

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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OCT 24 2016

S.C. SUPREME COURT

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

OP. NO. 2016-up-397  
(SC Ct. of Appeals filed August 03rd 2016)

Carlton E. Cantrell,

..... Petitioner

v.


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

..... Respondent

**PETITION FOR WRIT OF CERTIORARI**

Other Counsel of Record:  
Daniel C. Plyler, of  
Davidson & Lindemann  
PA. of Columbia,  
Attorney for Respondent

October 22nd 2016

  
Carlton E. Cantrell  
223 Muddy Branch Road  
AIKEN, SC 29805  
803-215-4747  
-Petitioner

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**MEMORANDUM IN SUPPORT OF  
PETITION FOR WRIT OF CERTIORARI**

The Appellant respectfully requests that the Honorable Supreme Court of South Carolina grant certiorari to consider the decision of the South Carolina Court of Appeals of August 03rd 2016 affirming the trial court. Appellant avers that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on October 23rd 2016.

**QUESTIONS PRESENTED**

Appellant avers that the Honorable Court of Appeals did not adequately consider the following issues.

1. This appeal started with Judge Doyet A. Early III setting on the signed order and the Appellant Had to request for an extention and that's when the appellant found out that Elizabeth Carter Was training a new case worker I met her once I believe they called her Ella, she was going to handle My Appeal.

2. On September 24<sup>th</sup> 2014, the petitioner received a letter from the Court of Appeals requesting that the petitioner within 10 days order the transcript. The Petitioner sent a letter to the Court Reporter Bethanie Crepon. The petitioner received a letter from the Court of Appeals dated October 6<sup>th</sup> 2014, it stated that the appellant needed to turn in a copy of the order for the transcript to the Court Administration Office and the petitioner hand delivered a copy of the order for the Transcript and asked the lady at the desk how long before the appellant shall hear from the court Reporter it was already past 10 days, and the lady at the desk said that the court reporter had up to 60 days to contact me regarding the transcript and that there would be a fee involved before I could receive the transcript.

On December 11<sup>th</sup> 2014 the petitioner received a letter from the court of Appeals to advise the Court Administration within 10 days the status of the transcript. I got the court reporters phone No. from the Court Administrations Office and called Bethanie Crepon, and she said that she never did receive the Appellants request for the transcript and that she wouldn't charge me for the transcript and that Appellant could meet her at the Barnwell Courthouse and she could hand deliver it to me. Bethanie Crepon said that she was to contact me within 10 days, but if the appellant doesn't hear from her than the appellant needs to contact her.

3. On March 15<sup>th</sup> 2015 the Appellant turned in his Final Brief, but he never did receive a Final Brief from the defendants and on April 13<sup>th</sup> 2015 he received a motion to correct the Record on Appeal from the defendants. The defendants had two weeks to review the Record on Appeal before the Appellant turned in his Final Briefs. The Appellant received a letter from the Court of Appeals that a Decision would be made in this matter. On June 6<sup>th</sup> 2015 the Appellant received a letter dated June 3<sup>rd</sup> 2015 giving the Appellant within 10 days that the Appellant shall serve and file a supplemental Record on Appeal. I never heard from the Court of Appeals again and I finally did receive a Final Brief from the Defendants on June 25<sup>th</sup> 2015.

4. The petitioner called the Court of Appeals because there was no more correspondence and the Petitioner found out that the Ella the Case worker assigned to the appellants case had been terminated and no reason was given and Elizabeth Carter said that we would be preparing to start the oral arguments and I never heard again from Elizabeth Carter and the Appellant finally received a letter from the Court Appeals in December stating that this would be decided without Oral arguments and I knew what this meant.

## STATEMENT OF THE CASE

This case arose out of the unlawful seizure of 189 goats from the petitioner Cantrells property on May 19 2005. The seizure of the goats by Aiken County Animal Control was effected pursuant to a search warrant authorizing same date May 19 2005 signed by Aiken County Magistrate Charles T. Carter, issued pursuant to S.C. Code 47-1-150.

The petitioner veterinarian Dr. Lisa Handy wasnt notified about this matter until after the seizure of the Petitioner Cantrells goats. Dr. Handy came to Mr. Cantrells residence and informed him that Animal control had violated every rule Dr. Handy said their must always be a veterinarian involved before Animal Control can do anything and there wasn't, and secondly if there is a problem they half to issue a warning and give time to correct any problems and they didn't and finally their is no such thing as unsanitary conditions for Goats, Cows and Pigs, and if they had followed their own procedures this would have never happened.

## ARGUMENT

The petitioner Mr. Cantrell has filed this civil complaint for the third time. The petitioner hasn't been given and opportunity of a fair appeal because of the games that Aiken County and the Appeals court is conducting to stop him from from receiving a fair appeal.

1. The first appeal involved partial help by the petitioner Cantrells lawyer Michael Chesser who failed to help help him with the outstanding matter and reinstate the case within 10 days like he was paid to do by the petitioner. Michael Chesser did help start the appeal process from Judge Earlys decision of dismissing his complaint against Judge Charles T. Carter, who had his own lawyer at that time.

In the appeals Court the petitioner case was assig. to Elizabeth Carter who misled the Petitioner by telling him that were only concerned about Judge Carter right now and not the other defendants.

2. The second appeal was also from Judge Earlys decision and the petitioner Cantrells lawyer Michael Chesser said that he would do the whole appeal for cash but he did'nt want his name attached. The case worker was Elizabeth Carter again. Elizabeth Carter and the petitioner lawyer Michael Chesser were playing games throughtout the whole appeal with ordering the transcript the fact is Michael Chesser never did order the transcript until ever 120 days into the appeal and finally the petitioner went to see Elizabeth Carter about the situation and she called

Michael Chesser and told him to get out of the appeal before you are held liable and he dropped the appeal in the petitioner Cantrells lap and said he was through, and the petitioner had to hurry to get something in on time.

3.. The third appeal the petitioner did himself and for the third time Judge Early threw it out, and for the the third time it was assigned to Elizabeth Carter of the Court of Appeals so the petitioner complained to Menicaltheir supervisor.

The petitioner had to file without the signed order because Judge Early sat on the order for over 30 days and the petitioner had to pay for an extention. After receiving the signed order they assigned a new case worker a young black lady I was told that her name was Ella but Elizabeth Carter was training her.

The petitioner was told to order the transcript within 10 days and he did, he received al letter that said that he needed to deliver a copie of the transcript orderd to the Appeals Court of Administration and he did. The petitioner asked the lady at the desk how long before I hear from the Court Reporter and she said that the Court reporter had up to 60 days to contact the petitioner.

About December 13 the petitioner received a letter from the Court of Appeals in regards to the Transcript . The petitioner called the Administration Officer and got the Court reporters phone no. her name was Bethanie Crepon, she told the petitioner that she had never received

his request for the transcript and that if the petitioner didn't hear from the Court Reporter within 10 days that he was supposed to contact her but I told her that I wanted to talk to the court Administration Office and talked with them and that is who the Court Reporter reports to. The Court reporter said that she was going to let me have the transcript without charge because of the situation and that she would have it at the Barnwell Court house that week for me to pick up.

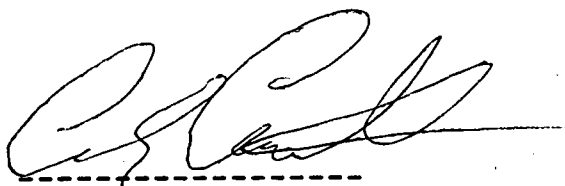
There was a lot of correspondence from the court of Appeals telling me to correct the heading and informing the next step and I believe the new case worker was doing her job by helping me in the appeal from some things that were taking place, that I didn't know about.

After the initial briefs were in all correspondence stopped I found out later that the petitioner Cantrell's case worker had been terminated with no reason I think that she knew what was going on in the Appeals court and they hadn't planned for the petitioner to go any further than the transcript, and they were going to throw out the appeal..

The petitioner turned in the Record ON Appeal two weeks before the Final Briefs were due and the Petitioner turned his Final Brief in on time but it was 10 days later that the defendants made a motion to correct the record on Appeal. The petitioner received a letter stating that a decision would be made concerning this matter. The petitioner received a letter giving him 10 days to do a supplemental Record on Appeal which he did on time. It was in late June when the petitioner finally received the defendants Final Brief. The petitioner called Elizabeth Carter in July in

reguards to the appeal and Elizabeth Carter said that we were preparing to do oral arguments, the petitioner didn't hear from the court of Appeals till December a letter that stated that this would be decided without oral arguments.. the petitioner knew that it was going in the defendants favior again.

October 22nd 2016



-----  
Carlton E. Cantrell  
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**PROOF OF SERVICE**

I Carlton E. Cantrell the petitioner do hereby certify that on October 24th 2016 I hand delivered 6 copies and the original of the petition for Writ of Centorari and Memorandum in Support of Petition for Writ of Centiorari and two copies of Appendix to Record of Appeal on the Supreme Court of South Carolina. I also mailed a copie of the Petition for Writ of Centorari and Memorandum in Skpport of Petition for Writ of Gentorari by U.S. Mail, to the defendants.

Mr Daniel Clifton Plyler  
P.O. Box 8568  
Columbia, SC. 29202-8568



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