting South Carolina Corp.,)
Raycom TV Broadcasting, Inc. and the)
Pacific & Southern Co., Inc.,)
Defendants.)

2011 AUG 29 PM 1:14
JEFFREY W. MARRIOTT
C.C.P. & G.S.
FILED

I, Hugh E. Weathers, being duly sworn, state:

1. The matters stated by me herein are known by me to be true unless stated upon information and belief, and, as to those matters, I believe them to be true.
2. I am the South Carolina Commissioner of Agriculture, having been serving in that position since September 2004.
3. As Commissioner of Agriculture I am responsible for the management of the South Carolina Department of Agriculture, an agency of the State of South Carolina created by the General Assembly in 1879.
4. In exercising my responsibilities for management of the agency I appointed three persons to serve as Assistant Commissioner of Agriculture.
5. The Assistant Commissioners formed the top tier of career, as distinguished from elected, managers of the agency.
6. James W. Trexler was an Assistant Commissioner prior to my arrival at the Agency, however, I restructured his position and expanded his supervisory

authority over the Administration, Finance, Budget and Information Technology Sections of the agency.

7. As an Assistant Commissioner James W. Trexler was involved in liaison with the members and staff of the General Assembly concerning the agency and its budget.

8. As an Assistant Commissioner James W. Trexler represented the agency in meetings with other agency officials for the purpose of coordinating agency programs.

9. As an Assistant Commissioner James W. Trexler researched issues and prepared reports, position papers and policy statements for the agency.

10. As an Assistant Commissioner James W. Trexler directed special projects designed to have a long-term effect on the operation of the State Farmers' Market and the agency's Lab and Consumer Services activities.

11. James W. Trexler's job description as an Assistant Commissioner noted that he was to work with other senior staff "in the overall direction and management of the S.C. Department of Agriculture."

12. As an Assistant Commissioner James W. Trexler was actively involved in the management of the agency, and, as he noted in his letter of resignation, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, he thanked me for giving him an "opportunity to help lead this agency as Assistant Commissioner of Agriculture."

13. I considered James W. Trexler to be an official of the agency with a significant role in the agency's operation, and I am informed and believe persons

within and without the agency had the right to, and did, consider James W.

Trexler in this same light.

SWORN TO before me this 25th day
of August 2011

Hugh E. Weathers
HUGH E. WEATHERS

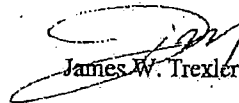
Ray Vines Pike
NOTARY PUBLIC FOR SOUTH CAROLINA

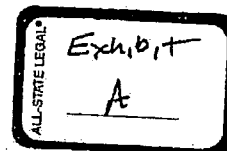
My commission expires: My Commission Expires March 13, 2013

First let me begin by saying thank you to Commissioner Weathers who gave me this opportunity to help lead this agency as Assistant Commissioner of Agriculture. Due to unforeseen difficulties in trying to help family members I have found myself in the position of having to resign for the betterment and perception of the department. I look forward to other opportunities.

I effectively resign my position March 5, 2008. I hope nothing but the best for Commissioner Weathers and the Department of Agriculture.

Respectfully,


James W. Trexler



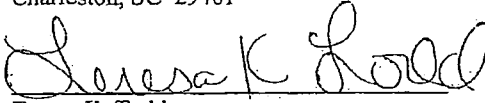
STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)
James W. Trexler,) Civil Action No.: 2010-CP-40-1249
Plaintiff,)
v.) CERTIFICATE OF SERVICE
The Associated Press, Barrington)
Broadcasting South Carolina Corp.,)
Raycom TV Broadcasting, Inc., and the)
Pacific & Southern Co., Inc.,)
Defendants.)

FILED
2011 AUG 29 PM 1:14
JEANETTE W. MCBRIDE
C.C.P. & G.S.

I, Teresa K. Todd, Legal Assistant to Jay Bender, an employee of Baker, Ravenel & Bender, L.L.P., hereby certify that I have, on the date indicated below, served counsel below with an Affidavit of Hugh E. Weathers by mailing a copy of same via United States Mail, postage pre-paid and return address clearly indicated on said envelope, to counsel at the following address:

William H. Johnson, Esquire
2 North Brooks Street
Manning, SC 29102

William K. Austin, Esquire
W. Westbrook Wills, III, Esquire
Austin, Fowler & Wills, LLP
38 Broad Street
Suite 200
Charleston, SC 29401


Teresa K. Todd

August 29, 2011

EXHIBIT

S

1004

APP. 1104

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) OF THE FIFTH JUDICIAL CIRCUIT
Case Number 2010-CP-40-1249

James W. Trexler,

Plaintiff,

vs.

The Associated Press, Barrington
Broadcasting, a South Carolina Corp.,
Pacific & Southern Company, Inc., and
Raycom TV Broadcasting, Inc.,

Defendants.

) DEPOSITION OF
) HUGH E. WEATHERS
)
) October 14, 2011
)

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) Case Number:
) 2010-CP-40-1343
)

James W. Trexler,

Plaintiff,

vs.

McClatchy Newspapers, Inc., Richland
County, and the Richland County
Sheriff's Department,

Defendants.

Doris Tappkins Brown

COPY

Clerk of Court

COPY

Deputy Clerk

State Court Clerk

(Signature)

Deposition of HUGH E. WEATHERS, taken by Doris Tompkins Brown, Certified Verbatim Reporter and Notary Public in and for the State of South Carolina, commencing at 10:18 A.M. on October 14, 2011, at the offices of the South Carolina Department of Agriculture, 1200 Senate Street, Columbia, South Carolina. APPEARANCES FOR THE PLAINTIFF: William H. Johnson 411 North Brooks Street Manning, South Carolina and Westbrook Mills, III Justin, Fowler & Hills 38 Broad Street, Suite 200 Charleston, South Carolina FOR THE DEFENDANTS: The Associated Press, et al.: Jay Bender Peter Reynolds & Eggler Post Office Box 8057 Columbia, South Carolina Richland County, et al.: Kate A. Rice Davidson & Lindemann 1611 Dovonshire Drive Second Floor Columbia, South Carolina State of South Carolina Department of Agriculture: Rene "Buck" Crocker State of South Carolina Department of Agriculture Made Hampton Building Columbia, South Carolina	Page 5 1 road? 2 A. Yes. 3 Q. Okay. So, you know the general rules, that I will ask 4 questions and that if you don't understand a question, 5 make me straighten it out and say, -- William, I don't 6 know what you're talking about -- and make me 7 straighten it out, and I'll be glad to do that. 8 A. Okay. 9 Q. Okay. You -- when did you become the Commissioner of 10 Agriculture? 11 A. September of 2004 in the capacity of Interim 12 Commissioner. 13 Q. Were you appointed to the position, Interim 14 Commissioner? 15 A. Yes. 16 Q. And who appointed you? 17 A. Governor Sanford. 18 Q. You were then later elected? 19 A. Well, later, I was appointed Commissioner, not 20 Interim. Then, Mr. -- my predecessor's legal issues 21 were settled. I was made Commissioner in the second 22 phase; first off, Interim Commissioner, then appointed 23 Commissioner, then elected as Commissioner. 24 Q. So, you have served in that capacity since 2004? 25 A. Correct.																												
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Page 4 1 The deposition of Hugh E. Weathers is being taken 2 pursuant to Notice and in accordance with the South 3 Carolina Rules of Civil Procedure and Amendments as adopted 4 by the Supreme Court which shall control the taking of said 5 deposition and its use thereof. 6 Counsel, with the specific consent of the witness, 7 does not waive the reading and signing of the deposition 8 prior to the time it is filed with the Court. 9 (Hugh E. Weathers, having been duly sworn, testifies as 10 follows.) 11 EXAMINATION BY MR. JOHNSON: 12 Q. Commissioner, we appreciate you giving us your time 13 today. We know you're busy. And we are here as a 14 portion of the Discovery in regards to some litigation 15 involving James or Jim Trexler and the cases he has 16 brought against both the Sheriff of Richland County 17 and various media defendants. 18 A. Okay. 19 Q. And, so, that's what we're here about today. 20 Obviously, this litigation does not involve the South 21 Carolina Department of Agriculture or -- or any -- any 22 part of your agency. You are here because you have 23 some information that may be relevant to the arrest 24 and the proceeding. First of all, you have probably 25 had your deposition taken before somewhere down the	Page 7 1 Q. I will -- 2 A. Do you know? 3 MS. CROCKER: I'm not --- 4 COMMISSIONER WEATHER: Oh, you -- 5 you can't talk. 6 Q. I'll show you a letter that may help you -- 7 A. All right. 8 Q. -- now, because I'm not trying to trick you or 9 anything. 10 A. Okay. 11 Q. I'll give you a minute to read over it. 12 A. (Witness reads letter) Okay. I still can't --- 13 Q. Okay. 14 MR. JOHNSON: Let's mark --- 15 A. -- can't answer the questions as to what his title 16 was, but I do recall this restructure. 17 Q. Okay. 18 A. Thank you for the letter. It helps me remember the 19 restructure of responsibilities. 20 Q. Okay. 21 MR. JOHNSON: Let's mark this as Exhibit 22 One. 23 LETTER DATED 4/5/07 TO JIM TREXLER FROM 24 HUGH WEATHERS MARKED AS PLAINTIFF'S EXHIBIT 25 NUMBER ONE																												

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EXHIBIT

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APP. 1108

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) OF THE FIFTH JUDICIAL CIRCUIT
Case Number 2010-CP-40-1249

James W. Trexler,

Plaintiff,

vs.

The Associated Press, Barrington
Broadcasting, a South Carolina Corp.,
Pacific & Southern Company, Inc., and
Raycom TV Broadcasting, Inc.,

Defendants.

) DEPOSITION OF
) HUGH E. WEATHERS
)
) October 14, 2011
)
)
)

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) Case Number:
) 2010-CP-40-1343
)

James W. Trexler,

Plaintiff,

vs.

McClatchy Newspapers, Inc., Richland
County, and the Richland County
Sheriff's Department,

Defendants.

COMPRESSED TRANSCRIPT AND WORD INDEX

Doris Tamplings Brown

COPY

Certified Verbatim Reporter
Post Office Box 632
Sumter, South Carolina 29151
(803) 990-7434

COPY

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EXHIBIT

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James W. Trexler,) Civil Action No.: 2010-CP-40-1249
)
Plaintiff,)

AFFIDAVIT OF GEORGETTE RIVERS

Defendants.

4. The South Carolina Department of Agriculture is a department of government, and is under the direction of an elected Commissioner of Agriculture.

5. James W. Trexler, also known as Jim W. Trexler, was formerly employed by the South Carolina Department of Agriculture.

6. In February 2008, James W. Trexler was an employee of the South Carolina Department of Agriculture.

7. Through February 2008 until the termination of Mr. Trexler's employment with the South Carolina Department of Agriculture his employment title was "Executive Assistant III."

8. A true and accurate copy of Mr. Trexler's position description is attached hereto as Exhibit A and incorporated herein by reference.

9. As Mr. Trexler's position description indicates, Mr. Trexler's job duties included:

Directs and supervises the Administration, Finance, Budget and Information Technology Sections of the S.C. Department of Agriculture;

Coordinates special projects for the Commission and Administration to fulfill goals and objectives.

Completes special projects that enhance the image of SC Department of Agriculture;

Oversees special projects that have a long-term effect relative to the Farmer's Market and Lab/Consumer Services evaluations;

Works with other Senior Staff in the overall direction and management of the S.C. Department of Agriculture;

Provides information to legislators and legislative staff concerning the agency and its budget;

Represents the agency head in meetings with other agency officials for the purpose of coordinating various programs;

Researches issues and prepares reports, position papers, and policy statement for the agency.

10. As Mr. Trexler's position description indicates, he had eight employees under this supervision.

11. In February of 2008, Mr. Trexler was the only employee of the Department of Agriculture to have the title Executive Assistant III. The Department's internal title for Mr. Trexler was Assistant Commissioner. In addition to Mr. Trexler, two other employees had the internal title of Assistant Commissioner.

Further affiant sayeth not.

Georgette Rivers

SWORN to before me this ____ day of
November, 2010.

NOTARY PUBLIC FOR S.C.
My commission expires: _____

South Carolina Department of Agriculture
Position Description & Employee Performance Management System (EPMS)
Form

Employee Name:	Jim W. Trexler	Social Security #:	
State Class Title:	Executive Assistant III		
Position Supervision			
Describe the guidelines and supervision an employee receives in order to do this job, including the employee's independence and discretion. Reports directly to the Commissioner of Agriculture.			

List the classification titles and number of the three highest level subordinate position(s) reporting directly to you.

Titles	Number
1. Administrative Manager I	1
2. Acct/Fiscal Mgr I	1
3. Sr. Info Resource Consultant	1
Total Number of Employees Under Your Supervision:	8

Qualifications

List what you consider to be the qualifications required for entry into this position.

Education, Training, and Experience (cite major areas of study, type & years of experience) A Masters Degree and 5 years of experience in Public Administration; or an equivalent combination of education and experience.
Special Licenses, Registrations or Certifications
Skills and Abilities Knowledge of the laws, rules, and regulations pertinent to the agency. Ability to communicate effectively. Knowledge of state government budget, finance, procurement and Information Technology policy and procedures.
Additional Requirements This position could require working extended hours when the Legislature is in session. Some over night travel may be necessary.

Ex. A

Job Purpose

Coordinates legislative matters and special projects for the Commissioner. Assists in the overall direction and management of the agency.

Job Duties, Objectives, Success Criteria and Performance Evaluation

Indicate the importance of the job duty/objective in terms of overall criticality to job success by assigning to it a percentage. Indicate essential and marginal duties/objectives by checking the appropriate block. Essential duties/objectives are the most critical, important duties/objectives for which the job was created. Marginal duties/objectives are non-critical and could be performed by another position. The percentage of importance for job duties/objectives with success criteria should total 100%.

At the end of each review period check the rating which reflects the employee's actual performance for each job duty/objective. Include a descriptive explanation for "Substantially Exceeds" and "Below" ratings

Definitions:	
Substantially Exceeds Expectations:	Work that is extraordinary, exceptional, or outstanding throughout the review period.
Exceeds Expectations:	Work that is consistently above the success criteria of the job.
Meets Expectations:	Work that is substantially and consistently above the success criteria of the job throughout the review period.
Below Expectations:	Work that does not meet the success criteria of the job. Marginal duties/objectives should be in this category.

Job Duties/Objectives and Success Criteria (Essential and Marginal)

Each job duty should be assigned a weight reflective of job duty importance. Weights for all objectives should not exceed 15%. The weights will be listed on page 5. Although not specified in the job duties/objectives section below, employees may perform other related duties as required.

1. 50 %	☒ Essential ☐ Marginal	Job Duty/Objective Directs and supervises the Administration, Finance, Budget and Information Technology Sections of the S.C. Department of Agriculture Success Criteria An audit report that has very few exception items reported. Timely preparation of all pertinent reports internal and external to the agency. Satisfactory support service provided to the divisions in the agency with regards to all matters related to supervised functions. Provide professional leadership for subordinates and works well with fellow managers within the Agency.	Actual Performance/Comments	Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
2. 25 %	☒ Essential ☐ Marginal	Job Duty/Objective Coordinates special projects for the Commissioner and Administration to fulfill goals and objectives. Completes special projects that enhance the image of the S.C. Department of Agriculture. Oversees special projects that will have a long-term effect relative to the Farmers Market and Lab/Consumer Services evaluations. Success Criteria Provide effective information to support the goals of the Agency. Provide information in a precise and succinct manner to enable the user to make informed decisions. Carry out projects in a manner that enhances the image of professionalism of the Agency to its stakeholders.		

Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
3. 10 % ☒ Essential ☐ Marginal	Job Duty/Objective Works with other Senior Staff in the overall direction and management of the S.C. Department of Agriculture. Success Criteria Engage with other Agency staff to provide insights on the impact of Agency plans and actions on the areas of the Agency under direct supervision. Provide timely and precise information to other senior staff to allow them to make informed decisions to better execute the mission of the Agency.	
Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
4. 10 % ☒ Essential ☐ Marginal	Job Duty/Objective Provides information to legislators and legislative staff concerning the agency and its budget. Represents the agency head in meetings with other agency officials for the purpose of coordinating various programs. Success Criteria A thorough understanding by the user of the information provided. Provide information and/or represent the Agency with professionalism.	
Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
5. 5 % ☒ Essential ☐ Marginal	Job Duty/Objective Researches issues and prepares reports, position papers and policy statement for the agency. Success Criteria Preparation and presentation of precise and usable information that adequately prepares the user to make completely informed decision.	
Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
6. % ☐ Essential ☐ Marginal	Job Duty/Objective Success Criteria	
Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
7. % ☐ Essential ☐ Marginal	Job Duty/Objective Success Criteria	

Actual Performance/Comments		Performance Rating _____ 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
8. _____ %	Job Duty/Objective	
☐ Essential ☐ Marginal	Success Criteria	
Actual Performance/Comments		Performance Rating _____ 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations

Performance Characteristics

For each performance characteristic, check the rating which reflects the employee's actual performance	
1. ALL EMPLOYEES: Teamwork: Degree to which one works effectively and cooperatively with others and other departments in achieving organizational goals. Degree of responsiveness to organizational needs.	☐ Acceptable ☐ Unacceptable
2. Self Management: Works with minimal supervision, manages own time effectively, maintains control over all current projects/responsibilities. Follows up on all relevant issues.	☐ Acceptable ☐ Unacceptable
3. Problem Analysis: Able to identify problems and relevant issues and break problems into components. Sees relationships and alternative solutions and arrives at sound conclusions through a logical process.	☐ Acceptable ☐ Unacceptable
4. Judgement: Able to reason, compare, understand, and think rationally on the job. Makes quality of work-related decisions based on sound conclusions/data. Able to separate facts from opinions.	☐ Acceptable ☐ Unacceptable
5. Leadership: Employee can be relied upon to guide others to the accomplishment of objectives/responsibilities, to promote teamwork, and to resolve problems.	☐ Acceptable ☐ Unacceptable
6. Promoting Equal Opportunity: Ensuring that employees and potential employees are provided with equal opportunities.	☐ Acceptable ☐ Unacceptable
7. Customer Service: To effectively and efficiently meet the needs of those served by continually assessing performance based on customer feedback.	☐ Acceptable ☐ Unacceptable
8.	☐ Acceptable ☐ Unacceptable

Supervisory Summary and Comments

Please include information regarding areas in which employee has excelled, as well as the steps that need to be taken by the employee and the supervisor to further enhance performance and career development.

EXHIBIT

V

1020

APP. 1120

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) OF THE FIFTH JUDICIAL CIRCUIT
Case Number 2010-CP-40-1249

James W. Trexler,

Plaintiff,

vs.

The Associated Press, Barrington
Broadcasting, a South Carolina Corp.,
Pacific & Southern Company, Inc., and
Raycom TV Broadcasting, Inc.,

Defendants.

DEPOSITION OF
HUGH E. WEATHERS
October 14, 2011

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Case Number:
2010-CP-40-1343

James W. Trexler,

Plaintiff,

vs.

McClatchy Newspapers, Inc., Richland
County, and the Richland County
Sheriff's Department,

Defendants.

COMPRESSED TRANSCRIPT AND WORD INDEX

Doris Jamkins Brown

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Certified Verbatim Record
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Page 26 1 Q. And they are, as you say, they're politically 2 appointed? 3 A. Correct. So, they would advocate for us, say, for 4 example, at budget time. We would tell them -- here 5 are our priorities, contact your Senator, House 6 member, that type thing. 7 Q. Do you recall Jim Trexler's salary level? 8 A. Off the top of my head? 9 Q. Yeah. 10 A. I guess somewhere in this Eighty Thousand (\$80,000) 11 range. 12 Q. Okay. Do you recall how it may have risen throughout 13 his tenure when you were here? 14 A. No, not specifically. 15 Q. Okay. We have seen a reference to a job title for Mr. 16 Trexler as Executive Assistant Three. Do you know 17 what that means? 18 A. No. 19 Q. Do you know --- 20 A. It's a State --- 21 Q. Okay. 22 A. A State --- 23 Q. Do you know how many employees that -- that may be in 24 the Department that are classified as Executive 25 Assistant Three?	Page 29 1 A. All right. 2 MR. JOHNSON: First of all, let's mark 3 this as Exhibit Three. Is that right? 4 MS. BROWN: Right. 5 MR. JOHNSON: Okay. Yeah, hand it to him, 6 the Commissioner. 7 AFFIDAVIT TO HUGH E. WEATHERS, S.C. 8 DEPARTMENT OF AGRICULTURE MARKED AS PLAINTIFF'S 9 EXHIBIT NUMBER THREE 10 Q. Commissioner, how did -- what was the process of the 11 production of this Affidavit that you recall? 12 A. You mean how did it get -- let's see. 13 Q. Yeah, how did it come about that you signed this 14 Affidavit? 15 A. Well, our legal attorney assisted -- our legal 16 attorney -- our attorney assisted, -- 17 Q. Okay. 18 A. -- and I examined it for accuracy, made a few 19 corrections, and then we signed it. 20 Q. Okay. 21 A. I did -- yeah. I think our legal counsel drafted -- 22 I can't even ask her, but I think she did. 23 Q. You're not sure if -- you don't know for certain that 24 she drafted it or someone -- or that she may have 25 perhaps approved it? You don't really know?
Page 27 1 A. No. 2 Q. That's something that someone in Human Resources 3 assigned to him? 4 A. Uh-huh. 5 Q. Okay. Jim was here during the time of the relocation 6 of the Farmers Market. Is that right? 7 A. Technically, no. 8 Q. Okay. Was it an issue that he was involved in at any 9 point? 10 A. Yes. 11 Q. Okay. What -- how -- what was his involvement in that 12 issue of the relocation of the Farmers Market? 13 A. Well, the first -- let me -- let me just walk you 14 through this. 15 Q. Okay. 16 A. When I arrived here, the decision had been made by 17 politically appointed boards that, number one, there 18 was a need for a new Farmers Market, and, number two, 19 the site was to be in Richland County. Okay. So, I 20 took as one of my charges to implement those 21 decisions, prepare a financial plan to do so. And the 22 reason I answered you previously that he was not here 23 when it was relocated, that plan subsequently just did 24 not materialize due to lack of broad support and due 25 to escalating costs. All right. So, then, we moved	Page 30 1 A. Well, she presented it to me. 2 Q. There's a statement in there -- I was looking at 3 Paragraph Four and then --- 4 A. Okay. 5 Q. -- compared that to Paragraph Six. There seems to be 6 some inconsistencies. 7 A. Yeah, there sure is. And I see when you said that, 8 which gets, I think, back to earlier, you asked me was 9 he an Assistant Commissioner. I -- I could not recall 10 the title. So, that would point to what you just -- 11 that would affirm what you just pointed out to me. 12 Q. You recall more of his duties than his title? 13 A. Correct. 14 Q. And let's look at Paragraph Ten. It says that, "As an 15 Assistant Commissioner, James W. Trexler directed 16 special projects designed to have a long-term effect 17 on the operation of the State Farmers Market and the 18 agency's Lab and Consumer Services' activities." 19 A. Correct. 20 Q. Okay. So, it says he directed special projects, and 21 in our discussion here, I'm not sure that we've 22 covered any special projects that he may have 23 directed. 24 A. Well, let me see. I mean, I'm counting the State 25 Farmers Market relocation ---
Page 28 1 to Plan B in Lexington County and when it technically 2 moved was after Jim's resignation. So, -- but in the 3 first project, Jim played a significant role in the 4 Richland County relocation project. 5 Q. What was his role? 6 A. He was our liaison to the architect and engineering 7 firms who won the bid. And that encompassed a lot of 8 other things, but those were his -- those were his 9 roles and along with liaison to, for example, City of 10 Columbia or Richland County and managing through 11 issues related to that move. 12 Q. Okay. Since Jim was here when you arrived at the 13 Department, do you know anything about the process in 14 which he was hired? 15 A. Not officially. 16 Q. Okay. 17 A. But, you know, he was here. And I -- I can't recall 18 how long he had been here when I came. 19 Q. I do want to ask you about an Affidavit that you 20 signed. 21 A. Okay. 22 Q. And I see you have a copy in front of you. 23 A. All right. 24 Q. I'd like to mark this as an exhibit and I probably 25 have a copy.	Page 31 1 Q. Okay. 2 A. -- and the examination of the Laboratory and Consumer 3 Services as a -- 4 Q. Okay. 5 A. -- special project. 6 Q. All right. 7 A. Sorry. 8 Q. When we were discussing that, you used the term 9 "liaison" in connection with the Farmers Market. 10 A. Uh-huh. 11 Q. Would you -- which do you think more accurately 12 describes his position in regard to that Farmers 13 Market? 14 A. I would think Project Director. 15 Q. Okay. 16 A. Yeah. 17 Q. And I guess I'll go back to that question; I would 18 ask, what would have been his decision making 19 authority in regard to that project? 20 A. Again, with architectural and engineering firms, they 21 would decide -- well, again, you know, major decisions 22 would come to me, but they would -- they would engage 23 in the discussion enough to hammer it out to where -- 24 for me was the options to make decisions upon. But, 25 you know, as -- as a Director, he would engage with

EXHIBIT

W

Anchor:DSTEWART

(***DREW***)

ReadRate:14

TAKE VO

{VO}

CG :BLANK RED TAB
2LINE\Developing Story\Zeigler Road
South\Richland County

JAMES TREXLER
IS THE SON OF
HAZEL TREXLER
WHO OWNED 23
HORSES RESCUED
YESTERDAY.

A
SPOKESPERSON
FOR THE HUMANE
SOCIETY SAYS THE
23 HORSES
RESCUED FROM
THAT FARM WERE
MALNOURISHED AND
HAD VERY LITTLE
WATER.

Anchor:ONCAM

{ONCAM}

I SPOKE WITH
HAZEL TREXLER ON
THE PHONE EARLIER
TONIGHT.

SHE SAYS THE
HORSES FOUND AT
JAMES TREXLER'S
PROPERTY BELONG
TO HER. SHE SAYS
THAT THE HORSES
ORIGINALLY
BELONGED TO HER
LATE HUSBAND AND
SHE INHERITED
THEM. SHE ALSO

byRUSS CONGDON

TOLD ME THAT HALF
OF HER SON'S
PROPERTY
BELONGS TO HER AS
WELL.

WE'LL KEEP YOU
UP TO DATE ON THIS
STORY AS IT
DEVELOP.

DREW STEWART,
WIS NEWS 10.

byRUSS CONGDON

1025

APP. 1125

EXHIBIT

X

1026

APP. 1126

Monday, March 07, 2011

45° Partly Cloudy

Hi: 61° | Lo: 35°

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Mother, sons arrested in horse abuse case

by Brian McConchie

Posted: 02.27.2008 at 11:48 PM

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PJ. 1 12.5.11
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A mother and her sons are behind bars in a developing Richland County animal mistreatment case.

The Humane Society has taken custody of nearly 30 horses from a Midlands family.

On Monday, officials took 23 horses from Hazel Trexler. The Humane Society calling them "malnourished."

Then on Tuesday, officials took five more horses from Trexler's son James. He's an assistant State Agriculture Commissioner who told our Brian McConchie that the horses are not his. He has been suspended from his position.

WACH FOX News has learned Hazel Trexler also faces 30 animal cruelty charges in Jefferson County, Georgia. Her other son Terry is also involved in that case.

Wednesday night, Hazel Trexler, and her sons Terry and James were in handcuffs. Richland County deputies arrested the trio after trying to get them out of a Hopkins home for nearly 90 minutes.

Since Monday, 28 horses have been seized from the Trexlers. Those animals are so malnourished their ribs are showing. Dr. Michael Privett says these animals have "obvious signs of neglect." The horses are now in his care after the Humane Society confiscated them.

"These animals weren't going to die, but they were not getting enough food to keep themselves healthy," says Kety Graham of the Humane Society.

Animal care workers say they can nurse the horses back to good health with proper feeding and medical care, but it will take time.

Dr. Privett has examined the animals and says many of them are riddled with



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3/7/2011

1027

APP. 1127

parasites and need de-worming. He also says some are extremely undersized for their age.

"Normally when we see a situation like this we go and talk to the owners. Talk about the problem, how we can fix it. How we can help them fix it. We don't want to have to take away people's animals," says Graham.

Humane Society officials say earlier this week, they didn't get the cooperation they were looking for in this case. Now more than two dozen animals face a long road back to health while a mother and her son face charges in the case.

The Jefferson County, Georgia Sheriff's Department has a total of 61 arrest warrants for the Trexlers, all of them on animal cruelty charges. Those warrants date back to October of last year.

Hazel, Terry and James Trexler face multiple ill treatment of animals charges. They will likely have a bond hearing in Richland County on Thursday.

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Good Day Getaways
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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

James W. Trexler

Plaintiff,

-vs-

The Associated Press, Barrington
Broadcasting, Inc., a South Carolina
Corp.; Pacific & Southern Company,
Inc.; and Raycom TV Broadcasting,
Inc.

Defendants.

) IN THE COURT OF COMMON
) PLEAS OF THE FIFTH JUDICIAL
) CIRCUIT

) Case No.: 2010-CP-40-1249

)
)
) PLAINTIFF'S NOTICE OF MOTION
) AND MOTION FOR
) RECONSIDERATION

JEANE THE WYATTS
C. C. P. S. BRIDE
2012 NOV 20 PM 12:51
FILED
RICHLAND COUNTY

PLEASE TAKE NOTICE that Plaintiff, James Trexler, pursuant to SCRCF
59(e), will move ten days hence, or as soon as may be heard, for the Court to
Reconsider, Alter or Amend its ruling granting Defendants in the above-captioned
case's Motion for Summary Judgment.

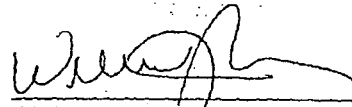
This motion is based upon the pleadings and memoranda filed in this case,
Plaintiff's proposed order denying Defendants' Motion for Summary Judgment,
with exhibits, the transcript of the January 19, 2012 hearing on Defendants'
Motion for Summary Judgment, rules of Court, Plaintiff's memorandum of law
supporting this motion, to be submitted before or at a hearing of this motion, and

other such matters as may be properly presented to the Court.

Plaintiff requests a hearing and oral argument on this motion.

Dated: November 19, 2012.

Respectfully submitted,



W. Westbrook Wills III
38 Broad Street, Suite 200
Charleston, S.C. 29401
(843) 805-6300
William H. Johnson
Law Offices of
William H. Johnson, LLC
411 N Brooks St.
Manning, SC 29102
(803) 435-0909
Attorneys for the Plaintiff

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

James W. Trexler,

Plaintiff,

vs.

The Associated Press, Barrington
Broadcasting, a South Carolina Corp.,
Pacific & Southern Company, Inc., and
Raycom TV Broadcasting, Inc.

Defendants.

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

Case Number: 2010-CP-40-1249

CERTIFICATE OF SERVICE

JEANE L. W. McBRIDE
C.C. H&S G.S.

2012 NOV 20 PM 12:51

RICHLAND COUNTY
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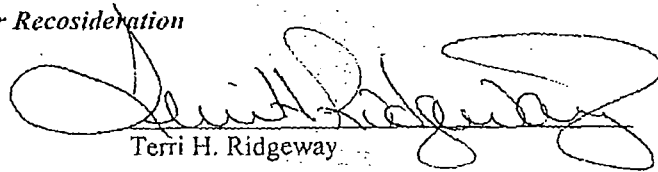
PERSONALLY APPEARED BEFORE ME, Terri H. Ridgeway, who being duly sworn says that she is an employee of THE LAW OFFICES OF WILLIAM H. JOHNSON, LLC, attorneys for the *Plaintiff*; that she did serve the below described documents on the attorneys for the *Defendants* by personally placing a copy of said documents(s) in the United States Mail, postage prepaid, and addressed as follows:

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Baker, Ravenel Bender
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Columbia, South Carolina 29202

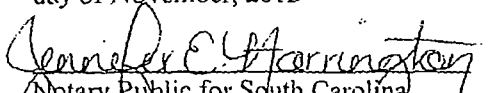
Robert D. Garfield, Esquire
Davidson & Lindemann
Post Office Box 8568
Columbia, South Carolina 29202

DESCRIPTION OF DOCUMENTS:

Notice of Motion and Motion for Recosideration


Terri H. Ridgeway

SWORN TO BEFORE ME this 19
day of November, 2012


Notary Public for South Carolina
My Commission Expires: 10/29/2018

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

James W. Trexler

Plaintiff,

-vs-

The Associated Press, Barrington
Broadcasting, Inc., a South Carolina Corp.;
Pacific & Southern Company, Inc.; and
Raycom TV Broadcasting, Inc.

Defendants.

IN THE COURT OF COMMON PLEAS OF
THE FIFTH JUDICIAL CIRCUIT

Case No.: 2010-CP-40-1249

PLAINTIFF'S MEMORANDUM IN
SUPPORT OF MOTION FOR
RECONSIDERATION OF ORDER
GRANTING SUMMARY JUDGMENT

RICHLAND COUNTY
FILED
MAR 11 PM 3:45
JACQUELINE W. HOBBS
C.C.P. & G.S.

Plaintiff, by and through his undersigned counsel, moves the Court to reconsider its Order granting summary judgment in favor of the Defendants ("Order").

This matter came before the Court on Defendants' motion for summary judgment, a hearing on which was held on January 19, 2012. On October 30, 2012, the Court entered its Order granting summary judgment in favor of the Defendants. The Court granted summary judgment to the defendants because apparently the Court mistakenly did not recall that Plaintiff had submitted over 150 pages of evidence, including, *inter alia*, copies of published news articles, numerous deposition transcript excerpts, affidavits, and documents related to the prosecution of the Plaintiff and the dismissal of the prior criminal charges against him. The Court based its grant of summary judgment on the mistaken belief that "Plaintiff filed nothing with the court which identified specific facts in dispute relative to his libel claim, relying entirely on counsel's description of

material not before the court to argue that questions of material fact existed." Order at p.

3.

On November 19, 2012, Plaintiff filed his Motion for Reconsideration in which he respectfully requests the Court reconsider its findings, some of which appear to Plaintiff to have been based on inaccurate facts. Furthermore, in finding for the Defendants, the Court appears not to have considered the over 150 pages of evidence counsel for Plaintiff referred to during the January 19, 2012 hearing, and submitted as exhibits to Plaintiff's proposed order at the Court's request. Plaintiff addresses these issues, which form the basis of his motion for reconsideration, as follows:

I. Summary Judgment Standard

The Court specified in the Order that Plaintiff had failed to meet his burden under the applicable standard for summary judgment because the Court apparently was under the mistaken impression that "Plaintiff filed nothing with the court which identified specific facts in dispute relative to his libel claim, relying entirely on counsel's description of material not before the court to argue that questions of material fact existed." Order at p. 3.

Summary Judgment is appropriate where the "pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Rule 56(c), SCRCP. In evaluating a motion for summary judgment, the Court "is to liberally construe the record in favor of the nonmoving party and give the non moving party the benefit of all favorable inferences that might reasonably be drawn therefrom." Estes v. Roper Temp. Servs., Inc., 304 S.C. 120, 121,

403 S.E.2d 157, 158 (Ct. App. 1991). Because summary judgment is a drastic remedy, the Court should invoke it cautiously "so that no person will be improperly deprived of a trial of the disputed factual issues." Baughman v. American Tel. & Tel. Co., 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991) (quoting Watson v. Southern Ry. Co., 470 F. Supp. 483, 486 (D.S.C. 1975)). "When ruling on a motion for summary judgment . . . in a defamation action, the court must review the evidence using the same substantive evidentiary standard of proof the jury is required to use in a particular case. George v. Fabri, 345 S.C. 440, 451-54, 548 S.E.2d 868, 874-75 (2001). In determining whether any triable issue of fact exists, the Court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party. Rule 56(c), SCRPC. "All ambiguities, conclusions, and inferences arising from the evidence must be construed most strongly against the moving party." Schmidt v. Courtney, 357 S.C. 310, 592 S.E. 2d 326, 330 (Ct. App. 2003) (citing Bayle v. South Carolina Dep't of Transp., 344 S.C. 115, 542 S.E.2d 736 (Ct.App.2001)). The Schmidt court explained:

Many South Carolina cases point out summary judgment is a "drastic remedy" which should be cautiously invoked so no person will be improperly deprived of a trial of the disputed factual issues. Cunningham v. Helping Hands, Inc., 352 S.C. 485, 575 S.E.2d 549 (2003); Lanham v. Blue Cross & Blue Shield, 349 S.C. 356, 563 S.E.2d 331 (2002); Conner v. City of Forest Acres, 348 S.C. 454, 560 S.E.2d 606 (2002); Redwend Ltd. P'ship v. Edwards, 354 S.C. 459, 581 S.E.2d 496 (Ct.App.2003); Baril v. Aiken Reg'l Med. Ctrs., 352 S.C. 271, 573 S.E.2d 830. (Ct.App.2002); Trivelas v. South Carolina Dep't of Transp., 348 S.C. 125, 558 S.E.2d 271 (Ct.App.2001); Murray v. Holnam, Inc., 344 S.C. 129, 542 S.E.2d 743 (Ct.App.2001); McNair v. Rainsford, 330 S.C. 332, 499 S.E.2d 488 (Ct.App.1998). Because summary judgment is a drastic remedy, it must not be granted until the opposing party has had a "full and fair opportunity to complete discovery." Dawkins v. Fields, 354 S.C. 58, 69, 580 S.E.2d 433, 439 (2003); Lanham, 349 S.C. at 363, 563 S.E.2d at 334; Doe v. Batson, 345 S.C. 316, 322, 548 S.E.2d 854, 857 (2001); Baird v.

Charleston County, 333 S.C. 519, 529, 511 S.E.2d 69, 74 (1999); Baughman v. American Tel. & Tel. Co., 306 S.C. 101, 112, 410 S.E.2d 537, 543 (1991).

Summary judgment is not appropriate where further inquiry into the facts of the case is desirable to clarify the application of the law. Lanham, 349 S.C. at 362, 563 S.E.2d at 333; Moriarty v. Garden Sanctuary Church of God, 341 S.C. 320, 534 S.E.2d 672 (2000); Mosteller v. County of Lexington, 336 S.C. 360, 520 S.E.2d 620 (1999); Redwend Ltd. P'ship, 354 S.C. at 468, 581 S.E.2d at 501; Baril, 352 S.C. at 280, 573 S.E.2d at 835; Trivelas, 348 S.C. at 130, 558 S.E.2d at 273; Hall v. Fedor, 349 S.C. 169, 561 S.E.2d 654 (Ct.App.2002); Hedgepath v. American Tel. & Tel. Co., 348 S.C. 340, 559 S.E.2d 327 (Ct.App.2001); Bayle v. South Carolina Dep't of Transp., 344 S.C. 115, 542 S.E.2d 736 (Ct.App.2001); Vermeer Carolina's, Inc. v. Wood/Chuck Chipper Corp., 336 S.C. 53, 518 S.E.2d 301 (Ct.App.1999); Middleborough Horizontal Prop. Regime Council v. Montedison, 320 S.C. 470, 465 S.E.2d 765 (Ct.App.1995).

"Summary judgment is inappropriate when further development of the facts is desirable to clarify the application of the law." Lee v. Kelley, 298 S.C. 155, 158, 378 S.E.2d 616, 617 (Ct.App.1989). Even when there is no dispute as to evidentiary facts, but only as to the conclusions or inferences to be drawn from them, summary judgment should be denied. Redwend Ltd. P'ship, 354 S.C. at 468, 581 S.E.2d at 501; Baril, 352 S.C. at 280, 573 S.E.2d at 835; Hall, 349 S.C. at 173-74; 561 S.E.2d at 656; Glasscock, Inc. v. United States Fid. & Guar. Co., 348 S.C. 76, 557 S.E.2d 689 (Ct.App.2001); Stewart v. State Farm Mut. Auto. Ins. Co., 341 S.C. 143, 533 S.E.2d 597 (Ct.App.2000); see also Laurens Emergency Med. Specialists v. M.S. Bailey & Sons Bankers, 355 S.C. 104, 584 S.E.2d 375 (2003) (noting that summary judgment should not be granted even when there is no dispute as to evidentiary facts, if there is dispute as to conclusions to be drawn therefrom).

Schmidt v. Courtney, 357 S.C. 310, 592 S.E. 2d 326, 331 (Ct. App. 2003)

II. The Plaintiff Submitted Evidentiary Materials in Opposition to the Motion for Summary Judgment:

The Court, in the Order, correctly states that Rule 56 (e), SCRCP requires a party responding to a properly supported motion for summary judgment to set forth . . . and that the nonmoving party is charged with the responsibility of coming forward with specific facts demonstrating a genuine issue of fact for trial . . . [and] [a] nonmoving party who fails to make a showing of facts sufficient to establish an essential element of

that party's claim on which that nonmoving party bears the burden of proof cannot establish a genuine issue of material fact exists, and the moving party is entitled to summary judgment as a matter of law. Order at p. 2, citing Baughman v. American Tel. & Tel. Co., 306 S.C 101, 410 S.E. 2d 537, 545 (1991).

The Court indicates in the Order that while Defendants supported their motion with the pleadings, responses to interrogatories, and requests for admissions together with affidavits, certified copies of records, and excerpts of plaintiff's deposition (see Order at p. 1-2), "[p]laintiff filed nothing with the court which identified specific facts in dispute relative to his libel claim, relying entirely on counsel's description of materials not before the court to argue questions of material fact existed." Order at p. 3. However, the Court was mistaken, as Plaintiff submitted to the Court over 150 pages of evidentiary materials demonstrating that genuine issues of material fact existed as to every element of and defense to his libel claim, including the level of falsity of the publications, the extent of Defendants' knowledge of the falsity of the publications, Defendants' actual malice in publishing the articles at issue, and Defendants' continued publication the false misleading material.

At the summary judgment hearing the Court declined Plaintiff's counsel's offer to hand up evidentiary materials, stating that the Court would accept counsel's representation at the hearing that Plaintiff's arguments were supported, and at the conclusion of the hearing the Court requested proposed orders from both Plaintiff and the Defendants. This is a typically-used procedure whereby each party has an opportunity to set forth his respective arguments in the form of a proposed order. See, e.g., Allen v. South Carolina Alcoholic Beverage Control Commission, 321 S.C. 188, 191, 467 S.E. 2d

450, 452 (Ct. App. 1996). Plaintiff did in fact submit his proposed order, setting forth his factual and legal arguments, citations to authorities, and numerous exhibits in opposition to Defendants' motion for summary judgment.

During the summary judgment hearing, near the beginning of Plaintiff's counsel's argument in opposition to the motion, Plaintiff made specific reference to articles published by each of the Defendants. Plaintiff's counsel asked the Court to permit him to pass up the articles he needed to submit to the Court in support of his arguments which would serve as evidence of specific facts in dispute with regard to his claims and the defenses thereto. However, instead of receiving the documents at the bench, the Court indicated it would rather Plaintiff not pass the evidence up, and would take counsel's representations of the material. The transcript of the hearing reads, in pertinent part, as follows:

Mr. Wills: If the Court would not mind, I'd like to pass up some of the articles that have been written to address my next point, which is that the articles are not fair and accurate reports of the public record, and that they actually mischaracterize, mislead, and are false . . .

The Court: Mr. Wills, I'll accept your representation.

Mr. Wills: Okay.

The Court: I'm sure that your position is supported. I'll accept your representation.

Transcript of January 19, 2012 hearing on Defendants' Motion for Summary Judgment p. 29:21-30 and p. 31:8-11. A copy of the pertinent portion of the Transcript is attached as Exhibit "A."

Judge Strickland concluded the hearing by asking each side to submit proposed orders. On February 1, 2012 Plaintiff submitted his proposed order to the Court's office

with a copy to all parties, by way of the Yousendit.com large document transmission service. Plaintiff attached numerous exhibits to his proposed order, totaling over 150 pages of evidentiary material, including, *inter alia*, copies of published news articles, numerous deposition transcript excerpts, affidavits, and documents related to the prosecution of the Plaintiff and the dismissal of the prior criminal charges against him.

Plaintiff was understandably surprised when the Order, which was issued over nine months after Plaintiff submitted his proposed order with attached exhibits, indicated he had submitted no evidence at all to support his libel claim. The Court stated in the Order, "Plaintiff made no submission in response to defendants' motion to demonstrate the existence of genuine issues of fact with respect to the falsity of the publications, and his allegations alone are insufficient to overcome defendants' showing." Order at p. 8. The Court further found in the Order, "[t]here can be no libel claim for the publication of reports that are true or substantially true, and plaintiff in responding to the motion failed to provide any support by affidavit or otherwise for his contention that false publications had been made." Order at p. 10.

Plaintiff incorporates here by reference all Plaintiff's memoranda of law, his proposed order, and all the evidentiary materials offered at the summary judgment hearing and attached as exhibits to his proposed order, all in opposition to Defendants' motion for summary judgment and in support of Plaintiff's motion requesting that the Court reconsider its Order granting the Defendants' motion for summary judgment.

III. The Court Should Reconsider its Ruling on the Statute of Limitations.

The Court, in its Order, ruled that Plaintiff's Amended Complaint was filed after the two-year statute of limitations had expired. In addition to Plaintiff's arguments

regarding the Amended Complaint's relation back to the date of the original Complaint, which Plaintiff incorporates here by reference, the Court apparently mistakenly overlooked the continuously-published and republished news articles offered at the hearing and then attached as exhibits to Plaintiff's proposed order. While the statute of limitations for libel begins to run from the date of the first publication, under South Carolina law material which remains on a website or is searchable on a website constitutes a republication and separate and distinct dissemination of that material. See Taub v. McClatchy Newspapers, Inc., 504 F. Supp. 2d 74 (D.S.C. 2007). In Taub the District Court of South Carolina pointed out that South Carolina, in light of Moosally v. W.W. Norton & Co., 358 S.C. 320, 594 S.E. 2d 878 (Ct. App. 2004), adheres to the continuing publication rule. In Taub a media company placed defamatory content from the Associated Press on its website for initial publication and then moved the article to its online web archive, where it was no longer being actively pushed out to the public, but the public could search for and find the article. The Taub court found the "A.P. article continued to be published, or it was accessible through a search of the website up until the article was removed from the...website...." The Taub court held that under the continuing publication rule the archived article constituted a continuing publication. In the instant case the Defendants disseminated several continuing publications and republications of the defamatory articles at issue, all less than two years before Plaintiff's complaint was filed and also less than two years before Plaintiff's amended complaint was filed.

For the reasons set forth above, Plaintiff respectfully requests that the Court reconsider its Order granting summary judgment to the Defendants, and that the Court deny the Defendants' motion for summary judgment.

Dated: March 11, 2013.

Respectfully submitted,



W. Westbrook Wills III
38 Broad Street, Suite 200
Charleston, S.C. 29401
(843) 805-6300

William H. Johnson
Law Offices of
William H. Johnson, LLC
411 N Brooks St.
Manning, SC 29102
(803) 435-0909
Attorneys for the Plaintiff

2013 MAR 11 PM 3:45
JEANETTE M. McBRIDE
C.C.P. & A.S.

RICHLAND COUNTY
FILED

CERTIFICATE OF SERVICE

I certify that on this date a copy of the foregoing *Plaintiff's Memorandum in Support of his Motion For Reconsideration* was served on each party or counsel of record by hand delivering a copy to each them at the March 11, 2013 hearing:

Jay Bender, Esq.
Baker, Ravenel & Bender LLP
PO Box 8057
Columbia, South Carolina 29202

Robert D. Garfield, Esq.
Davidson & Lindemann, P.A.
1611 Devonshire Drive, Second Floor
PO Box 8568
Columbia, SC 29202-8568

Dated: March 11, 2013.



W. Westbrook Wills III

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) CASE #: 2010-CP-40-1249

James W. Trexler,

Plaintiff,

v.

The Associated Press,
Barrington South Carolina
Corp., Raycom TV Broadcasting,
Inc., and the Pacific &
Southern Co., Inc.,

Defendants.

MOTION FOR SUMMARY
JUDGMENT

COPY

HEARING

Thursday, January 19, 2012

2:45 p.m. to 4:57 p.m.

The hearing before the Honorable Joseph M. Strickland, Special Circuit Court Judge for Fifth Circuit, was taken in Courtroom 2D of the Richland County Judicial Center, 1701 Main Street, Columbia, South Carolina, on the 19th day of January, 2012, before Robin K. Reibold, Court Reporter and Notary Public in and for the State of South Carolina.

Official Court Reporter
Master in Equity, Richland County
1701 Main Street - Post Office Box 192 (29202)
Columbia, South Carolina 29201

PLAINTIFF'S
EXHIBIT

A

1 material based on that public record one time, and
2 thereafter, over the course of the following months,
3 and even years, every publication by those
4 defendants was not based on public record but was
5 based on information gathered from other arenas. As
6 a matter of fact, all of the defendants have moved
7 already for summary judgment based on the fair
8 reporting privilege, with the exception of one of
9 the defendants, McClatchy, who is no longer in the
10 case. The court denied that motion for summary
11 judgment based on the fair report privilege. The
12 court did grant leave to the defendants to renew
13 that motion if discovery produced a ... or, if after
14 discovery there were no new publications that were
15 unprivileged under this act. But that's not been
16 the case. We've got now months of publications from
17 each of the defendants which were not based on
18 public record at all but were based on just regular
19 information gathering through whatever the sources
20 were, primarily the HSPCA. Again, we've got a prior
21 organization with a pretty stiff agenda. If the
22 Court wouldn't mind, I'd like to pass up some of
23 these articles that have been written to address my
24 next point, which is that the articles are not fair
25 and accurate reports of the public record, and that

29

Official Court Reporter

Master in Equity, Richland County

1701 Main Street - Post Office Box 192 (29202)

Columbia, South Carolina 29201

1 they actually mischaracterize, mislead and are false
2 in the sense where they accuse Mr. Trexler of crimes
3 well beyond what he was accused of.

4 **THE COURT:** Those articles, they're reporting what they
5 got from the sheriff's department, is that what
6 you're saying?

7 **MR. WILLS:** Your Honor, they began by reporting on what
8 was said in the original press release. From there
9 on, these reports took on a life of their own. The
10 reports were mixed up. They included information
11 that ... they implicated Mr. Trexler in all of the
12 incidences of horse abuse, instead of just the five
13 that he was arrested for and accused of ill
14 treating. What's important here is that ... is the
15 timing of the arrests versus the indictments. Mr.
16 Bender has informed the Court that Mr. Trexler was
17 arrested on February 27th and then indicted on
18 felony charges on March 13th. What's important for
19 the Court to know is that Mr. Trexler was arrested
20 and charged with only five counts of misdemeanor ill
21 treatment of animals. It was only later, in the
22 middle of March, that he was indicted on four counts
23 of felony cruelty to animals. All those charges
24 were later dismissed, by the way. But the reporting
25 that was done, that was false, reported on Mr.

30

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1 Trexler as if he had committed the felony level of
2 these crimes. Instead of saying ... merely
3 reporting that he was involved with five counts of
4 misdemeanors, the defendants took a hold of his
5 status, or what they wanted to create as a status
6 for him, to aggrandize the situation and inflate it,
7 the charges against Mr. Trexler. Now ...

8 **THE COURT:** Mr. Wills, I'll accept your representation.

9 **MR. WILLS:** Okay.

10 **THE COURT:** I'm sure that your position is supported.
11 I'll accept your representation.

12 **MR. WILLS:** Yeah, I don't want to inundate Your Honor with
13 all these articles... But just to give you an idea of
14 what we're dealing with here, Mr. Trexler, like I
15 say, was arrested on February 27th, 2008, for
16 misdemeanor ill treatment of animals. This was a
17 situation where Mr. Trexler was not charged as one
18 who was directly involved, but he was really charged
19 because somebody along the investigation mistook him
20 as being the person who lived where the horses were
21 found. So this was almost a passive involvement, it
22 wasn't his direct involvement with these horses.
23 And consequently he was charged with five
24 misdemeanor counts of ill treatment of animals. But
25 the AP, on February 29th, reports, large headline,

31

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Columbia, South Carolina 29201

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT

James W. Trexler,

Plaintiff,

-VS-

Case No.: 2010-CP-40-1249

AFFIDAVIT OF JAMES W. TREXLER.

**The Associated Press, Barrington
Broadcasting, a South Carolina Corp.,
Pacific & Southern Company, Inc., and
Raycom TV Broadcasting, Inc.**

Defendants.

James W. Trexler,

Plaintiff,

-vs-

Case No.: 2010-CP-40-1343

McClatchy Newspapers, Inc., Richland County, and the Richland County Sheriff's Department,

Defendants.

Personally appeared before me, James W. Trexler, who being duly sworn, deposes
and states as follows:

1. My name is James W. Trexler, and I am over 18 years of age and competent to make this affidavit.
2. Prior to February 27, 2008, I worked for 27 years as a state employee.
3. In 2002, I was hired as an employee of the South Carolina Department of

Agriculture (the "Department" or "Agency").

4. In September of 2004, Hugh Weathers became Commissioner of Agriculture. Shortly thereafter, Commissioner Weathers decided to evaluate the existing structure and responsibilities of Agency employees. See Exhibit "B."

5. On January 4, 2005 Commissioner Weathers assigned me the responsibility for the management of the budget and the finance section of the Department. See Exhibit "C."

6. Commissioner Weathers often referred to my duties as "back room" or "back office" functions of the agency.

7. 75% of my job was generic accounting, 10% of my job was to provide budget information to legislators or their staff concerning the Agency's budget, as they needed it. Another 10% of my job consisted of providing support to senior staff in their overall direction of the Agency. See Exhibit "D."

8. As part of my job functions I also provided financial and budget data to Commissioner Weathers, lobbyists he hired to represent the Agency in public and to the legislature. I was not known to the public in any capacity.

9. During my entire tenure with the Department I was regularly evaluated on criteria used exclusively for rank in file state employees through the Employee Performance Management System (EPMS) provided by the Office of Human Resources of the Budget and Control Board. See Exhibit "E."

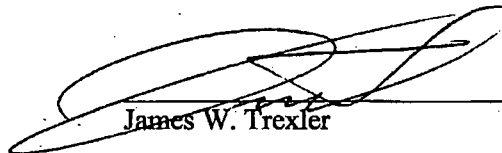
10. Neither Commissioner Weathers nor members of the Agriculture Commission, who are appointed by the Governor, are evaluated under the EPMS system.

11. I was never elected or appointed to any position at the Department of Agriculture or to any job I've ever held over my 27 years in state government.

12. I was hired into my first job in state government after filling out an employee application, and was promoted in the same manner as any other regular state employee thereafter.

13. No official position known as Assistant Commissioner of Agriculture or Assistant Commissioner of Administration exists at the Agency or in the State of South Carolina.

FURTHER AFFIANT SAYETH NOT.


James W. Trexler

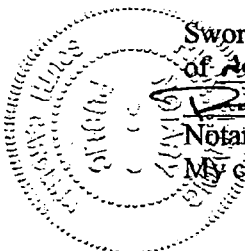
Sworn to before me this 15TH day
of NOVEMBER 2011

Notary Public of South Carolina
My commission expired: 12/1/15

Exhibit B



Hugh E. Weathers
Interim Commissioner

State of South Carolina
Department of Agriculture

Wade Hampton Office Building
P.O. Box 11280
Columbia, S.C. 29211

Telephones: (803) 734-2210
Fax: (803) 734-2182
E-Mail: hweathe@scca.sc.gov

January 4, 2005

Mr. James W. Trexler
P.O. Box 11280
Columbia, SC 29211

Dear Jim,

Based upon my evaluation of the management structure of the S.C. Department of Agriculture, I have concluded that the Department will function more efficiently with some adjustment of responsibilities. My evaluation has been both internal to our operation as well as a comparison to other agencies.

The restructure will include, but is not limited to, separation of some of the duties in the Administration Division. As of today, I am assigning to you the responsibility for the management of our budget function as well as the finance section. This change is, in part, designed to allow you to focus your efforts in the areas where your experience in state government will benefit our Agency. I have not thought through a job title adjustment.

Larry Boyleston will head up our governmental relations team. Your role in that effort will be to manage issues related to budget and other fiscal matters. You, along with Beth Crocker, will also assist Larry assist in policy development and management.

Your change of responsibilities to the Department will be an offset. To that end your salary will remain at its present level

You are an integral part of this Agency. I am confident that this change will allow you to better utilize your experience, and the Department will be well served with your skills.

Sincerely,

A handwritten signature in dark ink, reading "Hugh E. Weathers". The signature is written in a cursive style with a long, sweeping underline.

Hugh E. Weathers

Exhibit C



Hugh E. Weathers
Interim Commissioner

State of South Carolina
Department of Agriculture

January 5, 2005

Wade Hampton Office Building
P.O. Box 11280
Columbia, S.C. 29211

Telephone: (803) 734-2210
Fax: (803) 734-2192
E-Mail: hweathe@scca.sc.gov

TO: Senior Staff
Finance Staff

FROM: Hugh Weathers 

SUBJ: Management Changes

Based upon my evaluation of the management structure of our agency, I have concluded that the Department will function more efficiently with some adjustments of responsibilities. My evaluation has been both internal to our operation as well as a comparison to other agencies.

The restructure will include, but is not limited to, separation of some duties in the Administration Division. Clarissa Adams will manage human resources and information technology. Jim Trexler will be responsible for the management of our budget function as well as the finance section.

Larry Boyleston will head up our governmental relations team.

This restructuring gives our agency a better framework with which to serve our mission. Thank you for your cooperation and I look forward to a great new year ahead for the Department!

Exhibit D

South Carolina Department of Agriculture Position Description & Employee Performance Management System (EPMS) Form

Employee Name: Jim W. Trexler **Social Security #:**

State Class Title: Executive Assistant III

Position Supervision

Describe the guidelines and supervision an employee receives in order to do this job, including the employee's independence and discretion.

Reports directly to the Commissioner of Agriculture.

List the classification titles and number of the three highest level subordinate position(s) reporting directly to you.

Titles	Number
1.	
2.	
3.	
Total Number of Employees Under Your Supervision:	

Qualifications

List what you consider to be the qualifications required for entry into this position.

Education, Training, and Experience (cite major areas of study, type & years of experience)

Masters Degree and 5 years of experience in Public Administration; or an equivalent combination of education and experience.

Special Licenses, Registrations or Certifications

Skills and Abilities

Knowledge of the laws, rules, and regulations pertinent to the agency. Ability to communicate effectively. Knowledge of state government budget, finance, procurement and Information Technology policy and procedures.

Additional Requirements

This position could require working extended hours when the Legislature is in session. Some over night travel may be necessary.

Job Purpose

Coordinates legislative matters and special projects for the Commissioner. Assists in the overall direction and management of the agency.

Job Duties, Objectives, Success Criteria and Performance Evaluation

Indicate the importance of the job duty/objective in terms of overall criticality to job success by assigning to it a percentage. Indicate essential and marginal duties/objectives by checking the appropriate block. Essential duties/objectives are the most critical, important duties/objectives for which the job was created. Marginal duties/objectives are non-critical and could be performed by another position. The percentage of importance for job duties/objectives with success criteria should total 100%.

At the end of each review period check the rating which reflects the employee's actual performance for each job duty/objective. Include a descriptive explanation for "Substantially Exceeds" and "Below" ratings

Definitions:

Substantially

Exceeds Expectations: (Work that is characterized by exemplary accomplishment throughout the rating period; performance that is consistently above the success criteria of the job.)

Exceeds Expectations: (Work that is substantially and consistently above the success criteria of the job throughout the rating period.)

Meets Expectations: (Work that routinely meets the success criteria of the job. Majority of employees should be in this category.)

Below Expectations: (Work that routinely fails to meet the success criteria of the job.)

Job Duties/Objectives and Success Criteria (Essential and Marginal)

Each job duty should be assigned a weight reflective of job duty importance. Weights for all objectives should not exceed 15%. The weights will be listed on page 5. Although not specified in the job duties/objectives section below, employees may perform other related duties as required.

1. <u>50</u> % ☒ Essential ☐ Marginal	Job Duty/Objective Directs and supervises the Administration, Finance, Budget and Information Technology Sections of the S.C. Department of Agriculture Success Criteria An audit report that has very few exception items reported. Timely preparation of all pertinent reports internal and external to the agency. Satisfactory support service provided to the divisions in the agency with regards to all matters related to supervised functions. Provide professional leadership for subordinates and works well with fellow managers within the Agency.
Actual Performance/Comments A few negatives on audit, but not too significant. Good work output by departments under your direction.	
Performance Rating 3 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations	
2. <u>25</u> % ☒ Essential ☐ Marginal	Job Duty/Objective Coordinates special projects for the Commissioner and Administration to fulfill goals and objectives. Completes special projects that enhance the image of the SC Department of Agriculture. Oversees special projects that will have a long-term effect relative to the Farmers Market, and Lab/Consumer Services evaluations. Success Criteria Provide effective information to support the goals of the Agency. Provide information in a precise and succinct manner to enable the user to make informed decisions. Carry out projects in a manner that enhances the image of professionalism of the Agency to its stakeholders.
Actual Performance/Comments The Farmers Market issue has been a challenge in numerous aspects. Everyone involved must share the responsibility.	
Performance Rating 2 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations	

3. <u>10</u> % ☒ Essential ☐ Marginal	Job Duty/Objective Works with other Senior Staff in the overall direction and management of the S.C. Department of Agriculture. Success Criteria Engage with other Agency staff to provide insights on the impact of Agency plans and actions on the areas of the Agency under direct supervision. Provide timely and precise information to other senior staff to allow them to make informed decisions to better execute the mission of the Agency.	Actual Performance/Comments Engagement with other staff has created management issues from time to time that the Commissioner's office has been made aware of. Some of these issues have reflected poorly on the Agency. All staff involved could have performed better.	Performance Rating <u>2</u> 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
4. <u>10</u> % ☒ Essential ☐ Marginal	Job Duty/Objective Provides information to legislators and legislative staff concerning the agency and its budget. Represents the agency head in meetings with other agency officials for the purpose of coordinating various programs. Success Criteria A thorough understanding by the user of the information provided. Provide information and/or represent the Agency with professionalism.	Actual Performance/Comments Several comments have come to the Commissioner's Office regarding less than professional representation from time to time. Some instances have reflected poorly on the Agency.	Performance Rating <u>1</u> 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
5. <u>5</u> % ☒ Essential ☐ Marginal	Job Duty/Objective Researches issues and prepares reports, position papers and policy statement for the agency. Success Criteria Preparation and presentation of precise and usable information that adequately prepares the user to make completely informed decision	Actual Performance/Comments Presentation of date is sometimes easy to understand. At other times it is not clearly presented.	Performance Rating <u>2</u> 4 = Substantially Exceeds 3 = Exceeds Expectation 2 = Meets Expectations 1 = Below Expectations
6. _____ % ☐ Essential ☐ Marginal	Job Duty/Objective Success Criteria	Actual Performance/Comments	Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectation 2 = Meets Expectations 1 = Below Expectations
7. _____ % ☐ Essential ☐ Marginal	Job Duty/Objective Success Criteria	Actual Performance/Comments	Performance Rating _____ 4 = Substantially Exceed 3 = Exceeds Expectation 2 = Meets Expectations 1 = Below Expectations

8. _____ %	Job Duty/Objective _____
☐ Essential ☐ Marginal	Success Criteria _____
Actual Performance/Comments _____	
Performance Rating _____ 4 = Substantially Exceeds 3 = Exceeds Expectation 2 = Meets Expectations 1 = Below Expectations	

OFFICE OF HUMAN RESOURCES PROFILE

DEPARTMENT OF AGRICULTURE

CLASS TITLE				BAND	TYPE	POSITION #	DELE-GATED	AGY	CLASS	SLOT
EXECUTIVE ASSISTANT III				08	P	000045103	N	P16	A130	0001
AUTH DATE	CREATE DATE	SUPERVISOR CLASS/SLOT	ORG LEVEL	MIN		MID		MAX		HAY PTS
01/15/03	07/01/69	UA010001		54,000		76,954		99,908		
CURRENT LEVEL DATE	SYSTEM	FED CAT	CNTY	GRANT NUMBER					WORK PHONE	DIR PRT
01/15/03	N	E1	40						803/737-2070	Y
LOC				RICHLAND						
PAY DEDUCTIONS										

TEMP/IG/TL DATA ADDITIONAL BENEFITS

HRS/DAY		END	CD	AMOUNT	DATE
DAYS/WK					
WK/YEAR					
BEG DATE	END DATE				

TOTAL FTE	1.0000	STATE	AMT	84,000
TOTAL ADDL BEN		FTE	1.0000	100.00 %
TOTAL LONGEVITY		FEDERAL	AMT	
HOURLY PAYRATE	43.07	FTE	0.0000	0.00 %
PAYRATE	84,000	OTHER	AMT	
ANNUAL EQUIV	84,000	FTE	0.0000	0.00 %
PAY PERIOD CODE	CGR			
PAY PERIOD AMT	3,500.00			
TOTAL COMP	84,000			

☒ PERMANENT ☐ TEMPORARY GRANT ☐ TIME LIMITED ☐ TEMPORARY

CURRENT TRANSACTION
POSITION DATA CORRECTION
CURRENT TRANSACTION DATE
01/31/08

LONGEVITY HISTORY

EFF DATE	AGY	CLS	GR/BD	F/P	PAY RATE INCREASE	ANN SAL INCREASE	STAT A/I

Performance Characteristics

For each performance characteristic, check the rating which reflects the employee's actual performance	
1. ALL EMPLOYEES: Teamwork: Degree to which one works effectively and cooperatively with others and other departments in achieving organizational goals. Degree of responsiveness to organizational needs.	☐ Acceptable ☒ Unacceptable
2. Self Management: Works with minimal supervision, manages own time effectively, maintains control over all current projects/responsibilities. Follows up on all relevant issues.	☒ Acceptable ☐ Unacceptable
3. Problem Analysis: Able to identify problems and relevant issues and break problems into components. Sees relationships and alternative solutions and arrives at sound conclusions through a logical process.	☒ Acceptable ☐ Unacceptable
4. Judgement: Able to reason, compare, understand, and think rationally on the job. Makes quality of work-related decisions based on sound conclusions/data. Able to separate facts from opinions.	☒ Acceptable ☐ Unacceptable
5. Leadership: Employee can be relied upon to guide others to the accomplishment of objectives/responsibilities, to promote teamwork, and to resolve problems.	☒ Acceptable ☒ Unacceptable
6. Promoting Equal Opportunity: Ensuring that employees and potential employees are provided with equal opportunities.	☒ Acceptable ☐ Unacceptable
7. Customer Service: To effectively and efficiently meet the needs of those served by continually assessing performance based on customer feedback.	☒ Acceptable ☐ Unacceptable
8.	☐ Acceptable ☐ Unacceptable

Supervisory Summary and Comments

Please include information regarding areas in which employee has excelled, as well as the steps that need to be taken by the employee and the supervisor to further enhance performance and career development.

APP. 1157

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

) IN THE COURT OF COMMON PLEAS
)
)

James W. Trexler,

) Civil Action No.: 2010-CP-40-1249
)

Plaintiff,

v.

) AFFIDAVIT OF HUGH E. WEATHERS
)

The Associated Press, Barrington
Broadcasting South Carolina Corp.,
Raycom TV Broadcasting, Inc. and the
Pacific & Southern Co., Inc.,

Defendants.)

2011 AUG 29 PM 1:14
JEANETTE M. MORRIS
C.C.P. & G.S.

FILED

I, Hugh E. Weathers, being duly sworn, state:

1. The matters stated by me herein are known by me to be true unless stated upon information and belief, and, as to those matters, I believe them to be true.

2. I am the South Carolina Commissioner of Agriculture, having been serving in that position since September 2004.

3. As Commissioner of Agriculture I am responsible for the management of the South Carolina Department of Agriculture, an agency of the State of South Carolina created by the General Assembly in 1879.

4. In exercising my responsibilities for management of the agency I appointed three persons to serve as Assistant Commissioner of Agriculture.

5. The Assistant Commissioners formed the top tier of career, as distinguished from elected, managers of the agency.

6. James W. Trexler was an Assistant Commissioner prior to my arrival at the Agency, however, I restructured his position and expanded his supervisory

authority over the Administration, Finance, Budget and Information Technology Sections of the agency.

7. As an Assistant Commissioner James W. Trexler was involved in liaison with the members and staff of the General Assembly concerning the agency and its budget.

8. As an Assistant Commissioner James W. Trexler represented the agency in meetings with other agency officials for the purpose of coordinating agency programs.

9. As an Assistant Commissioner James W. Trexler researched issues and prepared reports, position papers and policy statements for the agency.

10. As an Assistant Commissioner James W. Trexler directed special projects designed to have a long-term effect on the operation of the State Farmers' Market and the agency's Lab and Consumer Services activities.

11. James W. Trexler's job description as an Assistant Commissioner noted that he was to work with other senior staff "in the overall direction and management of the S.C. Department of Agriculture."

12. As an Assistant Commissioner James W. Trexler was actively involved in the management of the agency, and, as he noted in his letter of resignation, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, he thanked me for giving him an "opportunity to help lead this agency as Assistant Commissioner of Agriculture."

13. I considered James W. Trexler to be an official of the agency with a significant role in the agency's operation, and I am informed and believe persons

within and without the agency had the right to, and did, consider James W.

Trexler in this same light.

SWORN TO before me this 25th day
of August 2011

Hugh E. Weathers
HUGH E. WEATHERS

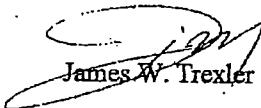
Ray Vines Rike
NOTARY PUBLIC FOR SOUTH CAROLINA

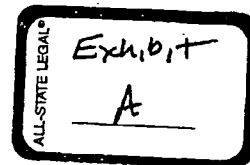
My commission expires: My Commission Expires March 13, 2013

First let me begin by saying thank you to Commissioner Weathers who gave me this opportunity to help lead this agency as Assistant Commissioner of Agriculture. Due to unforeseen difficulties in trying to help family members I have found myself in the position of having to resign for the betterment and perception of the department. I look forward to other opportunities.

I effectively resign my position March 5, 2008. I hope nothing but the best for Commissioner Weathers and the Department of Agriculture.

Respectfully,


James W. Trexler



IN THE COURT OF COMMON PLEAS

)

Civil Action No.: 2010-CP-40-1249

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JEANETTE W. McBRIDE
C.C.P. & G.S.

2011 AUG 29 PM 1:14

[illegible]

William K. Austin, Esquire
W. Westbrook Wills, III, Esquire
Austin, Fowler & Wills, LLP
38 Broad Street
Suite 200
Charleston, SC 29401

Teresa K. Todd
Teresa K. Todd

1062

) IN THE COURT OF COMMON PLEAS

)

) Civil Action No.: 2010-CP-40-1343

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JEANETTE W. HUBRIDE
C.C.P. & G.S.

2011 NOV 22 PM 4:04

WICHITA COUNTY
FILED

I, Georgette Rivers, being duly sworn, state:

1. The matters stated by me herein are known by me to be true of my own personal knowledge unless stated upon information and belief, and, as to those matters, I believe them to be true.

2. I am the Human Resource Manager for the South Carolina Department of Culture.

3. In my position as Human Resource Manager, I am the custodian of position
positions for employees of the agency.

4. The South Carolina Department of Agriculture is a department of government, under the direction of an elected Commissioner of Agriculture.

5. James W. Trexler, also known as Jim W. Trexler, was formerly employed by the Carolina Department of Agriculture.

6. In February 2008, James W. Trexler was an employee of the South Carolina Department of Agriculture.

7. Through February 2008 until the termination of Mr. Trexler's employment with the South Carolina Department of Agriculture his employment title was "Executive Assistant III."

8. A true and accurate copy of Mr. Trexler's position description is attached hereto as Exhibit A and incorporated herein by reference.

9. As Mr. Trexler's position description indicates, Mr. Trexler's job duties included:

Directs and supervises the Administration, Finance, Budget and Information Technology Sections of the S.C. Department of Agriculture;

Coordinates special projects for the Commissioner and Administration to fulfill goals and objectives.

Completes special projects that enhance the image of SC Department of Agriculture;

Oversees special projects that ^{will} have a long-term effect relative to the Farmer's Market and Lab/Consumer Services evaluations;

Works with other Senior Staff in the overall direction and management of the S.C. Department of Agriculture;

Provides information to legislators and legislative staff concerning the agency and its budget;

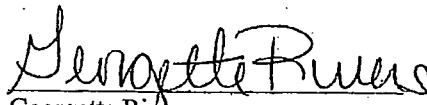
Represents the agency head in meetings with other agency officials for the purpose of coordinating various programs;

Researches issues and prepares reports, position papers, and policy statement for the agency.

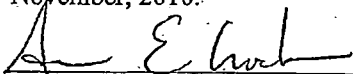
10. As Mr. Trexler's position description indicates, he had eight employees under this supervision.

11. In February of 2008, Mr. Trexler was the only employee of the Department of Agriculture to have the title Executive Assistant III. The Department's internal title for Mr. Trexler was Assistant Commissioner. In addition to Mr. Trexler, two other employees had the internal title of Assistant Commissioner.

Further affiant sayeth not.


Georgette Rivers

SWORN to before me this 9th day of
November, 2010.


NOTARY PUBLIC FOR S.C.
My commission expires: June 2, 2013

South Carolina Department of Agriculture
Position Description & Employee Performance Management System (EPMS)
Form

Employee Name:	Jim W. Trexler	Social Security #:
State Class Title:	Executive Assistant III	
Position Supervision		
Describe the guidelines and supervision an employee receives in order to do this job, including the employee's independence and discretion. Reports directly to the Commissioner of Agriculture.		

List the classification titles and number of the three highest level subordinate position(s) reporting directly to you.

Titles	Number
1. Administrative Manager I	1
2. Acct/Fiscal Mgr I	1
3. Sr. Info Resource Consultant	1
Total Number of Employees Under Your Supervision:	8

Qualifications

List what you consider to be the qualifications required for entry into this position.

Education, Training, and Experience (cite major areas of study, type & years of experience) A Masters Degree and 5 years of experience in Public Administration; or an equivalent combination of education and experience.
Special Licenses, Registrations or Certifications
Skills and Abilities Knowledge of the laws, rules, and regulations pertinent to the agency. Ability to communicate effectively. Knowledge of state government budget, finance, procurement and Information Technology policy and procedures.
Additional Requirements This position could require working extended hours when the Legislature is in session. Some over night travel may be necessary.

Ex. A

Job Purpose

Coordinates legislative matters and special projects for the Commissioner. Assists in the overall direction and management of the agency.

Job Duties, Objectives, Success Criteria and Performance Evaluation

Indicate the importance of the job duty/objective in terms of overall criticality to job success by assigning to it a percentage. Indicate essential and marginal duties/objectives by checking the appropriate block. Essential duties/objectives are the most critical, important duties/objectives for which the job was created. Marginal duties/objectives are non-critical and could be performed by another position. The percentage of importance for job duties/objectives with success criteria should total 100%.

At the end of each review period check the rating which reflects the employee's actual performance for each job duty/objective. Include a descriptive explanation for "Substantially Exceeds" and "Below" ratings

Substantially Exceeds Expectations	Work that is characterized by exceptional accomplishment throughout the rating period. Performance that is consistently above the success criteria of the job.
Exceeds Expectations	Work that is substantially and consistently above the success criteria of the job throughout the rating period.
Meets Expectations	Work that routinely meets the success criteria of the job. Most employees should be in this category.
Below Expectations	Work that routinely falls below the success criteria of the job.

Job Duties/Objectives and Success Criteria (Essential and Marginal)

Each job duty should be assigned a weight reflective of job duty importance. Weights for all objectives should not exceed 15%. The weights will be listed on page 5. Although not specified in the job duties/objectives section below, employees may perform other related duties as required.

1. 50 % ☒ Essential ☐ Marginal	Job Duty/Objective Directs and supervises the Administration, Finance, Budget and Information Technology Sections of the S.C. Department of Agriculture Success Criteria An audit report that has very few exception items reported. Timely preparation of all pertinent reports internal and external to the agency. Satisfactory support service provided to the divisions in the agency with regards to all matters related to supervised functions. Provide professional leadership for subordinates and works well with fellow managers within the Agency.
Actual Performance/Comments	
Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations	
2. 25 % ☒ Essential ☐ Marginal	Job Duty/Objective Coordinates special projects for the Commissioner and Administration to fulfill goals and objectives. Completes special projects that enhance the image of the SC Department of Agriculture. Oversees special projects that will have a long-term effect relative to the Farmers Market and Lab/Consumer Services evaluations. Success Criteria Provide effective information to support the goals of the Agency. Provide information in a precise and succinct manner to enable the user to make informed decisions. Carry out projects in a manner that enhances the image of professionalism of the Agency to its stakeholders.

Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
3. 10 % ☒ Essential ☐ Marginal	Job Duty/Objective Works with other Senior Staff in the overall direction and management of the S.C. Department of Agriculture. Success Criteria Enagage with other Agency staff to provide insights on the impact of Agency plans and actions on the areas of the Agency under direct supervision. Provide timely and precise information to other senior staff to allow them to make informed decisions to better execute the mission of the Agency.	
Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
4. 10 % ☒ Essential ☐ Marginal	Job Duty/Objective Provides information to legislators and legislative staff concerning the agency and its budget. Represents the agency head in meetings with other agency officials for the purpose of coordinating various programs. Success Criteria A thorough understanding by the user of the information provided. Provide information and/or represent the Agency with professionalism.	
Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
5. 5 % ☒ Essential ☐ Marginal	Job Duty/Objective Researches issues and prepares reports, position papers and policy statement for the agency. Success Criteria Preparation and presentation of precise and usable information that adequately prepares the user to make completely informed decision	
Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
6. _____ % ☐ Essential ☐ Marginal	Job Duty/Objective Success Criteria	
Actual Performance/Comments		Performance Rating 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
7. _____ % ☐ Essential ☐ Marginal	Job Duty/Objective Success Criteria	

Actual Performance/Comments		Performance Rating _____ 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations
8 _____ %	Job Duty/Objective	
☐ Essential ☐ Marginal	Success Criteria	
Actual Performance/Comments		Performance Rating _____ 4 = Substantially Exceeds 3 = Exceeds Expectations 2 = Meets Expectations 1 = Below Expectations

Performance Characteristics

For each performance characteristic, check the rating which reflects the employee's actual performance	
1. ALL EMPLOYEES: Teamwork: Degree to which one works effectively and cooperatively with others and other departments in achieving organizational goals. Degree of responsiveness to organizational needs.	☐ Acceptable ☐ Unacceptable
2. Self Management: Works with minimal supervision, manages own time effectively, maintains control over all current projects/responsibilities. Follows up on all relevant issues.	☐ Acceptable ☐ Unacceptable
3. Problem Analysis: Able to identify problems and relevant issues and break problems into components. Sees relationships and alternative solutions and arrives at sound conclusions through a logical process.	☐ Acceptable ☐ Unacceptable
4. Judgement: Able to reason, compare, understand, and think rationally on the job. Makes quality of work-related decisions based on sound conclusions/data. Able to separate facts from opinions.	☐ Acceptable ☐ Unacceptable
5. Leadership: Employee can be relied upon to guide others to the accomplishment of objectives/responsibilities, to promote teamwork, and to resolve problems.	☐ Acceptable ☐ Unacceptable
6. Promoting Equal Opportunity: Ensuring that employees and potential employees are provided with equal opportunities.	☐ Acceptable ☐ Unacceptable
7. Customer Service: To effectively and efficiently meet the needs of those served by continually assessing performance based on customer feedback.	☐ Acceptable ☐ Unacceptable
8.	☐ Acceptable ☐ Unacceptable

Supervisory Summary and Comments

Please include information regarding areas in which employee has excelled, as well as the steps that need to be taken by the employee and the supervisor to further enhance performance and career development.

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND)

James W. Trexler,)

Plaintiff,)

v.)

Civil Action No.: 2010-CP-40-1249

CERTIFICATE OF SERVICE

The Associated Press, Barrington
Broadcasting South Carolina Corp.,
Raycom TV Broadcasting, Inc., and the
Pacific & Southern Co., Inc.,

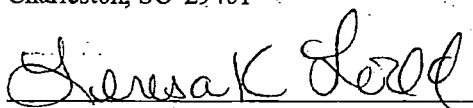
Defendants.)

I, Teresa K. Todd, Legal Assistant to Jay Bender, an employee of Baker, Ravenel & Bender, L.L.P., hereby certify that I have, on the date indicated below, served counsel below with an Affidavit of Georgette Rivers by mailing a copy of same via United States Mail, postage pre-paid and return address clearly indicated on said envelope, to counsel at the following address:

RICHLAND COUNTY
FILED
2011 NOV 22 AM 4:04
JEANETTE W. McBRIDE
C.C.P. & G.S.

William H. Johnson, Esquire
P.O. Box 137
Manning, SC 29102

William K. Austin, Esquire
W. Westbrook Wills, III, Esquire
Austin, Fowler & Wills, LLP
38 Broad Street
Suite 200
Charleston, SC 29401


Teresa K. Todd

November 22, 2011

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

James W. Trexler,

Plaintiff,

v.

The Associated Press, Barrington
Broadcasting South Carolina Corp.,
Raycom TV Broadcasting, Inc. The
Spartanburg Herald Journal, Inc. and the
Pacific & Southern Co., Inc.,

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action No.: 2010-CP-40-1249

AFFIDAVIT OF CHRIS COWAN

FILED
11 FEB 11 AM 9:47
JEANETTE W. McBRIDE
C.C.P. & G.S.

I, Chris Cowan, being duly sworn, state:

1. The matters stated herein are known by me herein are known by me to be true of my personal knowledge unless stated upon information and belief, and, as to those matters, I believe them to be true.

2. I am a Captain in the Richland County Sheriff's Department.

3. I supervise the office of public information for the Richland County Sheriff's Department.

4. On Wednesday, February 27, 2008, while I was the Senior Public Information Coordinator for the Richland County Sheriff's Department, I disseminated a press release regarding the arrest of Hazelene E. Trexler, Terry A. Trexler and James Trexler. A true and

authentic copy of the release is attached hereto as Exhibit A and incorporated herein by reference.

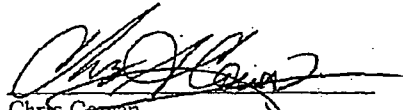
5. The release was sent by me to, among others, The State newspaper, The Associated Press, WLTX, WACH and WOLO.

6. The press release was prepared by and on behalf of the Richland County Sheriff's Department.

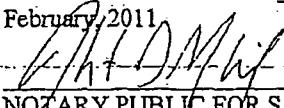
7. The press release that is attached hereto as Exhibit A is a public record.

8. The press release that is attached hereto as Exhibit A stated that the charges made against James Trexler were, "5 counts of ill treatment of animals" and "1 count of kidnapping (stems from an incident where J. Trexler held a HSPCA investigator against her will/refused to allow the investigator to leave the farm on 2/13 during an evaluation of the horses)."

Further affiant sayeth not.


Chris Cowan

SWORN to before me this 9th day of
February, 2011


NOTARY PUBLIC FOR S.C.

My commission expires: 11/2/16

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT
Case Number: 2010-CP-40-1249

Case Number: 2010-CP-40-1249

PLAINTIFF'S RESPONSES TO
DEFENDANT'S INTERROGATORIES

PLAINTIFF'S RESPONSES TO
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PLAINTIFF'S RESPONSES TO
DEFENDANT'S INTERROGATORIES

- PLAINTIFF'S RESPONSES TO
DEFENDANT'S INTERROGATORIES

*James W. Trexler
9253 Nabors Drive
Charleston, South Carolina 29412
The Plaintiff has not provided any type of statement to date.*

Terry Trexler

Columbia, South Carolina 29211

Mr. Trexler has not provided any type of statement to date.

- Mr. Trexler has not provided any type of statement to date.*

See attached disc of bates stamped documents

See attached disc of bates stamped documents

- See attached disc of bates stamped documents*

Loss of retirement benefits
Loss of health insurance benefits for family

Loss of retirement benefits
Loss of health insurance benefits for family

4. List the names and addresses of all expert witnesses whom the party proposes to use as a witness at the trial of this case, and provide a summary of the opinions which the expert is expected to give and a statement of the facts relied upon by the expert in reaching each opinion.

RESPONSE: *Dr. Oliver Wood
Post Office Box 24677
Columbia, South Carolina 29224*

5. For each person known to the party or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

RESPONSE: *James Trexler will provide testimony to support the allegations of the Amended Complaint*

Terry Trexler will provide testimony that James Trexler had no involvement with the management or care of horses.

6. Identify by date, publisher and headline any publication plaintiff contends to be defamatory.

RESPONSE:

<i>DATE</i>	<i>SOURCE</i>	<i>PARAGRAPH /LINE</i>	<i>STATEMENT</i>
<i>02/26/08</i>	<i>WIS TV</i>	<i>Para 1/ Line 2</i>	<i>Then more horses were confiscated from her son James' land.</i>
<i>02/26/08</i>	<i>WIS TV</i>	<i>Para 9/ Line 1</i>	<i>Five of the horses taken Tuesday were removed from property belonging to James Trexler, the Assistant Commissioner of Agriculture.</i>
<i>02/27/08</i>	<i>WIS TV</i>	<i>Para 4 / Line 1</i>	<i>Then on Tuesday, officials took five more horses from Trexler's son James.</i>
<i>02/26/08</i>	<i>WIS-TV News at 6</i>	<i>(BS 0013) Para 2/ Line 1</i>	<i>Today... The Humane Society got a tip that Trexler's son had horses at a different farm in Richland County. James Trexler is the State's assistant Commission of Agriculture.</i>

02/26/08	WIS-TV 7 O'Clock Report	(BS 0016) Para 2 / Line 1	Today... A Humane Society Spokeswoman says the horses were found... malnourished... on a property owned by James Trexler... he's the State's Assistant Commissioner of Agriculture.
02/26/08	WIS-TV Nightcast	(BS 0020) Para 3 / Line 1	Tonight's horses were found on property belonging to a high-ranking state official.
02/26/08	WIS-TV Nightcast	(BS 0023) Para 1 / Line 1	were found on property owned by James Trexler, the Assistant Commission of Agriculture for the State of South Carolina.
02/27/08	WIS-TV News at 6	(BS 0027) Para 1 / Line 1	W-I-S News 10 has learned the owner of that property, James Trexler, has been suspended from his job as Assistant State Agriculture Commission.
02/27/08	WIS-TV 7 O'Clock Report	(BS 0031) Para 1 / Line 1	Yesterday, five more horses were confiscated, this time from property belonging to James Trexler.
02/27/08	WIS-TV Nightcast	(BS 0035) Para 3 / Line 1	He also faces a much more serious charge of kidnaping stemming from an incident where the Sheriff's Department says he held a Humane Society Investigator against her will during an evaluation of his horses last week.
02/28/08	WIS-TV 530A Sunrise	(BS 0038) Para 3 / Line 1	James also faces a much more serious charge of kidnaping stemming from an incident where the Sheriff's Department says he held a Humane Society Investigator against her will during an evaluation of his horses last week.
03/04/08	WIS-TV News at 6	(BS 0133) Para 3 / Line 1	Last Week --authorities took dozens of horses from property belonging to the Trexlers.
03/05/08	WIS-TV Nightcast	(BS 0143) Para 3 / Line 1	Last week-- authorities took dozens of horses from property belonging to (the) Hazel... Terry... and James Trexler.
03/07/08	WIS-TV Midday	(BS 0177) Para 1 / Line 1	Those charges came as officials seized horse after horse on property belonging to the Trexler family.

03/07/08	WIS-TV Nightcast	(BS 0182) Para 1 / Line 1	... Trexler family farm in Richland County.
03/08/08	WIS-TV Saturday morning	(BS 0185) Para 1 / Line 1	malnourished horses were found on the Trexler family farm in Richland County.
03/09/08	WIS-TV SUN WE Nightcast	(BS 0191) Para 3 / Line 1	After malnourished horses were found on the family farm in Richland County.
03/10/08	WIS-TV 530A Sunrise	(BS 0193) Para 3 / Line 1	After malnourished horses were found on the family farm in Richland County.
03/10/08	WIS-TV Midday	(BS 0195) Para 2 / line 1	Hazel Trexler and her two sons.. Terry and James were arrested last month investigators said they found malnourished horses on the family farm in Richland County.
04/10/08	WIS-TV Nightcast	(BS 0204) Para 2 / Line 1	He was one of the four dozen taken from the family farm owned and operated by Hazel Trexler and her sons James and Terry.
04/12/08	WIS-TV Saturday Morning.	(BS 0206) Para 2 / Line 1	He was one of the four dozen taken from the family farm owned and operated by Hazel Trexler and her sons James and Terry.
03/01/08	WIS-TV Website	(BS WIS 0268)	COLUMBIA, SC (WIS) - The Humane Society has confiscated 28 horses they found malnourished on a property that at one point was owned by the Trexler family.
03/09/08	WIS-TV Website	(BS WIS 0272) Para 3 / Line 1	Mrs. Trexler and her two sons, Terry and James, were arrested last month after malnourished horses were found on the family farm in Richland County.
02/27/08	WIS-TV Website	(BS WIS 0276) Para 1 / Line 2	Then more horses were confiscated from her son James' land.

04/10/08	WIS-TV Website	(BS WIS 0296) Para 1 / Line 1	COLUMBIA, SC (WIS) - There are new developments in the case involving the Trexler family horses.
03/03/08	WIS-TV Website	(BS WIS 0303) Para 1 / Line 1	COLUMBIA, SC (WIS) - The Humane Society has seized 17 more horses believed to be owned by the Trexlers, a family that has been accused of neglecting a number of horses in a case that broke last week.
02/26/08	WIS-TV Website	(BS WIS 0311) Para 1 / Line 1 Para 6 / Line 1	RICHLAND COUNTY, SC (WIS) - The state's Assistant Commissioner of Agriculture has been suspended after investigators say they found five more neglected horses at a Richland County Farm. Tuesday, the Humane Society got a tip that James Trexler had horses at a different farm in Richland County.
04/01/08	WIS-TV Website	(BS WIS0315) Para 2 / Line 1 Para 3 / Line 2	Forty-five horses were seized from several different farms owned or operated by the Trexler family. Two of those horses seized from the Trexler farms are getting a second chance in foster care.
02/27/08	Associated Press 20:44:46*	Para 1 / Line 1	COLUMBIA, SC (AP) - Assistant Agriculture Commissioner James Trexler has been suspended from his job as the Humane Society investigates whether horses were neglected at his Richland County farm.
02/27/08	Associated Press 20:44:46	Para 1 / Line 1 Para 4 / Line 1	COLUMBIA, SC (AP) - Assistant Agriculture Commissioner James Trexler has been charged with five counts of ill treatment of animals and kidnapping. Authorities checked Trexler's farm after the Humane Society said it found malnourished animals on a farm owned by Trexler's mother earlier this week.

02/27/08	Associated Press 20:44:53	Para 2 / Line 1	He has been charged with five counts of ill treatment of animals after an investigation of horses on <u>his</u> property that officials say were malnourished.
02/27/08	Associated Press 20:44:46	Para 2 / Line 1	He has been charged with five counts of ill treatment of animals after an investigation of horses on <u>his</u> property that officials say were malnourished.
02/28/08	Associated Press 18:36:01	Para 2/ Line 2 Para 12 / Line 1	Authorities said five horses on <u>his</u> Hopkins property were found without food in stalls filled with manure and mud. A tip led officials to investigate James Trexler's property on Tuesday, Graham said.
02/29/08	Associated Press 12:11:36	Para 4 / Line 2	Property records show James Trexler at some point also owned the land where the bones were found.
03/01/08	Associated Press 17:53:50*	Para 2/ line 1 Para 20 / Line 1	The remains of at least nine horses were found in separated shallow graves on the Sumter County property once owned by Assistant Agriculture Commissioner James Trexler and his mother and brother, said Sumter County Sheriff's Sgt. Randy Wright. Investigators were planning to search another piece of property the Trexlers had leased in Lexington County.
03/05/08	Associated Press 15:29:20	Para 5/ Line 2	Five more were on James Trexler's property, where he lives.
02/28/08	Associated Press 03:04:00*	Para 9/ Line 1 Para 10/Line 1	Sheriff Leon Lott says the kidnaping charges was filed because Trexler refused to let a Humane Society investigator leave his farm earlier this month. The Humane Society says five horses, a do and two rabbits were found malnourished at Trexler's farm Tuesday.

02/28/08	Associated Press 03:04:10	Para 2 / Line 3	The Humane Society says five horses, a dog and two rabbits were found malnourished at Trexler's farm Tuesday.
02/28/08	Associated Press 11:16:10*	Para 5 / Line 1	The Humane Society says it found malnourished animals at Trexler's farm this week.
02/28/08	Associated Press 11:20:54*	Para 1/ Line 3	The Humane Society says it found malnourished animals at Trexlers's farm this week.
02/28/08	Associated Press 15:15:05*	Para 11/ Line 1	The Humane Society says it found malnourished animals at Trexlers's farm this week.
02/28/08	Associated Press 20:26:09*	Para 3/ Line 1	Authorities said five horses on his Hopkins property were found without food in stalls filled with manure and mud.
02/27/08	WACH TV Website	Para 3/Line 1	Then on Tuesday, officials took five more horses from Trexler's son, James.
03/07/08	WACH TV	Para 6/ Line 2	Five more were found on James Trexler's property.
03/20/08	WACH TV	Para 1/ Line 1	Good news for the 45 abused and neglected horses seized from Hazelene, James and Terry Trexler's farm.
04/07/08	WACH TV	Para 1/Line 1	Along with the 45 horses seized from the Trexler property last month as a result of malnourishment, seven dogs were also taken into the Humane Society's protective custody.
04/11/08	WACH TV	Para 1/ Line 1	In a WACH FOX News follow up, the Humane Society is reporting that one of the horses seized 45 days ago from property owned by former South Carolina Agriculture official James Trexler has died.
04/11/08	WACH TV	Para 1/ line 1	IN a WACH FOX news follow up, the Humane Society is reporting that one of the horses setzed 45 days ago from property owned by former South Carolina Agriculture official James Trexler has died.

08/14/08	Associated Press	Para 1 /Line 1	COLUMBIA, SC (AP) - A forensic report on horse remains found on property managed by a former South Carolina agriculture official's family indicates that some of the animals most likely starved to death.
01/22/09	Associated Press	Para 5/ Lines 1 & 2	Dozens of horses were seized last year on properties associated with the family. An analysis of horse remains found on property managed by the Trexlers showed other animals likely starved to death.
07/13/09	WACH TV	Para 1/ Line 1	45 malnourished and weak horses were seized from Trexler family properties in February 2008.
02/27/08	WLTX 5 AM	Para 3/ Line 1	Earlier this week... the Humane Society took 28 horses from two properties owned by the family.
		Para 7/ line 1	He's been charged with five counts of ill treatment to animals and with kidnaping.
02/28/08	WLTX 5 AM	Para 4/ Line 1	Earlier this week... the Humane Society took 28 horses from two properties owned by the family.
		Para 8/ Line 1	He's been charged with five counts of ill treatment to animals and with kidnaping.
02/28/08	WLTX 6 AM	Para 4/ Line 1	Earlier this week... the Humane Society took 28 horses from two properties owned by the family.
		Para 10/Line 1	He's been charged with five counts of ill treatment to animals and with kidnaping.
02/28/08	WLTX Noon	Para5 / Line 1	Earlier this week... the Humane Society took 28 horses from two properties owned by the family.
02/28/08	WLTX 6 PM	Para 3/ Line 1	Each of them are facing multiple charges stemming from an investigation of severe and barbaric treatment of 28 horses that were in the Trexlers' custody.

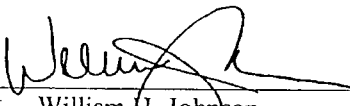
02/27/08	WLTX	Para 3/ Line 1	<i>The Humane Society believes they all belong to the Trexler family.</i>
02/28/08	WLTX	Para 2 / Line 1	<i>The property was once owned by the Trexler family, and three family members are at the center of a horse abuse case in Richland County.</i>
03/04/08	WLTX	Para 1/ Line 1	<i>Bones from two deceased horses found on land leased by the Trexler family have been sent for examination in Florida.</i>
03/07/08	WLTX	Para 1/ Line 1	<i>Columbia (WLTX) -- Officials at the Department of Agriculture say James Trexler has resigned, after authorities say he allowed horses to be neglected on his property.</i>
03/07/08	WLTX	Para 7 / Line 1	<i>She was one of the five rescued from James Trexler's property, officials say she was locked in a stall and rarely let out.</i>
03/21/08	WLTX	Para 2/ Line 1	<i>Authorities say they seized malnourished horses owned by the family last month.</i>
12/15/08	WLTX	Para 1/ Line 1	<i>Back In February, nearly four dozen horses were seized in the Midlands from properties owned by the Trexler Family.</i>
02/01/11	WLTX	Para 2/ Line 1	<i>In 2008, the Humane Society began taking horses from Richland County properties owned by the Trexler family.....</i>
02/01/11	WLTX	Para 2/Line 2	<i>In court, the Trexlers pleaded no contest and gave up rights to the horses, Humane Society director Wayne Bennessel said.</i>

7. With respect to those publications identified in response to the interrogatory above, please state with specificity the reason you contend the publication is defamatory.

RESPONSE: *Each of the publications contain a statement of inference that James Trexler owned horses that were malnourished or owned property where horses were kept. At the time of the publications, James Trexler owned no horses, nor did he own or control any property where horses were*

maintained. All defendants knew that James Trexler owned no horses, and also that he was not the owner of the property that was the subject of the publications. The inclusion of James Trexler in as an owner of the horses and/or property where horses were maintained defamed his reputation, causing severe damage to his professional standing.

THE LAW OFFICES OF WILLIAM H. JOHNSON, LLC

By: 

William H. Johnson
Attorney for the Plaintiff
411 North Brooks Street
Post Office Box 137
Manning, South Carolina 29102
(803) 435-0909 Telephone
(803) 435-2858 Facsimile

May 24, 2011

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT
Case Number: 2010-CP-40-1249

James W. Trexler,

Plaintiff,

vs.

CERTIFICATE OF SERVICE

The Associated Press, Barrington
Broadcasting, a South Carolina Corp.,
Pacific & Southern Company, Inc., and
Raycom TV Broadcasting, Inc.

Defendants.

PERSONALLY APPEARED BEFORE ME, Terri H. Ridgeway, who being duly sworn says that she is an employee of THE LAW OFFICES OF WILLIAM H. JOHNSON, LLC, attorneys for the *Plaintiff*; that she did serve the below described documents on the attorneys for the *Defendants* by personally placing a copy of said documents(s) in the United States Mail, postage prepaid, and addressed as follows:

Jay Bender, Esquire
Baker, Ravenel Bender
Post Office Box 8057
Columbia, South Carolina 29202

DESCRIPTION OF DOCUMENTS:

Plaintiff's Responses to Defendants' Interrogatories to the Plaintiff

Terri H. Ridgeway

SWORN TO BEFORE ME this 24
day of May, 2011

Notary Public for South Carolina

My Commission Expires: 7/22/15

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT
Case Number: 2010-CP-40-1249

VS.

PLAINTIFF'S RESPONSES TO
DEFENDANT'S INTERROGATORIES
SUPPLEMENTAL

The Associated Press, Barrington
Broadcasting, a South Carolina Corp.,
Pacific & Southern Company, Inc., and
Raycom TV Broadcasting, Inc.
Defendants.

4. List the names and addresses of all expert witnesses whom the party proposes to use as a witness at the trial of this case, and provide a summary of the opinions which the expert is expected to give and a statement of the facts relief upon by the expert in reaching each opinion.

RESPONSE: *Dr. Charles VanderKolk*

RESPONSE: *Dr. Charles Vander Kolk will provide testimony to support the allegations of the Amended Complaint.*

By:

William H. Johnson
Attorney for the Plaintiff
411 North Brooks Street
Post Office Box 137,
Manning, South Carolina 29102
(803) 435-0909 Telephone
(803) 435-2858 Facsimile

July 20 2011

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
OF THE FIFTH JUDICIAL CIRCUIT
Case Number: 2010-CP-40-1249

James W. Trexler,

Plaintiff,

vs.

CERTIFICATE OF SERVICE

The Associated Press, Barrington
Broadcasting, a South Carolina Corp.,
Pacific & Southern Company, Inc., and
Raycom TV Broadcasting, Inc.

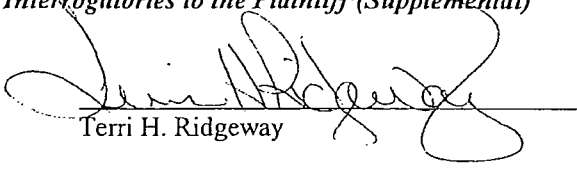
Defendants.

PERSONALLY APPEARED BEFORE ME, Terri H. Ridgeway, who being duly sworn says that she is an employee of THE LAW OFFICES OF WILLIAM H. JOHNSON, LLC, attorneys for the *Plaintiff*; that she did serve the below described documents on the attorneys for the *Defendants* by personally placing a copy of said documents(s) in the United States Mail, postage prepaid, and addressed as follows:

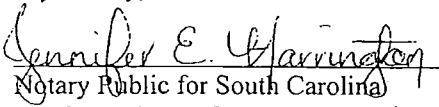
Jay Bender, Esquire
Baker, Ravenel Bender
Post Office Box 8057
Columbia, South Carolina 29202

DESCRIPTION OF DOCUMENTS:

Plaintiff's Responses to Defendants' Interrogatories to the Plaintiff (Supplemental)


Terri H. Ridgeway

SWORN TO BEFORE ME this 20
day of July, 2011


Notary Public for South Carolina
My Commission Expires: 10/29/2018

APP. 1188

1-891847

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

THE STATE

against

James W Trexler

Address: 412 Derby Lane
Hopkins, SC 29061-

Phone: _____ SSN: _____

Sex: M Race: W Height: 5 11 Weight: 130

DL State: SC DL #: _____

DOB: _____ Agency and #: _____

Prosecuting Agency: Hspca/ The Humane Society

Prosecuting Officer: Elisabeth Perry - 122

Offense: Animals / Ill treatment of animals, in general,
overworking - 1st offense (Tried)

Offense Code: 0610

Code/Ordinance Stat: 47-01-0040(A)

This warrant is CERTIFIED FOR SERVICE in the:

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Signature of Judge _____

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant: James W Trexler

on 2-27-08

[Signature]

Notary Public for the State of South Carolina

RETURN WARRANT TO:

Olympia Magistrate
1601 Shop Road
Columbia, SC 29201

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of)

AFFIDAVIT

Richland / Olympia Magistrate)

Personally appeared before me the affiant Elisabeth Perry who

being duly sworn deposes and says that defendant James W Trexler

did within this county and state on or about 02/26/2008 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland / Olympia Magistrate

in the following particulars:

DESCRIPTION OF OFFENSE Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 02/26/2008 while at 412 Derby Lane in the Olympia Magisterial District of Richland County, one James Trexler did commit the crime of Ill Treatment of Animals in that he is the owner of a 2 year old Bay Female with a body score of 1.5 (#35). He knowingly and intentionally deprived the animal of necessary quantities of wholesome foodstuff suitable for the species and age, at suitable intervals and sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight. There was no feed or hay found on the property. The animal was separately confined in a barn with 3 other horses, standing in 4 or more inches of feces, urine, and mud. The water bucket was filled with feces and other organic debris. One horse was also found wandering the muddy, wet property. Affiant and others are witness to prove same.

Signature of Affiant Elisabeth Perry

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Affiant's Address 121 Humane Ln
Columbia, SC 29209

Affiant's Telephone (783)126-7 x

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 2/26/2008 defendant James W Trexler

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland / Olympia Magistrate) as set forth below:

DESCRIPTION OF OFFENSE: Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of his execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me

on 02/27/2008)

[Signature] (L.S.))

Signature of Issuing Judge Harold A. Cuff)

Judge Address: 1601 - B Shop Road)

Columbia, SC 29201-4847)

Judge's Telephone: (803)576-2550)

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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8441-A-0200

1-891848

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

THE STATE

against:

James W Trexler

Address: 412 Derby Lane
Hopkins, SC 29061-

Phone: _____ SSN: _____

Sex: M Race: W Height: 5 11 Weight: 130

DL State: SC DL #: _____

DOB: _____ Agency ORI #: _____

Prosecuting Agency: Hspca/ The Humane Society

Prosecuting Officer: Elisabeth Perry - 122

Offense: Animals / Ill treatment of animals, in general,
overworking - 1st offense (Tried)

Offense Code: 0610

Code/Ordinance Sec: 47-01-0040(A)

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be

dealt with according to the law.

(L.S.)

Date: _____

RETURN

A copy of this arrest warrant was delivered to

defendant James W Trexler

on 2-27-08

RETURN WARRANT TO:

Olympia Magistrate
1601 Shop Road
Columbia, SC 29201

ORIGINAL

ORIGINAL

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

AFFIDAVIT

ORIGINAL

SC Affidavit Form
April 21, 2003
SOUTH CAROLINA

Personally appeared before me the affiant Elisabeth Perry wi

being duly sworn deposes and says that defendant James W Trexler

did within this county and state on or about 02/26/2008 violate the criminal laws of the

State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland / Olympia Magistrate

in the following particulars:

DESCRIPTION OF OFFENSE Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 02/26/2008 while at 412 Derby Lane in the Olympia Magisterial District of Richland County, one James Trexler did commit the crime of Ill Treatment of Animals in that he is the owner of a 6 year old Bay Stallion with a body score of 4 (#34). He knowingly and intentionally deprived the animal of necessary quantities of wholesome foodstuff suitable for the species and age, at suitable intervals and sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight. There was no feed or hay found on the property. The animal was separately confined in a barn with 3 other horses, standing in 4 or more inches of feces, urine, and mud. The water bucket was filled with feces and other organic debris. One horse was also found wandering the muddy, wet property. Affiant and others are witness to prove same.

Signature of Affiant

Elisabeth Perry

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Affiant's Address 121 Humane Ln
Columbia, SC 29209

Affiant's Telephone (783)126-7 x

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe the

on or about 2/26/2008 defendant James W Trexler

did violate the criminal laws of the State of South Carolina (or ordinance of

☒ County/ ☐ Municipality of Richland / Olympia Magistrate) as set forth below:

DESCRIPTION OF OFFENSE: Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 02/27/2008

Signature of Issuing Judge

Harold A. Cuff

Judge Code: 5906

(L.S.)

Judge's Address 1601 - B Shop Road
Columbia, SC 29201-4847

Judge's Telephone (803)576-2550

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

ORIGINAL

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APP. 1190

1-891849

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

THE STATE
against

James W Trexler

Address: **412 Derby Lane**
Hopkins, SC 29061-

Phone: _____ SSN: _____
Sex: **M** Race: **W** Height: **5** **11** Weight: **130**
DL State: **SC** DL #: _____
DOE: **J** Agency ORI #: _____
Prosecuting Agency: **Hsper / The Humane Society**
Prosecuting Officer: **Elisabeth Perry - 122**
Offense: **Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)**
Offense Code: **0610**
Code/Ordinance Sec: **47-01-0040(A)**

This warrant is: **CERTIFIED FOR SERVICE** in the
☐ County/ ☐ Municipality of _____
The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Date: _____

RETURN
A copy of this arrest warrant was delivered to
defendant **James W Trexler**
on **2-27-08**

M. J. C.
Deputy Sheriff, Richland County Sheriff's Office

RETURN WARRANT TO:
Olympia Magistrate
1601 Shop Road
Columbia, SC 29201

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☒ County/ ☐ Municipality of)
Richland / Olympia Magistrate)

AFFIDAVIT

Personally appeared before me the affiant **Elisabeth Perry** who
being duly sworn deposes and says that defendant **James W Trexler**
did within this county and state on or about **02/26/2008** violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **Richland / Olympia Magistrate**
in the following particulars:

DESCRIPTION OF OFFENSE **Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)**

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on 02/26/2008 while at 412 Derby Lane in the Olympia Magisterial District of Richland County, one James Trexler did
commit the crime of Ill Treatment of Animals in that he is the owner of a 15-20 year old Bay Stallion with a body score of 3 (B33).
He knowingly and intentionally deprived the animal of necessary quantities of wholesome foodstuff suitable for the species and
age, at suitable intervals and sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight. There was
no feed or hay found on the property. The animal was separately confined in a barn with 3 other horses, standing in 4 or more
inches of feces, urine, and mud. The water bucket was filled with feces and other organic debris. One horse was also found
wandering the muddy, wet property. Affiant and others are witness to prove same.

Signature of Affiant **Elisabeth Perry**

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of)
Richland / Olympia Magistrate)

Affiant's Address **121 Humane Ln**
Columbia, SC 29209
Affiant's Telephone **(783)126-7 x**

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about **2/26/2008** defendant **James W Trexler**
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of **Richland / Olympia Magistrate**) as set forth below:

DESCRIPTION OF OFFENSE: **Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)**

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on **02/27/2008** (L.S.)
Judge's Address **1601 - B Shop Road**
Columbia, SC 29201-4847
Judge's Telephone **(803)576-2550**
Signature of Issuing Officer **Harold A. Cuff**
Judge Code: **5906**
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

1-891850

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

THE STATE

James W Trexler

Address: 412 Derby Lane
Hopkins, SC 29061

Phone: _____ SSN: _____
Sex: M Race: W Height: 5 11 Weight: 130
DL State: SC DL #: _____
DOB: _____ Agency ORI #: _____
Prosecuting Agency: Hspca/ The Humane Society
Prosecuting Officer: Elisabeth Perry - 122
Offense: Animals / Ill treatment of animals, in general,
overworking - 1st offense (Tried)

Offense Code: 0610
Code/Ordinance Sec: 47-01-040(A)

This warrant is CERTIFIED FOR SERVICE in this
☐ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

RETURN

A copy of this arrest warrant was delivered to
defendant James W Trexler
on 2-27-08

Signature of Judge

Date: _____

RETURN WARRANT TO:

Olympia Magistrate
1601 Shop Road
Columbia, SC 29201

ORIGINAL

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☒ County/ ☐ Municipality of)
Richland / Olympia Magistrate)

AFFIDAVIT

Personally appeared before me the affiant Elisabeth Perry
being duly sworn deposes and says that defendant James W Trexler
did within this county and state on or about 02/26/2008 violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of Richland / Olympia Magistrate
in the following particulars:

DESCRIPTION OF OFFENSE Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:

That on 02/26/2008 while at 412 Derby Lane in the Olympia Magisterial District of Richland County, one James Trexler did
commit the crime of Ill /Treatment of Animals in that he is the owner of a 7 year old Black Stallion with a body score of 4 (432).
He knowingly and intentionally deprived the animal of necessary quantities of wholesome foodstuff suitable for the species and
age, at suitable intervals and sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight. There was
no feed or hay found on the property. The animal was found wandering around on the muddy, wet property. Four other horses were
confined separately inside a barn standing in 4 or more inches of feces, urine and mud. Their water buckets were filled with feces
and other organic debris. Affiant and others are witness to prove same.

Signature of Affiant Elisabeth Perry

STATE OF SOUTH CAROLINA
☒ County/ ☐ Municipality of
Richland / Olympia Magistrate

Affiant's Address 121 Humane Ln
Columbia, SC 29209
Affiant's Telephone (783)126-7 x

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that
on or about 2/26/2008 defendant James W Trexler
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of Richland / Olympia Magistrate) as set forth below:
DESCRIPTION OF OFFENSE: Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable
Sworn to and subscribed before me

on 02/27/2008)
Signature of Issuing Judge Harold A. Cull (L.S.))
Judge's Address 1601 - B Shop Road
Columbia, SC 29201-4847
Judge's Telephone (803)576-2550
Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

Judge Code: 5906

8441-A-0203

1-891851

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

THE STATE

against

James W Trexler

Address: **412 Derby Lane**
Hupkins, SC 29061-

Phone: _____ SSN: _____
Sex: **M** Race: **W** Height: **5' 11"** Weight: **130**
DL State: **SC** DL #: _____
DOB: _____
Prosecuting Agency: **Hspca/ The Humane Society**
Prosecuting Officer: **Elisabeth Perry - 122**
Offense: **Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)**
Offense Code: **0610**
Code/Ordinance Sec: **47-01-0040(A)**

This warrant is **CERTIFIED FOR SERVICE** in the
☒ County/ ☐ Municipality of

The accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date: _____

RETURN

A copy of this arrest warrant was delivered to
defendant **James W. Trexler**
on **02/27/08**

Signature of Law Enforcement Officer

RETURN WARRANT TO:
Olympia Magistrate
1601 Shop Road
Columbia, SC 29201

ORIGINAL

ORIGINAL

ORIGINAL

AFFIDAVIT

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Personally appeared before me the affiant **Elisabeth Perry**
being duly sworn deposes and says that defendant **James W Trexler**
did within this county and state on or about **02/26/2008** violate the criminal laws of the
State of South Carolina (or ordinance of ☒ County/ ☐ Municipality of **Richland / Olympia Magistrate**
in the following particulars:

DESCRIPTION OF OFFENSE Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on 02/26/2008 while at 412 Derby Lane in the Olympia Magisterial District of Richland County, one James Trexler did commit the crime of Ill /Treatment of Animals in that he is the owner of a 20 year old Gray Stallion with a body score of 3.5 (#31). He knowingly and intentionally deprived the animal of necessary quantities of wholesome foodstuff suitable for the species and age, at suitable intervals and sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight. There was no feed or hay on the property. The animal was separately confined in a barn with 3 other horses, standing in 4 or more inches of feces, urine, and mud. The water bucket was filled with feces and other organic debris. One horse was also found wandering the muddy, wet property. Affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☒ County/ ☐ Municipality of

Richland / Olympia Magistrate

Affiant's Address **121 Humane Ln**
Columbia, SC 29209
Affiant's Telephone **(783)126-7 x**

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe the

on or about **2/26/2008** defendant **James W Trexler**
did violate the criminal laws of the State of South Carolina (or ordinance of
☒ County/ ☐ Municipality of **Richland / Olympia Magistrate**) as set forth below:

DESCRIPTION OF OFFENSE: Animals / Ill treatment of animals, in general, overworking - 1st offense (Tried)

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Sworn to and subscribed before me on **02/27/2008** (L.S.)

Signature of Judge

Harold A. Cuff

Judge Code: **5906**

Judge's Address **1601 - B Shop Road**
Columbia, SC 29201-4847
Judge's Telephone **(803)576-2550**

Issuing Court: ☒ Magistrate ☐ Municipal ☐ Circuit

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WITNESSES

(S) Investigator Holly Wagner, RCSD

ARREST WARRANT NUMBER

DP08059

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: MAR 13 2008

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2008-GS-40-02282

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2008

101

**THE STATE
vs.**

James W. Trexler

**Indictment for
ILL TREATMENT OF ANIMALS**

SC Code: 47-01-40(B)
CDR Code: 2804
Class F/F

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

8441-A-0258

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 12, 2008, the Grand Jurors of Richland County present upon their oath:

ILL TREATMENT OF ANIMALS

That James W. Trexler did in Richland County, on or about February 26, 2008, inflict excessive or repeated unnecessary pain or suffering upon a 2 year old Bay filly, or by omission or commission caused this to be done, all in violation of SC Code of Laws § 47-1-40.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WARREN B. GIESE, SOLICITOR

8441-A-0259

WITNESSES	
(S) Investigator Holly Wagner, RCSD	
ARREST WARRANT NUMBER	
DP08060	
ACTION OF GRAND JURY	
TRUE BILL	
 Foreperson of Grand Jury Date: MAR 13 2008	
VERDICT	
Foreperson of Petit Jury Date:	

DOCKET NO. 2008-GS-40-02283

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2008

101

THE STATE
vs.

James W. Trexler

Indictment for
ILL TREATMENT OF ANIMALS

SC Code: 47-01-40(B)
CDR Code: 2804
Class F/F

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

8441-A-0260

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 12, 2008, the Grand Jurors of Richland County present upon their oath:

ILL TREATMENT OF ANIMALS

That James W. Trexler did in Richland County, on or about February 26, 2008, inflict excessive or repeated unnecessary pain or suffering upon a 20 year old Gray Stallion, or by omission or commission caused this to be done, all in violation of SC Code of Laws § 47-1-40.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WARREN B. GIESE, SOLICITOR

8441-A-0261

WITNESSES

✓ (S) Investigator Holly Wagner, RCSD

ARREST WARRANT NUMBER

DP08061

ACTION OF GRAND JURY

TRUE BILL

Paula Budge
Foreperson of Grand Jury
Date: MAR 13 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-02284

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2008

101

THE STATE

vs.

James W. Trexler

Indictment for

ILL TREATMENT OF ANIMALS

SC Code: 47-01-40(B)

CDR Code: 2804

Class F/F

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

8441-A-0262

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 12, 2008, the Grand Jurors of Richland County present upon their oath:

ILL TREATMENT OF ANIMALS

That James W. Trexler did in Richland County, on or about February 26, 2008, inflict excessive or repeated unnecessary pain or suffering upon a 6 year old Bay Stallion, or by omission or commission caused this to be done, all in violation of SC Code of Laws § 47-1-40.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WARREN B. GIESE, SOLICITOR

8441-A-0263

WITNESSES

(S) Investigator Holly Wagner, RCSD

ARREST WARRANT NUMBER

DP08062

ACTION OF GRAND JURY

TRUE BILL

James W. Trexler
Foreperson of Grand Jury

Date: MAR 13 2008

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2008-GS-40-02285

The State of South Carolina

County of Richland

COURT OF GENERAL SESSIONS

MARCH TERM 2008

101

THE STATE

vs.

James W. Trexler

Indictment for

ILL TREATMENT OF ANIMALS

SC Code: 47-01-40(B)

CDR Code: 2804

Class F/F

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

8441-A-0264

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on March 12, 2008, the Grand Jurors of Richland County present upon their oath:

ILL TREATMENT OF ANIMALS

That James W. Trexler did in Richland County, on or about February 26, 2008, inflict excessive or repeated unnecessary pain or suffering upon a 15-20 year old Bay Stallion, or by omission or commission caused this to be done, all in violation of SC Code of Laws § 47-1-40.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WARREN B. GIESE, SOLICITOR

8441-A-0265

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

INDICTMENT FOR
ILL-TREATMENT OF ANIMALS

At a Court of General Sessions, convened on October the Grand Jurors of
Richland County present upon their oath: 14, 2009

ILL-TREATMENT OF ANIMALS

That between the dates of August 1, 2007 and March 3, 2008, James W. Trexler, did at 207 Misty Meadows Road, in Richland County, inflict excessive or repeated unnecessary pain or suffering upon animals. To wit, by omission or commission, James W. Trexler did cause repeated unnecessary suffering upon: a 6 (six) year old Chestnut Gelding (Horse #41), and/or a 10 (ten) year old Brown Filly (Horse #42) and/or an 10 (ten) year old Black Filly (Horse #43) and/or 10 (ten) year old Black Filly (Horse #44) and/or 20 (twenty) year old Gray Filly (Horse #45) and/or a 10 (ten) year old Gray Filly (Horse #46) and/or a 20 (twenty) year old Gray Filly (Horse #47) and/or 5 (five) year old Bay Filly (Horse #48) and/or a 15-20 (fifteen-twenty) year old Chestnut Filly (Horse #49) and/or a 5 (five) year old Chestnut Filly (Horse #50) and/or a 4 (four) year old Chestnut Filly (Horse #51) and/or a 4 (four) year old Chestnut Filly (Horse #52) and/or 15-20 (fifteen-twenty) year old Chestnut Filly (Horse #53) and/or a 7 (seven) year old Bay Filly (Horse #54) and/or a 4 (four) year old Bay Filly (Horse #55) and/or a 4 (four) year old Bay Filly (Horse #56) and/or a 4.5 (four and half) year old Bay Filly (Horse #57). This in violation of § 47-1-40 (B) of the S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


HENRY MCMASTER (cds)
ATTORNEY GENERAL

✓ **WITNESSES**
 Holly Wagner RCSO

ARREST WARRANT NUMBER
 Direct Presentment
 DP09297

ACTION OF GRAND JURY
TRUE BILL
 BL OCT 15 2009
 Foreperson of Grand Jury
 Date:

VERDICT

Foreperson of Petit Jury
 Date:

DOCKET NO. 2009-GS-40- 9628

The State of South Carolina
 County of Richland

COURT OF GENERAL SESSIONS

October 2009 TERM

THE STATE
 v.

James W. Traxler
 DOB: 1/14/1960

Indictment for

III Treatment of Animals

SC Code: 47-01-040(B)
 CDR Code: 2804

CERTIFIED TRUE COPY
 OF ORIGINAL FILED
Janet W. Traxler
 C.C.C.R. & G.S.
 RICHLAND COUNTY
 SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

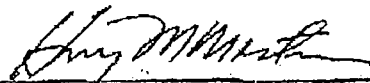
INDICTMENT FOR
ILL-TREATMENT OF ANIMALS

At a Court of General Sessions, convened on October the Grand Jurors of
Richland County present upon their oath: 14, 2009

ILL-TREATMENT OF ANIMALS

That between the dates of August 1, 2007 and February 26, 2008, James W. Trexler, dtd at 1248 Zeigler Road, in Richland County, inflict excessive or repeated unnecessary pain or suffering upon animals. To wit, by omission or commission, James W. Trexler did cause repeated unnecessary suffering upon: a 15-20 (fifteen-twenty) year old Gray Filly (Horse #1), and/or a 10-15 (ten-fifteen) year old Gray Filly (Horse #2) and/or an 8 (eight) month old Bay Stallion (Horse #3), and/or an 8 (eight) month old Bay Stallion (Horse #4), and/or a 2-3 (two-three) year old Gray Filly (Horse #5), and/or a 3.5 (three and a half) year old Bay Stallion (Horse #6) and/or a 10 (ten) year old Bay Filly (Horse #7) and/or a 5 (five) year old Bay Stallion (Horse #8) and/or a 10-15 (ten-fifteen) year old Bay Filly (Horse #9) and/or a 10-15 (ten-fifteen) year old Bay Filly (Horse #10) and/or a 4 (four) year old Bay Stallion (Horse #11) and/or a 4 (four) year old Gray Stallion (Horse #12) and/or a 4 (four) year old Gray Stallion (Horse #13) and/or a 1-2 (one-two) year old Gray Filly (Horse #14) and/or a 2 (two) year old Gray Filly (Horse #15) and/or a 10-15 (ten-fifteen) year old Bay Filly (Horse #16) and/or a 20 (twenty) year old Bay Filly (Horse #17) and/or a 20 (twenty) year old Chestnut Filly (Horse #18) and/or a 9 (nine) month old Gray Filly (Horse #19) and/or a 2 (two) year old Brown Stallion (Horse #20) and/or a 2 (two) year old Bay Filly (Horse #21) and/or a 7 (seven) year old Bay Filly (Horse #22). This in violation of § 47-1-40 (B) of the S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case,
made and provided.


HENRY MCMASTER (cda)
ATTORNEY GENERAL

WITNESSES	
Jolly Wagner RCSI	
ARREST WARRANT NUMBER	
Direct Presentment	
DP09 298	
ACTION OF GRAND JURY	
TRUE BILL	
OCT 15 2009	
Foreperson of Grand Jury	
Date:	
VERDICT	
Foreperson of Petit Jury	
Date:	

DOCKET NO. 2009-GS-40- 9629

The State of South Carolina
County of Richland

COURT OF GENERAL SESSIONS

October 2009 TERM

THE STATE
v.

James W. Trexler
DOB: 1/14/1960

Indictment for

III Treatment of Animals

SC Code: 47-01-040(B)
CDR Code: 2804

CERTIFIED TRUE COPY
OF ORIGINAL FILED

Jeannette R. ...
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

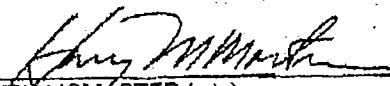
INDICTMENT FOR
ILL-TREATMENT OF ANIMALS

At a Court of General Sessions, convened on October the Grand Jurors of
Richland County present upon their oath: 14, 2009

ILL-TREATMENT OF ANIMALS

That between the dates of August 1, 2007 and February 25, 2008, James W. Trexler, did at 1248 Zeigler Road, in Richland County, inflict excessive or repeated unnecessary pain or suffering upon animals. To wit, by omission or commission, James W. Trexler did cause repeated unnecessary suffering upon an adult horse aged 8 (eight) months to 2 (two) years found dead and buried at 1248 Zeigler Rd. This in violation of § 47-1-40 (B) of the S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case
made and provided.


HENRY MCMASTER (cds)
ATTORNEY GENERAL

WITNESSES

Holly Wagner RCSO

ARREST WARRANT NUMBER

DP09303

ACTION OF GRAND JURY

TRUE BILL

[Signature] OCT. 15 2009
Foreperson of Grand Jury

Date:

VERDICT

Foreperson of Petit Jury

Date:

SC Code: 47-01-040(B)
CDR Code: 2804

CERTIFIED TRUE COPY
OF ORIGINAL FILED
Jeannette W. [Signature]
C.C. OR. & G.S. 170
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

INDICTMENT FOR
ILL-TREATMENT OF ANIMALS

At a Court of General Sessions, convened on October 14, the Grand Jurors of
Richland County present upon their oath: 2009

ILL-TREATMENT OF ANIMALS

That between the dates of August 1, 2007 and February 25, 2008, James W. Trexler, did at 412 Derby Lane, in Richland County, inflict excessive or repeated unnecessary pain or suffering upon animals. To wit, by omission or commission, James W. Trexler did cause repeated unnecessary suffering upon: a 20 (twenty) year old Gray Stallion (Horse #31), and/or a 7 (seven) year old Black Stallion (Horse #32) and/or a 15-20 (fifteen-twenty) year old Bay Stallion (Horse #33), and/or a 6 (six) year old Bay Stallion (Horse #34) and/or a 2 (two) year old Bay Filly (Horse #35). This in violation of § 47-1-40 (B) of the S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case
made and provided.


HENRY MCMASTER (cds)
ATTORNEY GENERAL

WITNESSES

✓ Holly Wagner, RCSO

ARREST WARRANT NUMBER

Direct Presentment

DP09393

ACTION OF GRAND JURY**TRUE BILL**

B. W. DEC 17 2009

Foreperson of Grand Jury
Date:**VERDICT**Foreperson of Petit Jury
Date:Docket Number 2009-GS-40- 12496The State of South Carolina
County of Richland**COURT OF GENERAL SESSIONS**DECEMBER 2009 Term
AG**THE STATE**

vs.

James W. Trexler
DOB: 1/14/1960**INDICTMENT FOR****CRIMINAL CONSPIRACY, C/L
CONSPIRACY DEFINED**S.C. CODE §16-017-0410
CDR Code: 0049
FELONY CLASS F

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I, _____
hereby appear in my own proper person
and plead guilty to the within indictment
or to _____

Defendant

Witness:

C.C.C. Pls. And G.S.

Nolle Pros
C. Dale Scott
Assistant Attorney General
C. Dale Scott
7/5-10

RECEIVED TRUE COPY
ORIGINAL FILED
CLERK OF COURT
RICHLAND COUNTY
SOUTH CAROLINA

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on DECEMBER 16, 2009, the Grand Jurors of Richland County present upon their oath:

CRIMINAL CONSPIRACY, C/L CONSPIRACY DEFINED

The Defendant, James W. Trexler, did in Richland County, on or about October 1, 2007 to on or about March 3, 2008, willfully and unlawfully, combine with Hazelene Trexler and/or Terry A. Trexler, for the purpose of committing the crime(s) of *ILL-TREATMENT OF ANIMALS*, a felony, in violation of §16-017-0410, THE CODE OF LAWS OF SOUTH CAROLINA, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.


HENRY MCMASTER (CDS)
SOUTH CAROLINA ATTORNEY

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Special Circuit Court Judge

Circuit Court Case No. 2010-CP-40-1249
S.C. Court of Appeals Case No. 2013-001581

James W. Trexler,

Appellant,

v.

The Associated Press;
Barrington Broadcasting
South Carolina Corp.;
Raycom TV Broadcasting,
Inc.; The Spartanburg Herald
Journal, Inc.; and The Pacific
& Southern Co., Inc.,

Respondents.

CERTIFICATE OF APPELLANT'S COUNSEL

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-and-

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Attorney at Law
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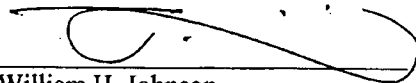
-and-

Matthew D. Hamrick
Attorney at Law
Tidewater Executive Center
222 W. Coleman Blvd.
Mt. Pleasant, SC 29464
(843) 693-4700 (telephone)
(877) 524-5023 (facsimile)

ATTORNEYS FOR APPELLANT

The undersigned attorney for Appellant hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully submitted,



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-and-

W. Westbrook Wills III
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Suite 200
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(843) 805-6300 (telephone)
(843) 278- 9333 (facsimile)

-and-

Matthew D. Hamrick
Attorney at Law
Tidewater Executive Center
222 W. Coleman Blvd.
Mt. Pleasant, SC 29464
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(877) 524-5023 (facsimile)

ATTORNEYS FOR APPELLANT

Other counsel of record:

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Baker, Ravenel & Bender LLP
Post Office Box 8057
Columbia, South Carolina 29202
(803) 799-9091 (telephone)
(803) 779-3423
ATTORNEYS FOR RESPONDENTS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Special Circuit Court Judge

Circuit Court Case No. 2010-CP-40-1249
S.C. Court of Appeals Case No. 2013-001581

James W. Trexler,

Appellant,

v.

The Associated Press;
Barrington Broadcasting
South Carolina Corp.;
Raycom TV Broadcasting,
Inc.; The Spartanburg Herald
Journal, Inc.; and The Pacific
& Southern Co., Inc.,

Respondents.

MOTION TO SUPPLEMENT RECORD

Appellant hereby moves pursuant to Rule 212(b), SCACR to supplement the record in the above-captioned case as follows:

During oral argument the Court asked Appellant's counsel to cite a case for the proposition that an Amended Summons and Complaint may be served before or contemporaneously with the original Summons and Complaint. Appellant's counsel was asked another question by the Court before being able to cite Mims ex re. Mims v. Babcock Center, Inc., 399 S.C. 341, 732 S.E.2d 395 (2012), which states: "Rule 15(a), SCRCR does allow the filing and service of an amended complaint without leave of court, even if the original complaint has not been served [. . .]." Id. at 347, 398.

Also, it has come to the attention of Appellant's counsel that pages 664 through 845 of the Record on Appeal contain Plaintiff's Memorandum in Opposition to Defendant's Motion for Summary Judgment from the related case currently on appeal in this Court captioned *James W. Trexler v. Richland County and the Sheriff of Richland County, in his Official Capacity, a/k/a Richland County Sheriff's Department*; Appellate Case No. 2014-002032. This was inadvertently included in the Record on Appeal in place of Plaintiff's Amended Response to Defendant's Motion for Summary Judgment in from this case. A copy of Plaintiff's Amended Response to Defendant's Motion for Summary Judgment (with exhibits) is attached hereto as Exhibit "A."

For the foregoing reasons, Appellant respectfully moves for an Order allowing the record to be supplemented to include Appellant's citation of Mims ex re. Mims v. Babcock Center, Inc., 399 S.C. 341, 732 S.E.2d 395 (2012) at oral argument for the above-quoted proposition, and to have the above-described pages of the Record on Appeal replaced with the Plaintiff's Amended Response to Defendant's Motion for Summary Judgment by way of an Appendix to the Record on Appeal pursuant to Rule 212(b), SCACR.

Respectfully submitted,



William H. Johnson
Law Offices of William H. Johnson, LLC
411 North Brooks Street
Post Office Box 137
Manning, South Carolina 29102
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(803) 435-2858 (facsimile)

-and-

W. Westbrook Wills III
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-and-

Matthew D. Hamrick
Attorney at Law
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(877) 524-5023 (facsimile)
ATTORNEYS FOR APPELLANT

Other counsel of record:

Jay Bender
Baker, Ravenel & Bender LLP
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Columbia, South Carolina 29202
(803) 799-9091 (telephone)
(803) 779-3423
ATTORNEYS FOR RESPONDENTS



STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

James W. Trexler

Plaintiff,

-VS-

The Associated Press, Barrington Broadcasting, Inc., a South Carolina Corp.; Pacific & Southern Company, Inc.; and Raycom TV Broadcasting, Inc.

Defendants.

IN THE COURT OF COMMON
PLEAS OF THE FIFTH JUDICIAL
CIRCUIT

Case No.: 2010-CP-40-1249

PLAINTIFF'S AMENDED
RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT

COMES NOW Plaintiff James W. Trexler ("Plaintiff") pursuant to Rule 56 (e), SCRCF, and responds to the Associated Press, Barrington Broadcasting, Inc., Pacific & Southern Company, Inc., and Raycom TV Broadcasting, Inc.'s (collectively "Defendants") Motion for Summary Judgment as follows:

INTRODUCTION

This is a defamation case that arises out of numerous broadcasts and publications by Defendants containing false and misleading statements concerning the Plaintiff's alleged involvement with malnourished horses. The Defendants are

broadcast and cooperative media companies that deliver news through media channels including television and Internet. On February 27, 2008, and thereafter, each Defendant published through its respective media channels false information concerning Plaintiff's involvement with the horses, including information they obtained from the February 28, 2008 publication by the Sheriff of Richland County ("SRC") of an e-mail press release (the "Press Release"). The SRC Press Release, attached hereto as Exhibit "A," purportedly provided the media official information concerning the arrest of Plaintiff and his mother and brother following a collaborative investigation of animal cruelty by the SRC and the Humane Society for the Prevention of Cruelty to Animals ("HSPCA"), and mistakenly reported that Plaintiff had been charged with kidnapping.

Plaintiff alleges that as a direct result of the publication of the Press Release by the SRC, and repeated publication by Defendants of false statements associating him with extreme animal cruelty both in South Carolina and Georgia, and accusing him of felony kidnapping, Plaintiff lost his job, salary, pension, retirement benefits, his ability to obtain like employment, and has suffered irreparable harm to his personal and professional reputation.

Plaintiff filed his original Complaint on February 23, 2010. Plaintiff filed his Amended Complaint on June 23, 2010. On March 15, 2011, Defendants moved for summary judgment based, *inter alia*, on privilege under the Fair

Reporting Act. The Court granted summary judgment as to Defendants McClatchy¹ based on the fair reporting privilege, but denied summary judgment as to the media Defendants in the present case with leave to renew if discovery revealed no publications not subject to the fair report privileged. (Judge Barber's March 28, 2011 Order attached as Exhibit "B"). On August 10, 2011, the above-named Defendants filed their second motion for summary judgment citing as grounds, *inter alia*, 1) Plaintiff's Amended Complaint is barred by the statute of limitations, 2) Plaintiff's cause of action for outrage fails to state a claim for relief, and 3) Plaintiff's defamation claim fails to state a claim because he cannot establish Defendants acted with constitutional malice in publishing false statements about him.

On August 10, 2011, the above-named Defendants filed a second motion for summary judgment asserting with regard to Plaintiff's defamation claim only that Plaintiff cannot establish Defendants acted with actual malice in publishing false or misleading statements about him. Defendants' second motion for summary judgment did not include as a ground the fair report privilege. The day before the hearing of Defendant's summary judgment motion, Defendants submitted to Plaintiff their memorandum in which they argue the fair report privilege as a ground for summary judgment. At the December 15, 2011 hearing, Plaintiff

¹ Defendant McClatchy was named in an associated suit, civil action number 2010-CP-40-1343 which has been consolidated with the present action for discovery and trial.

brought that fact to the Court's attention. The Court decided to reschedule the hearing of Defendants' motion to allow Plaintiff time to properly address the unexpected additional ground.

Defendants' motion is without merit as to those causes of action Plaintiff has not voluntarily dismissed,² and for the reasons discussed below this Court should deny Defendants' motion with regard to the remaining claims.

ARGUMENT AND CITATION OF AUTHORITY

I. Summary Judgment

Summary Judgment is appropriate where the "pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Rule 56(c), SCRPC. In evaluating a motion for summary judgment, the Court "is to liberally construe the record in favor of the nonmoving party and give the non moving party the benefit of all favorable inferences that might reasonably be drawn therefrom." Estes v. Roper Temp. Servs., Inc., 304 S.C. 120, 121, 403 S.E.2d 157, 158 (Ct. App. 1991). Because summary judgment is a drastic remedy, the Court should invoke it cautiously "so that no person will be improperly deprived of a trial of the disputed factual issues." Baughman v. American Tel. & Tel. Co., 306 S.C. 101, 112, 410

² Plaintiff intends to voluntarily dismiss his cause of action for common law negligence, civil conspiracy, and outrage against these Defendants.

S.E.2d 537, 543 (1991)(quoting Watson v. Southern Ry. Co. 470 F. Supp. 483, 486 (D.S.C. 1975)). “When ruling on a motion for summary judgment . . . in a defamation action, the court must review the evidence using the same substantive evidentiary standard of proof the jury is required to use in a particular case. George v. Fabri, 345 S.C. 440, 451-54, 548 S.E.2d 868, 874-75 (2001). In determining whether any triable issue of fact exists, the Court must view the evidence and all reasonable inferences that may be drawn from the evidence in the light most favorable to the non-moving party. Rule 56(c), SCRPC. When considering a motion for summary judgment based on the pleadings, the Court should be mindful of Rule 8(f), SCRPC, which provides that all pleadings shall be so construed as to do substantial justice to all parties.

II. Plaintiff's claims against Defendants are not barred by the statute of limitations because Plaintiff sufficiently identified Defendants in his timely filed original Complaint, and Plaintiff served Defendants with his Amended Complaint within the time allowed by law.

When Plaintiff filed his original Complaint on February 23, 2010, he was unaware of the precise legal identity those media defendants that published the allegedly defamatory statements at issue in this action. Therefore, Plaintiff named as defendants in his Complaint “all media companies that produced or reported on any event relating to Plaintiff in 2008, 2009, and 2010.” On June 23, 2010, prior to serving the Complaint, Plaintiff filed his Amended Complaint in which he more specifically named as defendants those parties to which he broadly referred in his

original Complaint, to wit, the above-named Defendants. Plaintiff served Defendants the same day with the Amended Complaint. (See Affidavit of Personal Service for each Defendant filed on July 8, 2010).

Defendants claim Plaintiff's causes of action are barred by the statute of limitations because Defendants claim Plaintiff added them as parties more than two years after the publications which form the basis of Plaintiff's Complaint and Amended Complaint. Defendants have either ignored or misapprehended Rule 15(c). First, Defendants are proper parties to the original action, and not "added" parties to Plaintiff's Amended Complaint, as Defendants suggest. However, even were Defendants somehow to qualify as different parties than those Plaintiff announced in his Complaint, Plaintiff properly substituted Defendants as proper parties in his Amended Complaint pursuant to Rule 15 (c), SCRPC.

Rule 15 (c), SCRPC provides:

Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction or occurrence set forth or attempted to be set forth in the original pleadings, the amendment relates back to the date of the original pleading.

An amendment changing the party against whom a claim is asserted relates back if the foregoing provision is satisfied and, within the period provided by law for commencing the action against him, the party to be brought in by amendment (1) has received such notice of the institution of the action that he will not be prejudiced in maintaining his defense on the merits, and (2) knew or should have known that, but for a mistake concerning the

identity of the proper party, that action would have been brought against him.

“A civil action is commenced when the summons and complaint are filed with the clerk of court if actual service is accomplished within one hundred twenty days after filing.” S.C. Code Ann. § 15-3-20 (b) (2005). Rule 3 (b) thus provides that the period of commencement of an action includes the 120 day service period.

The South Carolina Supreme Court in Hughes v. Water World Water Slide, Inc., 314 S.C. 211, 442 S.E.2d 584 (1994) adopted a four-part test to aid in interpreting the requirements of Rule 15(c): 1) the basic claim must have arisen out of the conduct set forth in the original pleading; 2) the party to be brought in must have received such notice that it will not be prejudiced in maintaining its defenses; 3) that party must or should have known that, but for a mistake concerning identity, the action would have been brought against it; and 4) the second and third requirements must have been fulfilled within the prescribed limitations period. Id. at 214, 586.

Here, Plaintiff timely filed his original Complaint on February 23, 2010 naming as defendants all media companies that produced or reported on any event relating to Plaintiff in 2008, 2009, and 2010. On June 23, 2010, pursuant to Rule 4, SCRCF, Plaintiff filed his Amended Complaint more specifically identifying those media defendants he anticipated in his original Complaint. Each party Plaintiff specifically named in his Amended Complaint was a media company that

produced or reported on events relating to Plaintiff in 2008, 2009, and 2010. Plaintiff then served his Amended Summons and Amended Complaint on each of those Defendants within the original 120 days provided under SCRCR, Rule 3(a)(2) for the service of his original Complaint.

Because Plaintiff's Amended Complaint did not change parties to the lawsuit but more accurately defined them within the original commencement period, Plaintiff's Amended Complaint relates back to the filing of the original Complaint, and his causes of actions with regard to those Defendants are within the statute of limitations.

Even if the Court determines Plaintiff's original Complaint too broadly identified the media defendants, Plaintiff properly and timely substituted the specific media companies as parties in his Amended Complaint. In fact, in that alternative, Plaintiff's naming "all media defendants . . ." is analogous to naming a John Doe defendant in an action where a plaintiff knows a cause of action exists against one or more defendants the true identity of whom is yet unknown to the plaintiff. While this situation arises primarily in hit and run auto accident cases, the underlying legal tenants are the same for other civil actions. S.C. Code Ann. § 38-77-180 permits an injured person to file suit against an unknown driver, and specifically allows that party to instigate an action against the real tortfeasor if he discovers his real identity.

“The language of Rule 15(c) clearly speaks to a *change* in party, not the *addition* of a defendant to an already existing defendant.” Jackson v. John Doe, 342 S.C. 552, 558, 537 S.E.2d 567, 570 (Ct. App. 2000)(referencing Kraly v. Vannewkirk, 69 Ohio St. 3d 627, 635 N.E. 2d 323 (Ohio 1994)(determining that Ohio’s Rule 15(c), which is similar to our Rule 15(c), allows for relation back when a party is *substituted* but not when a party is added while retaining a party named in the original suit)).

In Jackson, the plaintiff filed her original complaint against an unknown driver pursuant to the statutory scheme established by state law. Nearly four and a half years later the court allowed Jackson to amend her complaint to add Milligan as a defendant. However, Jackson’s amended complaint retained John Doe as a named party, and identified him as an unknown driver. The Jackson court recognized, “the addition of a party is not the same as a substitution or change of party.” Id. That court, therefore, disallowed the relation back of Jackson’s amended complaint with regard to the added party.

Here, if Plaintiff’s Amended Complaint cannot be construed as naming the same parties as in his Complaint, then his Amended Complaint clearly substitutes, rather than adds, the specifically named media defendants for the broader description of “all media companies . . .”.

Unlike in Jackson, Plaintiff did not add Defendants as new parties while also

retaining as defendants "all media companies . . .". Rather, Plaintiff has replaced "all media companies . . ." with those presently named in the action.

In the present case Plaintiff's amendment to his Complaint satisfies the four-part test announced in Hughes: 1) Plaintiff's basic claims against Defendants arose out of the conduct set forth in his original pleading; 2) each Defendant received notice of Plaintiff's claims and have answered them, have all engaged in discovery, and have, therefore, not been prejudiced in maintaining its defenses; 3) by virtue of the Plaintiff serving each Defendant with the action, each naturally knew the action would have been brought against it but for the misnomer, 4) each Defendant received notice of Plaintiff's action against them within the 120 days provided by Rule 3(a)(2), SCRPC for the service of Plaintiff's original Complaint. As such, under Jackson Plaintiff properly substituted Defendants and his Amended Complaint legally relates back to the filing of his original Complaint.

III. Statements concerning Plaintiff as published by Defendants were totally false or misleading.

Publications by each Defendant, either in print, on the Internet, or by broadcast were, including that Plaintiff was accused of starving dozens of horses, that he was involved with similar charges of horse abuse in Georgia, that he was the overseer of the properties on which horses were found, and that he was a kidnapper were all false. On February 27, 2008, Plaintiff was arrested and charged with five counts of misdemeanor ill-treatment of animals. On March 13, 2008,

Plaintiff was indicted on 4 counts of felony mistreatment of animals. On July 15, 2010, all charges against Plaintiff were dismissed. Between February 27, 2008 and March 13, 2008, Defendants published articles saying that Plaintiff was charged with felony mistreatment of dozens of animals in South Carolina and Georgia, all of which was false. Prior to March 13, 2008 Plaintiff had not been charged with any felony, and the misdemeanor he was charged with prior to March 13, 2008 only related to five horses in South Carolina, not dozens of horses in South Carolina and Georgia.

IV. The defamatory statements concerning Plaintiff as published by Defendants are not protected under the fair report privilege because Defendants' publications were not fair and accurate reports of a public record.

As a preliminary matter, Plaintiff emphasizes to the Court that these Defendants have been denied summary judgment once already on their claim of qualified privilege under the fair report privilege regarding defamatory statements concerning Plaintiff they published. While the Court did grant Defendants leave to renew on that ground should discovery reveal no unprivileged publications, that has not been the case. Each defamatory publication made by Defendants subsequent to their initial publications reporting on the Press Release did not report on the contents of a public record or judicial proceeding, and therefore is not entitled to the protection of the fair report privilege. The publications by each Defendant of defamatory statements concerning Plaintiff subsequent to reporting

on the content contained in the Press Release was obtained through other sources, the primary source being the HSPCA, which is a private, cause based organization with a social and political agenda.

Under a defense of fair report privilege, "one who publishes defamatory matter concerning another is not liable for the publication if 1) the matter is published upon an occasion that makes it [qualifiedly or] conditionally privileged, **and**, the privilege is not abused." Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C. 469, 484, 514 S.E.2d 126, 134 (1999) (citing Restatement (Second) of Torts §593 (1977) (emphasis added). Furthermore, the privilege "extends only to reports of the content of the public record, and any matter added to the report by the publisher, which is defamatory of the person named in the public record, is not privileged." West v. Morehead, 2001 S.C. App. Lexis 263 (2001) (citing Jones v. Garner, 250 S.C. 479, 487, 158 S.E.2d 909, 913 (1968). "Where there is conflicting evidence, the question whether [a qualified] privilege has been abused is one for the jury." Swinton Creek, 334 S.C. at 485, 514 S.E.2d at 134.

Defendants claim that reports they published stating Plaintiff engaged in severe and barbaric treatment of horses, and kidnapping were based on the Press Release put out by the Richland County Sheriff's Department, which Defendants claim is a public record. However, the Press Release is not a public record. A public record includes all books, papers, maps, photographs, cards, tapes,

recordings, or other documentary materials regardless of physical form or characteristics, prepared, used, in the possession of, or retained by a public body. S.C. Code Ann. § 30-4-20. Editorialized, e-mail communications containing statements of opinion do not qualify as a public record under the foregoing definition.

Even were the Court to determine the Press Release does qualify as a public record for purposes of the fair report privilege, Defendants are not entitled to the protection of that privilege because 1) their publications concerning Plaintiff were not fair and accurate reports of the contents of the Press Release, and 2) Defendants' liberties in manipulating the facts to magnify Plaintiff's apparent involvement with horses here and in Georgia amounts to an abuse of the privilege.

III. Plaintiff's cause of action for defamation sufficiently states a claim against Defendants because Plaintiff is a private figure and need only demonstrate Defendants acted with common law malice.

Throughout their motion for summary judgment, Defendants unequivocally refer to Plaintiff as a public official and, indeed, base their motion for summary judgment on defamation law as it pertains to public officials. Specifically, Defendants submit they are entitled to a judgment as a matter of law because they claim Plaintiff cannot demonstrate the constitutional malice public officials are required to show to maintain a cause of action for defamation. However, Plaintiff is a private figure and must only demonstrate Defendants acted with common law

malice in publishing false statements about him.

For the purposes of defamation, whether a person is a private figure or a public official is a question of law for the court. See Rosenblatt v. Baer, 383 U.S. 75, 87, 86 S.Ct. 669, 677, 15 L.E.d.2d 597, 606 (1966). This determination must be made on a case-by-case basis after careful examination of the facts and circumstances. Id. Of course, for purposes of summary judgment, the Court must view those facts and circumstances and all inferences that may be drawn therefrom in the light most favorable to the nonmoving party. Rule 56, SCRCPP, Estes, 304 S.C. 120 at 121, 403 S.E.2d 157 at 158 (Ct. App. 1991).

The United States Supreme Court, in New York Times Co. v. Sullivan, 376 U.S. 254, 11 L. Ed. 2d 686 (1964) established the rule that a public official must provide clear and convincing proof of "actual malice" to recover damages for defamatory falsehood relating to his or her official conduct. As discussed below, Plaintiff was not a public official, but even if he were the Defendants would still be liable in this case because "Where the defendant finds internal consistencies or apparently reliable information that contradicts its libelous assertions, but nevertheless publishes those statements anyway, the New York Times actual malice test can be met." Tomblin v. WCHS-TV8, 434 Fed. Appx. 205 (4th Cir. 2011) (quoting Schiavone Constr. Co. v. Time, Inc., 847 F.2d 1069, 1090 (3d Cir. 1988) (citing Curtis Publ'g Co. v. Butts, 388 U.S. 130, 161 n.23 (1967))).

The Supreme Court, in Rosenblatt provided guidance on who qualifies as a “public official,” and indicates that a “public official” for purposes of the New York Times rules is not to be determined by state law standards. That is not to say, however, that the Court is required to turn a blind eye on a state’s own definitions of “public official” when determining whether an individual has substantial enough involvement in government to meet the definition of a “public official” for purposes of constitutional defamation law. The definition of a public officer appears more than once in the South Carolina Code. S.C. Code Ann. § 8-1-10 provides “public officers” are “all officers of the State that have heretofore been commissioned [. . .], members of various State boards, and other persons whose duties are defined by law.” § 8-13-100 (27) defines a “public official” as being “an elected or appointed official of the State, a county, a municipality, or a political subdivision thereof, including candidates for office.” § 16-3-1040 defines a “public official” as “any elected or appointed official of the United States or of this State or of a county, municipality, or other political subdivision of this State.”

Neither the U.S Supreme Court nor the Supreme Court of South Carolina has provided an all-encompassing definition of public official, “although it is clear the category **does not** include all public employees.” Erickson v. Jones Street Publishers, LLC, 368 S.C. 444, 469, 629 S.E.2d 653, 666 (2006), see also Hutchinson v. Proxmire, 443 U.S. 111, 133-34, 99 S.Ct. 2675, 2687

(1979)(emphasis added).

The U.S. Supreme Court and South Carolina case law instructs that a public official is a person who, among the hierarchy of government employees, has or appears to the public to have “substantial responsibility for or control over the conduct of governmental affairs.” Erickson, 368 S.C. 444 at 469 (2006); Holtzscheiter v. Thompson Newspapers, Inc., 332, S.C. 502, 520 n.4, 506 S.E.2d, 497, 507 n.4 (Toal, J. concurring) (quoting Rosenblatt, 383 U.S. at 85, 86 S.Ct. at 676). Importantly, for defamation purposes, a governmental employee’s status as a public official must not be determined by that person’s place on the totem pole but rather because of the public interest in a government employee’s activity in a particular context.” Id. Moreover, “[i]n considering the question of whether one is a public official, the employee’s position must be one which would invite public scrutiny and discussion of the person holding it, entirely apart from the scrutiny and discussion occasioned by the particular charge in controversy.” Id.

The Supreme Court of South Carolina has held that a public officer is “one who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, in the performance of which the public is concerned, and which are continuing, and not occasional or intermittent.” Sanders v. Belue, 78 S.C. 171, 174, 58 S.E. 762, 763 (1907). Moreover, the criteria the Supreme Court has considered when distinguishing between public officers and

public employees include "whether the position was created by the Legislature; whether the qualifications for appointment are established; whether the duties, tenure, salary, bond and oath are prescribed or required [and] whether the one occupying the position is a representative of the sovereign." State v. Chrenshaw, 274 S.C. 475, 478, 266 S.E.2d 61, 62 (1980). South Carolina Code Ann. § 8-3-10 provides it "shall be unlawful for any person to assume the duties of any public office until he has taken the oath provided by the Constitution and been regularly commissioned by the Governor."

In South Carolina, police officers are deemed public officials in part because they are charged with the discretionary exercise of the sovereign power to enforce the laws of the South Carolina, their positions were created by the Legislature, and their duties established by statute. See State v. Thrift, 312 S.C. 282, 440 S.E.2d 341 (1994). Furthermore, police officers are required to file a bond conditioned on the faithful performance of their duties and they must swear an oath before assuming their positions, and their duties are of great public concern. See S.C. Code Ann § 23-3-20; see also State v. Wannamaker, 213 S.C. 1, 48 S.E.2d 601 (1948). Because police officers are elected or appointed, they are public officials for the purpose of § 16-3-1040. State v. Carter, 324 S.C. 383, 478 S.E.2d 86 (Ct. App. 1996). "The greater the duty to the public at large, the more likely it is that the individual will be a public official." Thrift at 309, 356.

“Conversely, one who merely performs the duties required of him by persons employing him under an express contract or otherwise, though such persons be themselves public officers, and though the employment be in or about public work or business, is a mere employee.” Sanders, 78 S.C. 171, 174, 58 S.E. 762, 763 (1907).

Here, Plaintiff job at the Department of Agriculture meets none of the criteria for qualifying as a public official set out by either statute or case law. Plaintiff was neither elected nor appointed to his position, obtaining his first job as a state employee 27 years ago by filling out an application for employment. (Id. at ¶ 11-12). Plaintiff’s employment at the Department was consistent with that of a state employee. (Nov. 15th 2011 Trexler Aff. ¶ 12). Plaintiff’s performance at the Department was regularly evaluated under the Employee Performance Management System (“EPMS”) created by the Office of Human Resources of the Budget and Control Board (Id. at ¶ 9), while elected or appointed officials at the Department were not evaluated using that system. (Id. at ¶10).

Plaintiff’s job at the Department was neither created by the Legislature, nor were his duties defined by statute. In fact, in April and again in July of 2007, Commissioner Weathers, at his own discretion, unilaterally modified Plaintiff’s job duties and responsibilities at the Department. (Hugh Weathers Aff. ¶ 6; Weathers depo. 7:6 - 8:23, 21: 10-17, August 25, 2011). Plaintiff was never required to post

any bond or swear an oath before taking his job at the Department. (Nov. 15th 2011 Trexler Aff. ¶12). Plaintiff had no relation to or contact with the public in his job at the Department. (Id. at ¶ 8).

Plaintiff was essentially a staff accountant and Information Technology coordinator. His job performance was neither the subject of public scrutiny, nor was he vested with the power to exercise any part of sovereign power. Also, in sharp contrast to public officials, Plaintiff had no independent decisions making authority to act on behalf of the Department in any way concerning the Department's overall functioning and purpose in state affairs. (Weathers depo. 11:25 – 12:8, August 25, 2011). In fact, Commissioner Weather's often referred Plaintiff's responsibilities as "back office functions of the Agency." (Nov. 15th 2011 Trexler Aff. ¶ 6.). Plaintiff merely performed duties assigned to him by Commissioner Weathers.

Assistant Commissioner of Agriculture was Plaintiff's internal, informal title created not by the Legislature, but by Commissioner Weathers. (Nov. 15th 2011 Trexler Aff. ¶ 13; Nov. 9th 2010 Rivers Aff. ¶ 11). Prior to 2007, no Assistant Commissioner of Agriculture existed in the history of the South Carolina Department of Agriculture. (Nov. 15th 2011 Trexler Aff. ¶ 13). Likewise, nowhere does the South Carolina Code make any mention whatsoever of any Assistant Commissioner of Agriculture, much less define the duties of any such position.

In support of their motion for summary judgment, Defendants have submitted the Affidavit of Commissioner Hugh Weathers. Despite glaring contradictions contained in the Affidavit³, Commissioner Weathers has sworn the statements therein to be correct, truthful, and his own. However, he admits to only having briefly looked over the affidavit before signing it, and did not write it himself. (Weathers depo. 29:10 – 30:1, August 25, 2011). As such, words in the affidavit such as “appointed,” “authority,” “directed,” and “management of the agency” are not those of the Commissioner, but those of lawyers familiar with the critical language needed to semantically transform Plaintiff from an employee of a state agency into a full blown public official.

Commissioner Weathers testified Plaintiff’s role at the Department of Agriculture was to advise the Commissioner with regard to the Department budget (Weathers depo. 20:15-18), keep an accounting of Department funds (Weathers depo. 9:6-7), and help the Commissioner accomplish the goals the Commissioner set for the Department (Weathers depo. 13:14-18). Commissioner Weathers further testified decision-making authority in the Department was his (Weathers depo. 11:25-12:8), and in making decisions he would take advice, as needed, from any staff member of the Department, and even his wife. (Id.). Commissioner

³ In paragraph 4 of Commissioner Weather’s affidavit he claims to have appointed Plaintiff as Assistant Commissioner of Agriculture while in paragraph 6 Commissioner Weathers states Plaintiff was already Assistant Commissioner of Agriculture when he arrived at the Department.

Weathers also recognized Plaintiff job required no real interaction with the Press. (Weathers depo. 21: 3-5). Commissioner Weathers's deposition testimony certainly characterizes Plaintiff's job functions at the Department as those of a staff member as opposed to the functions and characteristics of a public official as defined by South Carolina law. Moreover, the Affidavit of Georgette Rivers, submitted in support of Defendants' motion for summary judgment actually supports Plaintiff's argument he was a mere employee of the Department of Agriculture.

The law designates whether a person is or is not a public official. That Defendants, or affidavits, they submit in support of their motion, merely state Plaintiff is a public figure does not make it so.

IV. Plaintiff's defamation claim states a cause of action because Plaintiff is a private figure and is only required to demonstrate the media Defendants acted with common law malice in publishing defamatory statements concerning Plaintiff.

To establish a claim for defamation Plaintiff must prove "1) a false and defamatory claim was made; 2) the unprivileged statement was published to a third party; 3) the publisher was at fault; and 4) either the statement was actionable regardless of harm or the publication of the statement caused special harm." Erickson, 368 S.C. 444, 465, 629 S.E.2d 653, 664 (2006). "A communication is defamatory if it tends to harm the reputation of another as to lower him in the estimation of the community or deter third persons from associating or dealing

with him” Holtzscheiter v. Thompson Newspapers, Inc., 332 S.C. 502, 510, 506 S.E.2d 497, 502 (1998) (Holtzscheiter II) (quoting Lesesne v. Willingham, 83 F. Supp. 918, 921 (E.D.S.C. 1949)).

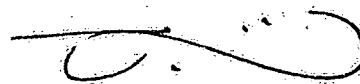
If the defamatory meaning of a statement is obvious on the face of the statement, the statement is defamatory *per se*. Id. Defamation is actionable *per se* if it involves “written or printed words which tend to degrade a person, that is, to reduce his character or reputation in the estimation of his friends or acquaintances, or the public, or to disgrace him, or to render him odious, contemptible, or ridiculous . . .” Id. “If a defamation is actionable *per se*, then under common law principles the law presumes the defendant acted with common law malice and that the plaintiff suffered general damages.” Fleming v. Rose, 338 S.C. 524, 533 526 S.E.2d 732, 737 (Ct. App. 2000).

As discussed above, Plaintiff is a private figure for defamation purposes. The statements concerning the Plaintiff published or broadcasted by Defendants alleged Plaintiff engaged in multiple acts of felony cruelty to animals and that he was a kidnapper. Those statements were false and or misleading, and constituted defamation which is actionable *per se*. Moreover, Defendants were aware that despite reports from officials claiming Plaintiff was involved with the subject horses, Plaintiff’s mother freely claimed ownership of all horses and the property on which the horses were found. Defendants were also aware before publishing

defamatory statements concerning Plaintiff's involvement with horses that Plaintiff claimed he did not own any horses or the property on which any horse was found, or have anything to do with the horses. As such, sufficient evidence exists so as to create a genuine question of fact with regard to whether Defendants published the statements with conscious disregard for Plaintiff's rights and the truth of the statements they published or broadcasted.

For the foregoing reasons and in taking the facts and circumstances in the light most favorable to Plaintiff, this Court should deny Defendants' motion for summary judgment, and find that Plaintiff is a public official for purposes of the defamation at issue in this lawsuit.

Respectfully submitted,



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Attorneys For Plaintiff

Dated: January 19, 2011
CHARLESTON, SC

IN THE COURT OF COMMON
PLEAS OF THE FIFTH JUDICIAL
CIRCUIT

Case No.: 2010-CP-40-1249

CERTIFICATE OF SERVICE

-VS-

Defendants.

W. Westbrook Wills III

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

James W. Trexler,

Plaintiff,

v.

The Associated Press, Barrington
Broadcasting South Carolina Corp.,
Raycom TV Broadcasting, Inc., and the
Pacific & Southern Co., Inc.,

Defendants:

IN THE COURT OF COMMON PLEAS

Civil Action No. 2010-CP-40-1249

ORDER DENYING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT

JEANETTE W. McBRIDE
C.C.P. & C.S.

2011 MAR 30 AM 9:22

RICHLAND COUNTY
FILED

Defendants moved for summary judgment as to plaintiff's amended complaint which asserts causes of action for libel, civil conspiracy, intentional infliction of emotional distress and negligence. Defendants supported their motion for summary judgment with the affidavit of Chris Cowan, a Captain in the Richland County Sheriff's Department whose affidavit states that on February 27, 2008 he disseminated a press release on behalf of the Richland County Sheriff's Department reporting that plaintiff had been arrested for kidnapping and five counts of ill treatment of animals. Defendants also provided plaintiff's responses to admissions wherein plaintiff admitted that the publications by defendants concerning were fair and accurate reports of the press release disseminated by the Sheriff's Department.

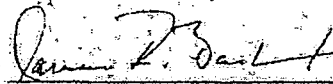
SCANNED

A hearing was held in open court on March 16, 2011 at which time the parties appeared through counsel. At the hearing, plaintiff asserted, the admission notwithstanding, that there were, or may be publications that are not protected by the "Fair Report" privilege.

The court finds that counsel's assertion demonstrates the existence of a genuine issue of material fact, and denies defendants' motions with leave to renew if discovery reveals no unprivileged publications.

Based on the foregoing, IT IS HEREBY ORDERED that defendants' motions for summary judgment be, and the same hereby are denied with leave to renew if justified by additional discovery.

AND IT IS SO ORDERED.


James R. Barber, III
Circuit Court Judge

Columbia, South Carolina

March 28, 2011

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Special Circuit Court Judge

Circuit Court Case No. 2010-CP-40-1249
S.C. Court of Appeals Case No. 2013-001581

James W. Trexler,

Appellant,

v.

The Associated Press;
Barrington Broadcasting
South Carolina Corp.;
Raycom TV Broadcasting,
Inc.; The Spartanburg Herald
Journal, Inc.; and The Pacific
& Southern Co., Inc.,

Respondents.

PROOF OF SERVICE

I certify that I have served the enclosed Appellant's *Motion to Supplement the Record* upon the Respondents, by depositing a copy of each of them in the United States Mail, postage prepaid, on February 23, 2015, addressed to Respondents' attorney of record, Jay Bender, Baker, Ravenel & Bender LLP, Post Office Box 8057, Columbia, South Carolina 29202.

Respectfully submitted,



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The South Carolina Court of Appeals

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April 15, 2015

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Re: James W. Trexler v. The Associated Press
Appellate Case No. 2013-001581

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in black ink that reads "Jenny Abbott Kitchings". The signature is stylized and includes a large, sweeping flourish at the end.

CLERK

cc: Jerry Jay Bender, Esquire

The Honorable Joseph M. Strickland

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

James W. Trexler, Appellant,

v.

The Associated Press, Barrington Broadcasting South
Carolina Corp., Raycom TV Broadcasting, Inc., The
Spartanburg Herald Journal, Inc., and the Pacific &
Southern Co., Inc., Respondents.

Appellate Case No. 2013-001581

Appeal From Richland County
Joseph M. Strickland, Special Circuit Court Judge

Unpublished Opinion No. 2015-UP-201
Heard February 11, 2015 – Filed April 15, 2015

AFFIRMED

William H. Johnson, of the Law Office of William H.
Johnson, LLC, of Manning; Warren W. Wills, III, of the
Law Office of W. Westbrook Wills, III, of Folly Beach;
and Matthew David Hamrick, of Mount Pleasant, for
Appellant.

Jerry Jay Bender, of Baker, Ravenel & Bender, LLP, of
Columbia, for Respondents.

PER CURIAM: James Trexler appeals the circuit court's grant of summary judgment in favor of the Associated Press, Barrington Broadcasting South Carolina Corp., Raycom TV Broadcasting, Inc., the Spartanburg Herald Journal, Inc., and Pacific & Southern Co., Inc. (collectively "Respondents"), arguing the circuit court failed to consider the evidence in the light most favorable to Trexler. Specifically, Trexler argues the circuit court erred in finding (1) his claims were barred by the applicable statute of limitations under the relation back doctrine and the single publication rule based on his failure to timely file his amended complaint; (2) Trexler was a public official and, thus, was required to demonstrate Respondents acted with actual malice; and (3) Respondents were immune from suit because the content of their publications was substantially true and also protected under the fair reporting privilege. We affirm.

On February 27, 2008, Respondents published, through their respective media channels, reports concerning Trexler's alleged mistreatment of horses, including information obtained from a February 27, 2008 email press release issued by the Richland County Sheriff's Department (Sheriff's Department). The press release provided the media with official information concerning the arrest of Trexler, his mother, and his brother as well as a report that Trexler had been charged with kidnapping. Trexler, his mother, and his brother filed suit on February 23, 2010, for defamation¹ arising out of these and other broadcasts and publications.²

Trexler's original complaint asserted multiple causes of action against certain named entities, as well as "all media companies that produced or reported on any event relating to the plaintiffs in 2008, 2009, and 2010." Trexler asserted that, as a result of these false publications, he was forced to resign after twenty-seven years of employment with the state. In addition, Trexler claimed he lost his salary, pension, retirement benefits, and ability to obtain similar employment, and he suffered irreparable harm to his personal and professional reputation.

¹ The complaint also included causes of action for (1) intentional infliction of emotional distress, (2) libel, (3) slander, (4) negligence, and (5) civil conspiracy. Trexler voluntarily withdrew all causes of action except the defamation claim prior to the hearing on Respondents' motion for summary judgment.

² Trexler also submitted that publications issued by Respondents between the dates of February 26, 2008, and March 21, 2008, were defamatory.

Trexler amended his complaint on June 23, 2010, becoming the sole plaintiff and removing the reference to other named defendants, as well as "all media companies," and specifying the defendants as only "The Associated Press, Barrington Broadcasting South Carolina Corp., The Pacific and Southern Company, Inc., Raycom TV Broadcasting, Inc., and The Spartanburg Herald-Journal, Inc." Thereafter, Respondents moved for summary judgment on August 11, 2011, arguing Trexler's claims were barred by the statute of limitations and he failed to prove falsity and constitutional malice.

After a hearing, the circuit court granted Respondents' motion for summary judgment. The circuit court found the applicable two-year statute of limitations barred Trexler's claims with respect to all publications prior to June 22, 2008,³ because Trexler failed to properly identify Respondents in a timely manner pursuant to Rule 10(a)(1), SCRCP.⁴ Further, despite Respondents' false report that Trexler was arrested for kidnapping, the circuit court concluded the remaining publications were true or substantially true. With respect to the falsely reported kidnapping charge, the circuit court found the fair reporting privilege insulated Respondents from liability. Last, the circuit court held summary judgment was appropriate because Trexler was a public official, and he failed to prove Respondents acted with actual or constitutional malice as is required to support a libel claim. The circuit court denied Trexler's motion for reconsideration, and Trexler appealed.

1. Trexler argues the circuit court misapplied the fair reporting privilege and, thus, erred when it granted summary judgment. We disagree.

³ The circuit court acknowledged in its order that only the December 15, 2008 publication by WLTX-TV survived the application of the statute of limitations. However, the circuit court then addressed the remainder of Respondents' arguments on the merits without specifically singling out WLTX or this sole December 2008 publication. Because we find the fair reporting privilege and the affirmative defense of truth insulates Respondents from liability, we address these arguments as they relate to all Respondents.

⁴ Rule 10(a)(1), SCRCP, sets forth the requirements for pleadings in a civil action and states, "When a party does not know the name of an adverse party[,], he may state that fact in the pleadings and designate such adverse party by any name and the words 'whose true name is unknown,' and when his true name is discovered[,], the pleadings must be amended accordingly."

"Under the law of defamation, . . . certain communications give rise to qualified privileges, including the privilege to publish fair and substantially accurate reports of judicial and other governmental proceedings without incurring liability." *West v. Morehead*, 396 S.C. 1, 7, 720 S.E.2d 495, 498 (Ct. App. 2011). "Fair and impartial reports in newspapers o[n] matters of public interest are qualifiedly privileged." *Id.* (citation and internal quotation marks omitted). Under the defense of qualified privilege, "one who publishes defamatory matter concerning another is not liable for the publication if (1) the matter is published upon an occasion that makes it [qualifiedly or] conditionally privileged, and (2) the privilege is not abused." *Swinton Creek Nursery v. Edisto Farm Credit*, 334 S.C. 469, 484, 514 S.E.2d 126, 134 (1999) (citing Restatement (Second) of Torts § 593 (1977)).

Generally, whether a publication gives rise to a qualified privilege is a question of law for the courts. *Id.* at 485, 514 S.E.2d at 134 (citation omitted). However, "[t]he privilege extends only to a report of the contents of the public record and any matter added to the report by the publisher, which is defamatory of the person named in the public records, is not privileged." *Jones v. Garner*, 250 S.C. 479, 487, 158 S.E.2d 909, 913 (1968). When conflicting evidence exists, "the question [of] whether [a qualified] privilege has been abused is one for the jury." *Swinton Creek*, 334 S.C. at 485, 514 S.E.2d at 134 (citation omitted).

For Respondents to properly assert the fair reporting privilege, the publications at issue must be based on "the contents of the public record." *See Jones*, 250 S.C. at 487, 158 S.E.2d at 913. A public record includes "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials *regardless of physical form* or characteristics prepared, owned, used, in the possession of, or *retained by a public body*." S.C. Code Ann. § 30-4-20(c) (2007) (emphasis added). The General Assembly has defined a public body as

any department of the [s]tate, . . . any state board, commission, agency, and authority, any public or governmental body or political subdivision of the [s]tate, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the [s]tate and its political subdivisions

S.C. Code Ann. § 30-4-20(a) (2007). The plain language of the statute demonstrates that the Sheriff's Department, as a public or governmental body or political subdivision of the State, is a public body. Therefore, we find a document prepared and used by a sheriff's department, such as a press release, is a public record. See *Burton v. York Cnty. Sheriff's Dep't*, 358 S.C. 339, 348–49, 594 S.E.2d 888, 893 (Ct. App. 2004) (citing to subsection 30-4-20(a) and finding a sheriff's department is a public body subject to the Freedom of Information Act).

The press release prepared by the Sheriff's Department stated Trexler was charged with "5 counts of ill treatment of animals and 1 count of kidnapping." Although the press release contained erroneous information regarding the kidnapping charge, we find Respondents' publication of the kidnapping charge was protected under the fair reporting privilege. See *White v. Wilkerson*, 328 S.C. 179, 186, 493 S.E.2d 345, 348 (1997) (stating the fair reporting privilege "protects fair and accurate reports of judicial records and proceedings and other official acts, reports, and records" (citation and internal quotation marks omitted)).

2. Trexler also contends summary judgment was inappropriate because he submitted proof that Respondents published articles and broadcasted statements falsely indicating he had been charged with felony class mistreatment of dozens of horses in South Carolina and Georgia. We disagree.

"The truth of the matter published is, of course, a complete defense to an action based on defamation. . . . And, we have held that a sufficient defense is made out where the evidence establishes that a statement was substantially true." *Ross v. Columbia Newspapers, Inc.*, 266 S.C. 75, 80, 221 S.E.2d 770, 772 (1976) (citation omitted). "The truth of the matter is a complete defense to an action based on defamation and evidence establishing [a] statement is substantially true is a sufficient defense." *Haulbrooks v. Overton*, 295 S.C. 380, 383, 368 S.E.2d 676, 678 (Ct. App. 1988) (citation omitted).

Respondents argue—and we agree—that they negated Trexler's claims of falsity by presenting evidence to the circuit court, in the form of arrest warrants and indictments, that Trexler was eventually charged with felony mistreatment of dozens of animals. Trexler also acknowledges in his brief that he was arrested and charged with mistreatment of animals and indicted on four counts of felony mistreatment of animals. Regardless of the dismissal of these charges subsequent to Respondents' publications, we find the news reports were substantially true at the time of publication. See *Padgett v. Sun News*, 278 S.C. 26, 31, 292 S.E.2d 30, 33 (1982) (finding a newspaper's publication of contents of a summons charging respondents with a certain crime, despite subsequent filing of complaint which

omitted this crime, did not negate the accuracy of the newspaper's publication). Based on the foregoing, we find the circuit court properly granted summary judgment in favor of Respondents.

3. We decline to address Trexler's remaining arguments because our resolution of prior issues is dispositive. *See Futch v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (concluding an appellate court need not review remaining issues when its determination of another issue is dispositive of the appeal).

AFFIRMED.

FEW, C.J., and HUFF and WILLIAMS, JJ., concur.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Special Circuit Court Judge

Circuit Court Case No. 2010-CP-40-1249
S.C. Court of Appeals Case No. 2013-001581

James W. Trexler,

Appellant,

v.

The Associated Press;
Barrington Broadcasting
South Carolina Corp.;
Raycom TV Broadcasting,
Inc.; The Spartanburg Herald
Journal, Inc.; and The Pacific
& Southern Co., Inc.,

Respondents.

PETITION FOR REHEARING

Pursuant to Rule 221(a), SCACR, Appellant hereby petitions the Court for a rehearing in the above-captioned appeal stating particularly the following points Appellant believes the Court overlooked or misapprehended:

- 1) As to the circuit court's grant of summary judgment based on the statute of limitations, Appellant believes the Court overlooked or misunderstood the issues raised by Appellant on appeal regarding a) relation back of Appellant's amended complaint under Rule 15 b), SCRCRCP, b) Appellant's Motion to

Supplement the Record with relevant authority regarding Rule 15(c) supporting Appellant's position, c) South Carolina's adherence to the continuous publication rule as it affects the statute of limitations on Appellant's defamation claims.

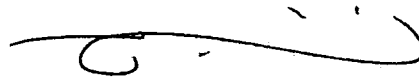
- 2) As to the circuit court's grant of summary judgment based on its finding Appellant failed to present evidence sufficient to support his claims, Appellant believes the Court overlooked or misunderstood the substantial evidence Appellant submitted to the trial court in its de novo review and the importance of that evidence in creating a genuine issue of material fact as to each of the issues before the Court.
- 3) As to the circuit court's grant of summary judgment based on its finding Respondents statements regarding Appellant in the publications at issue in the appeal were protected by the "fair report" privilege, Appellant believes the Court overlooked the evidence submitted by Appellant to show that Respondents abused any privilege because their publications a) were not fair and accurate reports of a public record because they added defamatory content about Appellant not existing in the public record, b) additional publications made by each Respondent in the months and years following their report on the public record at issue are not afforded protection under the "fair report" privilege, and c) the Court did not take into consideration the law as set out in *Swinton Creek Nursery v. Edisto Farm Credit*, 334 S.C. 469, 514 S.E.2d 126 (1999), that where conflicting evidence exists on the abuse of a qualified privilege, the question is for the jury.

- 4) As to the circuit court's grant of summary judgment based on its finding that publications by Respondents at issue in the appeal were true or substantially true, Appellant believes the Court overlooked or misunderstood the evidence he submitted to show that a) as to Appellant, statements published by Respondents, at the time they were published, were false, and not substantially true, b) that Respondents published defamatory statements regarding Appellant that were never true, or substantially true, and c) the Court misapplies *Padgett v. Sun News*, 278 S.C. 26, 292 S.E.2d 30 (1982) to support its finding that because Appellant was ultimately charged with felony level mistreatment of animals, damaging publications by Respondents to that effect, before the fact, qualified them as "substantially true."
- 5) As to the circuit court's determination that Appellant is a "public official" for purposes of defamation, Appellant submits that notwithstanding the propriety of the Court's decision not to rule on that issue, the practical effect is that the circuit court's ruling (wrongly decided in Appellant view) becomes the law of the case in two other associated actions presently before this Court without the due process right of review.

For the reasons above, and those more thoroughly discussed in the accompanying Memorandum in Support of Petition for Rehearing, Appellant respectfully requests this Court grant a rehearing of Appellant's appeal on the points indicated herein, and reconsider its affirmation of the circuit court's order granting summary judgment in light thereof.

[Signature on following page]

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In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
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Joseph M. Strickland, Special Circuit Court Judge

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James W. Trexler,

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v.

The Associated Press;
Barrington Broadcasting
South Carolina Corp.;
Raycom TV Broadcasting,
Inc.; The Spartanburg Herald
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& Southern Co., Inc.,

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APPELLANT'S MEMORANDUM IN SUPPORT OF PETITION FOR REHEARING

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Appellant James W. Trexler, by and through undersigned counsel, submits this Memorandum in Support of Petition for Rehearing showing this Court as follows:

INTRODUCTION

Appellant has taken this appeal from the circuit court's order granting summary judgment in favor of Respondents on his defamation action against them. As the Record on Appeal demonstrates, Judge Strickland presided at the January 19, 2012 summary judgment hearing and considered argument and evidence on the multiple complex factual and legal issues at play in Respondents' motion. (See R. pp. 69-133). At the conclusion of the hearing, and without providing any indication of how he was going to rule on Respondents' motion, Judge Strickland requested counsel for both sides each submit a proposed order (granting or denying summary judgment). (See R. p. 131). Then, over 9 months after the hearing, Judge Strickland granted Respondents summary judgment by signing and entering Respondents proposed order exactly as it was drafted and submitted by Respondents' counsel. (R. pp. 1-16). Of course, Judge Strickland's order, drafted entirely by counsel for Respondents, granted summary judgment in Respondents' favor

as to every possible issue before the court, notwithstanding Judge Strickland's threshold and dispositive determination Appellant's defamation claims were barred by the statute of limitations. (See R. pp. 6-7). As a basis for granting summary judgment on issues beyond that of the statute of limitations, the order Judge Strickland entered found Appellant failed to submit any evidence at all that Respondents' publications were false (R. pp. 8, 9), that the publications were not fair reports of a public record (R. p. 12), or that Respondents published statements regarding Appellant with knowledge of their probable falsity (R. pp. 14-15). Furthermore, Judge Strickland specifically found Appellant was a "public official" for the purposes of defamation and therefore, under the law as set out in New York Times v. Sullivan, 376 U.S. 254 (1964), was required to prove, but failed to do so, that Respondents acted with constitutional malice in publishing allegedly defamatory content regarding Appellant. (See R. pp. 13-14). On April 15, 2015, this Court filed its unpublished opinion No. 2015-UP-201 affirming the circuit court's grant of summary judgment in favor of Respondents ("Order Affirming").

- I. **In affirming the circuit court's grant of summary judgment in favor of Respondents based on the statute of limitations, the Court either overlooked or misunderstood issues Appellant raised on appeal as to that issue.**

- A. **Rule 15 (c), Relation back of Appellant's Amended Complaint**

On appeal, Appellant argued the circuit court erred in granting summary judgment in favor of Respondents based on the statute of limitations because his Amended Complaint, naming Respondents specifically, related back to the original timely filing of his original Complaint under Rule 15 (c), SCRCP. At oral argument, the Court questioned counsel for Appellant about the application of Rule 15(c) where

Appellant had purportedly served his Amended Complaint upon Respondents within the time prescribed by law, but did not serve them with a copy of the original Complaint. In response, Counsel for Appellant directed the Court's attention to the case Mims ex re. Mims v. Babcock Center, Inc., 399 S.C. 341, 732 S.E.2d 395 (2012), which states: "Rule 15(a), SCRCP does allow the filing and service of an amended complaint without leave of court, even if the original complaint has not been served [. . .]." Id. at 347, 398.¹ Despite Appellant's briefing, oral argument, and motion to supplement the record with relevant authority on the issue of relation back under Rule 15 (c), the Court does not address the issue in its Order affirming summary judgment, while it appears to have affirmed the circuit court's ruling on the statute of limitations.

B. South Carolina's adherence to the "continuing publication" rule.

On appeal, and in the circuit court, Appellant has maintained and presented evidence to demonstrate that his claims are not barred by the statute of limitations because the allegedly defamatory publications by Respondents continued to be published by them for months and years after their original publication. Appellant cited to Taub v. McClatchy Newspapers, Inc., 504 F. Supp. 2d 74 (D.S.C. 2007) for the proposition that subsequent publication by Respondents reset the statute of limitations clock for his defamation claim against them. In affirming the circuit court's grant of summary judgment on the statute of limitations issue, the Court appears to have overlooked the "continuing publication" rule as recognized in Taub and Appellant's argument and evidence that Respondents continued to publish, or allow to be published, defamatory material concerning Appellant, long after their initial publication.

¹ Counsel for Appellant filed a motion to supplement the record in which he included the citation and case, which motion to supplement the Court never responded before issuing its ruling.

II. In affirming the circuit court's grant of summary judgment the Court appears to have overlooked Appellant argument that he submitted sufficient evidence to create a question of material fact for purposes of summary judgment.

On appeal, Appellant argues he submitted evidence to the circuit court that, when viewed in the light most favorable to the Appellant, was sufficient to create a genuine issue of material fact as to each issue. The circuit court granted summary judgment in favor of Respondents, in part, because it found Appellant failed to come forth with any evidence, at all, to support its argument. Appellant argued to this Court that the circuit court, in fact, failed to consider the ample evidence he submitted in support of his position. In its Order Affirming the circuit court's grant of summary judgment in favor of Respondents, the Court states that Appellant argued on appeal that "the circuit court failed to consider the evidence in the light most favorable to [Appellant]." (Order Affirming at p. 2). However, Appellant's argument on appeal is not that the circuit court failed to view the evidence submitted in the light most favorable to him, but rather that the circuit court failed to consider Appellant's evidence at all, and ruled Appellant had submitted no evidence. Of course, on summary judgment, any evidence or inferences drawn therefrom, viewed in the light most favorable to non-moving party. Rule 56(c), SCRCP.

The Court does not address Appellant's argument that the circuit court granted summary judgment in favor of Respondents without considering the evidence Appellant submitted and Appellant's argument that such evidence is sufficient to create a question of fact for the jury both with regard to the falsity of the subject publications and whether Respondents abused the "fair report" privilege they assert shields them from liability.

III. In affirming the circuit court's grant of summary judgment in favor of Respondents based on the "fair report" privilege, the Court overlooked evidence Respondents abused the privilege.

The Court affirmed the trial court's grant of summary judgment finding Respondents' publications were fair reports of a public record and therefore qualifiedly privileged, shielding Respondents from liability for the subject publications. (See Order Affirming at pp. 3-4).

First, the Court appears to have overlooked evidence Appellant submitted of Respondents' allegedly defamatory publications which either did not report on the content of a public record or which added defamatory content to the report of the public record. Second, Appellant submits the court should have considered evidence he submitted to demonstrate that Respondents abused any privilege they may have enjoyed by publishing articles which were not fair and accurate reports of the subject public record, and that Respondents also added to their publications substantial defamatory statements concerning Appellant which were not derived from public record.

The Court itself, in its Order Affirming, cites to Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C. 469,484,514 S.E.2d126, 134 (1999). Under a defense of "fair report" privilege, "one who publishes defamatory matter concerning another is not liable for the publication if 1) the matter is published upon an occasion that makes it [qualifiedly or] conditionally privileged, **and** the privilege is not abused." Swinton Creek Nursery v. Edisto Farm Credit, 334 S.C. 469,484,514 S.E.2d 126, 134 (1999) (citing Restatement (Second) of Torts §593 (1977)(emphasis added)). "Where there is conflicting evidence, the question whether [a qualified] privilege has been abused is one for the jury." Swinton Creek, 334 S.C. at 485,514 S.E.2d at 134. Appellant contends the

evidence he submitted demonstrating Respondents abused the qualified “fair report” privilege, if one even existed, should have created a question for the jury.

IV. In affirming the circuit court’s grant of summary judgment in favor of Respondents on the issue of falsity, the Court overlooked evidence Appellant submitted and misunderstands the chronology of Respondents’ publications.

The circuit court found, and this Court affirmed, that the subject publications by Respondents were “substantially true” and provides Respondents an absolute defense to Appellant’s defamation claim. First, the Court cites to Ross v. Columbia Newspapers, Inc., 266 S.C. 75, 80, 221 S.E.2d 770, 772 (1976) for the proposition that “a sufficient defense is made out where the evidence establishes that a statement was substantially true.” (Order Affirming at p. 4). The Court next cites to Haulbrooks v. Overton, 295 S.C 380, 383, 368 S.E.2d 676, 678 (Ct. App. 1998) for the proposition that “[t]he truth of the matter is a complete defense to an action based on defamation and evidence establishing [a] statement is substantially true is a sufficient defense.” However, the facts in both Ross and Haulbrooks are clearly distinguishable from the facts in the present appeal, and those cases actually support Appellant’s position.

In Ross, the court found that a newspaper report containing a mistake in the headline which was rendered meaningless by the true facts in the body of the article negating the headline mistake, was substantially true and therefore, not defamatory. In Haulbrooks, the defendant submitted evidence to the court demonstrating the substantial truth of the allegedly defamatory statements at the time the statements were published.

Here, Appellant has submitted evidence that the subject publications by Respondents are totally false as to Appellant, and unlike in Ross the falsity is not a mistake that is negated or clarified by the content of the publication or the

circumstances which were the subject of the publications. Nor have Respondents, here, presented any evidence to demonstrate the subject publications were true or “substantially true” at the time they published them.

The Court, nevertheless, found Respondents publications “were substantially true at the time of publication,” (see Order Affirming at p. 4), and that Respondents negated any falsity in the publications by presenting evidence in the form of indictments and arrest warrants, that Trexler was eventually charged with felony level mistreatment of animals. Id. However, the arrest warrants Respondents submitted clearly show Appellant was arrested and charged with 5 counts of misdemeanor neglect as opposed to dozens of counts of felony level animal abuse. (See R. pp. 426, 420, 430, 433, 436). The subject publications of Respondents implicating Appellant in felony level horse abuse of dozens of horses both here and in Georgia were not true, or even substantially true, at the time they were made, nor were they rendered “substantially true” because Appellant was later indicted on multiple felony counts of ill treatment of animals.

The Court relies on Padgett v. Sun News, 278 S.C. 26, 31, 292 S.E.2d 30, 33 (1982) for the proposition that “a newspaper’s publication of contents of a summons charging respondents with a certain crime, despite subsequent filing of complaint which omitted this crime, did not negate the accuracy of the newspaper’s publication. (See Order Affirming at p. 5.). However, the circumstances in Padgett are distinguishable from those in the present appeal. Here, the opposite occurred. Respondents’ publications attributed activity to and charges against Appellant which had no basis in fact, and were false, at the time Respondents published them. That Respondents continued to publish the subject statements concerning Appellant until such time as he was, eventually, indicted on felony charges does not negate the falsity

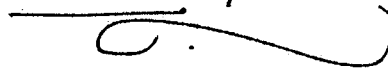
of the publications prior to that time.

V. The Court declined to make a ruling on the issue of Appellant's status as a "public official" for purposes of defamation.

Because the Court found it was able to affirm the circuit court's grant of summary judgment in favor of Respondents on other dispositive issues, it declined to address the issue of whether Judge Strickland erred in finding Appellant was a "public official" for purposes of defamation. (See Order Affirming at p. 5). Appellant submits that, notwithstanding the propriety of the Court's decision not to rule on that issue, the practical effect is that the circuit court's ruling (wrongly decided in Appellant view) becomes the law of the case in two other associated actions presently before this Court without the due process right of review.

Based on the foregoing, Appellant respectfully requests this Court grant a rehearing of Appellant's appeal on the points indicated herein, and reconsider its affirmation of the circuit court's order granting summary judgment in light thereof.

Respectfully submitted,



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& Southern Co., Inc.,

Respondents.

PROOF OF SERVICE

I certify that I have served the enclosed Appellant's *Petition for Rehearing* and *Memorandum in Support of Petition for Rehearing* upon the Respondents, by depositing a copy of each of them in the United States Mail, postage prepaid, on April 27, 2015, addressed to Respondents' attorney of record, Jay Bender, Baker, Ravenel & Bender LLP, Post Office Box 8057, Columbia, South Carolina 29202.

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The South Carolina Court of Appeals

James W. Trexler, Appellant,

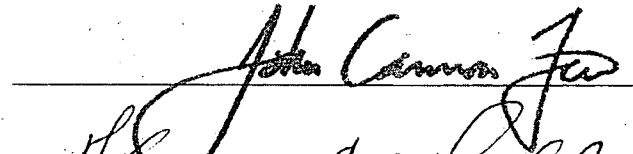
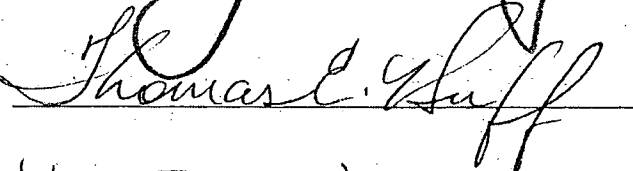
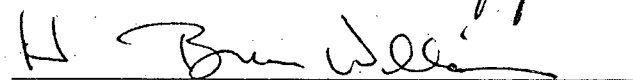
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Southern Co., Inc., Respondents.

Appellate Case No. 2013-001581

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.

 J.
 J.
 J.

Columbia, South Carolina

FILED

cc:

William H. Johnson, Esquire
Jerry Jay Bender, Esquire

May 21, 2015