

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

Doyet A. Early, III, Circuit Court Judge

Case No. 2014-CP-02-00879

Carlton E. Cantrell

----- Appellant

vs.

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

----- Respondents

RECORD ON APPEAL

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

William H. Davidson, II
Daniel C. Plyler
Davidson & Lindemann, PA
Attorneys for Respondents
PO Box 8568
Columbia, SC, 29202
(803) 806-8222

RECEIVED

OCT 24 2016

THE STATE OF SOUTH CAROLINA

In the ~~Supreme Court~~

S.C. SUPREME COURT

APPEAL FROM THE COURT OF COMMON PLEAS

Aiken County

Doyet A. Early, III, Circuit Court Judge

OP. NO. 2016-UP-397

(S.C. Ct. of Appeals filed August 03rd 2016)

Carlton E. Cantrell

petitioner

vs.

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

Respondents

APPENDIX TO THE
RECORD ON APPEAL

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

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Daniel C. Plyler
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STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE SUMMARY COURT
OF Granitville

STATE)

VS)

AFFIDAVIT

AND

Carlton Cantrell)

223 Muddy Branch Road)

Aiken South Carolina)

DEFENDANT)

COURT ORDER

(Animal Control Case)

AFFIDAVIT

Personally comes Officer Bobby Arthurs, Aiken County Animal Control, who on oath states that the following animals, to wit ; a unknown number and Various breed of goats and dogs, animals are being housed and the said animals are remaining in conditions that create a threat to the health of these animals. These animals are being cruelly or ill treated by the owner at; 223 Muddy Branch Road, Aiken County , South Carolina, and are being kept in a closed home without water supply living in unsanitary condition . The complaint stated he has one hundred and seventy goats and forty dogs.

Officer Bobby Arthurs further states that said animal (s) are in danger of undue suffering and subject to sickness / illness due to unsanitary and inhumane conditions.

Sworn to this 1st day of May, 2005.

Steven Murphy
Notary Public for South Carolina

Bobby Arthurs
Affiant (Animal Control Officer)

COURT ORDER

IT IS THE ORDER OF THIS COURT that Aiken County Animal Control Officers and a Aiken County Sheriff Deputy Officer may go forth and apprehend the above said animals. Said Aiken County Animal Control Officers and Aiken County Sheriff Deputy Officer may enter into the residences at 223 Muddy Branch Road Aiken County , South Carolina and take possession of any and all animals located in the residence.

IT IS FURTHER ORDERED that the above described animals be held in custody, in a safe location until such time as the above said case is disposed of and a decision has been made by the Court for all the expenses relating to the boarding and health care of the said animal.

IT IS SO ORDERED this 1st day of May, 2005 presifics

Terry Carter
Terry Carter Summary Court Judge

IT IS FURTHER ORDERED this day the above described animals shall be inspected and evaluated by a licensed veterinarian to determine which animals are required to be destroyed in a humane method .

IT IS SO ORDERED this 1st day of May, 2005.

Terry Carter
Terry Carter Summary Court Judge

LAW OFFICE OF
W. LAWRENCE BROWN, L.L.C.

2625 JEFFERSON DAVIS HIGHWAY (U.S. HIGHWAY #1)
POST OFFICE BOX 380
LANGLEY, SOUTH CAROLINA 29834

TELEPHONE (803) 593-6447

FACSIMILE (803) 593-6565
E-MAIL: wlbrown@scarbar.org

August 3, 2005

Sent by Fax (803) 644-5334 and U.S. Mail

Everett K. Chandler, Esquire

Post Office Box 2391

Aiken, South Carolina 29802

RE: Aiken County Animal Control v. Cantrell

Dear Everett:

Pursuant to our telephone conversation of this morning, it is my understanding that we have reached an agreement that will fully resolve all pending criminal and potential civil matters related to the seizure of Mr. Cantrell's goats by Aiken County Animal Control. We have agreed as follows:

1. Mr. Cantrell will pay \$1800.00 restitution to Aiken County for expenses incurred in the keeping and care of the goats within fifteen days of the execution of the agreement.
2. Mr. Cantrell will repair the fencing on his property so that all of his animals will be secure and properly confined.
3. Mr. Cantrell will fix the house on the property to either prevent the goats from entering it altogether or so that it will be safe for them. In no case are the goats to be confined in the house or under conditions that would be dangerous or injurious to their health.
4. Mr. Cantrell will follow the advice and instruction of Dr. Lisa Handy regarding the care and keeping of his animals (both goats and dogs) and the number of animals that he can properly maintain on his property.
5. Dr. Handy's guidelines and instructions as to Mr. Cantrell shall be provided to Aiken County Animal Control.
6. Dr. Handy must confirm to Aiken County Animal Control that Mr. Cantrell has complied with her recommendations and guidelines prior to the goats being returned to him.
7. After the animals are returned, Aiken County Animal Control will have the right to conduct quarterly inspections of Mr. Cantrell's property with prior notice for a period of one year.
8. Mr. Handy will retain Dr. Handy to perform unannounced inspections of the property at least quarterly for one year to assure that Mr. Cantrell is in compliance with her advice and

instructions. She shall provide information as to her findings on those inspections to Aiken County Animal Control.

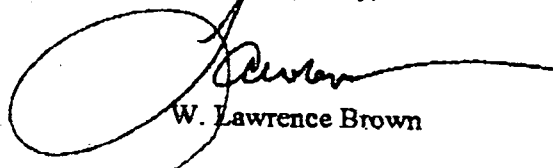
9. Mr. Cantrell will release Aiken County and any agencies, employees or agents thereof from any potential liability or claims that he may have as a result of this incident, his arrest and charges, and the seizure, keeping and care of the goats by Aiken County and Aiken County Animal Control.
10. Aiken County Animal Control will dismiss the pending charges against Mr. Cantrell.

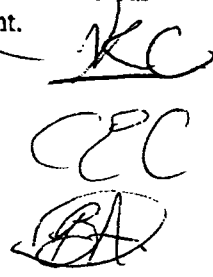
As to the dismissal of charges, since we will not be able to have a formal agreement drafted and executed prior to the court date scheduled for Monday, August 8, 2005, Aiken County will agree to dismiss the charges without prejudice pending execution of a formal agreement in accordance with the terms set forth above and payment of the restitution. Upon compliance with those conditions, the charges would be dismissed with prejudice. I added the provision regarding time for payment of restitution in hopes of resolving the matter with finality as quickly as possible.

If the above accurately expresses our agreement as you understand it, please initial this letter and fax it back to me. If not, please let me know of any requested revisions. Upon your confirmation, I will fax a copy of this letter with your confirmation to Judge Carroll to act as our request that the charges be dismissed without prejudice pending our formal agreement.

With kind regards, I am,

Yours very truly,


W. Lawrence Brown



Cc: Clay Killian, County Administrator
Bobby Arthurs, Aiken County Animal Control

STATE OF SOUTH CAROLINA)

COUNTY OF AIKEN)

STATE/ AIKEN COUNTY)

VS)

CARLTON CANTRELL)
DEFENDANT)
_____)

IN THE SUMMARY COURT OF
AIKEN COUNTY

COURT RULING

AND

ORDER

This matter came before this Court, transferred from the Aiken Summary Court, upon a motion filed on the 5th day of December 2005 on behalf of the defendant, Carlton Cantrell, by Attorney Jeffery Moorehead seeking to be released from compliance with a plea agreement reached before the Honorable Judge Tracey Carroll on the 8th day of August 2005.

FINDINGS OF FACTS;

1. The defendant was charged on the 19th day of May 2005 by Aiken County Animal Control Officers with a violation of Aiken County Ordinance 97-4-17(4-68), commonly known as unsanitary conditions, under UTT 66501CD as well as § 47-1-40(a), ill treatment of animals, under UTT 66505CD.
2. The goats were seized and held by Aiken County Animal Control.
3. The animals were moved to a private farm due to the county facilities not being adequate to provide for long term boarding.

4. The defendant retained Attorney Everett Chandler for legal representation of the charges.
5. On the 5th day of August 2005 a plea agreement was reached by the parties which included the defendant, Attorney Chandler, Assistant Aiken County Attorney Lawrence Brown and Aiken County Animal Control Officer Bobby Arthurs in the presence of the Honorable Judge Tracey Carroll.
6. The terms of the plea agreement is as follows;
 - a. Mr. Cantrell will pay \$1800.00 restitution to Aiken County for expenses incurred in the keeping and care of the goats within fifteen days of the execution of the agreement.
 - b. Mr. Cantrell will repair the fencing on his property so that all of his animals will be secure and properly confined.
 - c. Mr. Cantrell will fix the house on the property to either prevent the goats from entering it altogether so that it will be safe for them. In no case are the goats to be confined in the house or under conditions that could be dangerous or injurious to their health.
 - d. Mr. Cantrell will follow the advice and instruction of Dr. Lisa Handy regarding the care and keeping of his animals (both goats and dogs) and the number of animals that he can properly maintain on his property.
 - e. Dr. Handy's guidelines and instructions as to Mr. Cantrell shall be provided to Aiken County Animal Control.
 - f. Dr. Handy must confirm to Aiken County Animal Control that Mr. Cantrell has complied with her recommendations and guidelines prior to the goats being returned to him.
 - g. After the animals are returned, Aiken County Animal Control will have the right to conduct quarterly inspections of Mr. Cantrell's property with prior notice for a period of one year.
 - h. Mr. Cantrell will retain Dr. Handy to perform unannounced inspections of the property at least quarterly for one year to assure that Mr. Cantrell is in compliance with her advice and instructions. She shall provide information as to her findings on those inspections to Aiken County Animal Control.
 - i. Mr. Cantrell will release Aiken County and any agencies, employees or agents thereof from any potential liability or claims that he may have as a result of this incident, his arrest and charges, and the seizure, keeping and care of the goats by Aiken County and Aiken County Animal Control.
7. The defendant paid the \$1800.00 in restitution to Aiken County and the goats were returned to the defendant.
8. The Aiken Summary Court conducted a Show Cause Hearing on the 12th of September 2005 upon the motion of the defendant, pro se, seeking to be released from the plea agreement and based upon the claim that Aiken County Animal Control had failed to return all of the seized animals and those animals returned being in poor physical condition.

9. The Aiken Summary Court received notice of representation on the 28th day of September 2005 from Attorney Jeffery Moorehead on behalf of the defendant and requesting any file materials concerning his client.
10. South Carolina Law Enforcement Division began an investigation of perjury involving one of the officials of Aiken County Animal Control who testified in the Show Cause Hearing conducted on the 28th day of September 2005. That official later admitted to investigators to committing perjury before the Court of the Honorable Judge Tracey Carroll. The investigation revealed that Aiken County Animal Control failed to obtain a accurate count of the number of animals seized, the number born while being held, and the number that died under the care of Aiken County which rendered the situation impossible to return all of the defendant's animals as well as some the animals held by the county were given to individuals instead being returned to the owner.
11. Attorney Moorehead filed a motion, on behalf of the defendant, on the 5th day of December 2005 seeking to be released from the plea agreement due the perjury by the county official and the failure of the county to return all animals.
12. The Honorable Judge Tracey Carroll recused herself and the case was transferred to this Court.
13. A Show Cause Hearing was held before the Court on the 9th day of February 2006, those present were the defendant, Carlton Cantrell, represented by Attorney Jeffery Moorehead as well as Assistant Aiken County Attorney Lawrence Brown and Aiken County Animal Control Officer Bobby Arthurs.
14. On the 20th day of February 2006, the Court ordered the parties to provide to the Court any case cites, statutes, and Attorney General Opinions pertaining to jurisdictional matters and authority, plea agreements as opposed to contractual obligations, fraud and issues pertaining to failure by the State to return property in a fair and prompt manner.

This Court recognizes the above, listed in the finding of facts, events to be factual and furthermore represent a fair and accurate portrayal in which to

apply any legal and pertinent issues concerning this motion by the Defendant as well as the actions by Aiken County Animal Control.

The Court reached the following decision based upon the preponderance of the evidence and the testimony of all witnesses as well as the filed legal briefs;

Attorney, for the defendant, Jeffery Moorehead argued that a guilty plea must be entered into voluntarily, knowingly, and intelligently on the part of the defendant based upon Boykin v. Alabama, 395U.S. 238, 89 S. Ct. 1709, 23 L.Ed.2d 274 (1969). The position, of the defense, is that failure by the Aiken County Animal Control to accurately count the number of animals to begin the seizure does not allow for a knowing and intelligent decision by a defendant while contemplating such a important decision. To further the issue, the defense contends that State v. Gates, 299 S.C. 92, 94-95, 382 S.E. 2d 886-887 (1989) clearly sets forth the opinion that plea agreements rest on contractual principles and argues the agreement was not fulfilled by Aiken County Animal Control due to their failure regarding the number of goats seized, the number of goats born during the time Aiken County held the goats, and the number of goats that died during this period.

The State offers to the Court the case of Newton v. Rumery, 480 U.S. 386 (1987) in support of their argument against setting aside the agreement between the parties. Assistant Aiken County Attorney Lawrence Brown argues that this agreement is best described as "release-dismissal" and the cited case recognizes the validity of these agreements. The Higher Court refused to set aside all "release-dismissal" as a per se rule invalidating all such agreements, but instead offered that they should be tested on a case by case basis and the below provides to the Court an insight of the cited case.

Assistant Aiken County Attorney Lawrence Brown concludes by offering to this Court that the defendant simply wishes to have his cake and to eat it too. He wants to negate the portion of the agreement that prevents him from bringing suit against Aiken County and the portion regarding his obligations of care and keeping the animals, but allow the provision that would prohibit his prosecution.

This Court recognizes and agrees with the State that the proper term to label the agreement is a

"release-dismissal" as opposed to a "plea-agreement", but there ends any agreement of views or conclusions of what is proper, correct, and lawful. To offer that the motion of the defense is an attempt to have his cake and to eat it too after failing to gain an exact count of the number of animals seized, the number born during the seizure, and the number that died during the seizure coupled with the fact that some of the animals were given away during the period they were held by the county and then for an official of Aiken County Animal Control to commit perjury while testifying to the number of goats leads this Court to assume that Aiken County considers itself above and immune to the laws and procedures that the citizens rightfully expect and demand. During the testimony before this Court it became quite clear that Aiken County Animal Control could in no way provide a clear and concise history of the number of animals under its control. The payment by the defendant of \$1800.00 to Aiken County may be called restitution in the agreement but this Court views that as a fine of a near maximum amount, had the defendant plead guilty to both the offenses charged he could only be fined a maximum total of \$2,174.00, only \$374.00 more. A comparison of the issues of this case to those of Newton v. Rumery, 480 U.S. 386 (1987) fails to provide a sound basis to render a decision with a goal of justice to all. The issues, listed below, concerning Newton v. Rumery, 480 U.S. 386 (1987) are:

Evidence supported finding that criminal defendant voluntarily entered into agreement to release his right to file a section 1983 action in return for prosecutor's dismissal of pending criminal charges; defendant was a sophisticated business man who was not in jail and was represented by an experienced criminal lawyer, who drafted the agreement; moreover, defendant considered the agreement for three days before signing it. 42 U.S.C.A. § 1983.

There is no information available to this Court in which to make the assumption that Mr. Cantrell is a sophisticated business man or that the defendant considered the agreement in any way. The record does show the defendant had representation at times in the process but at other times he filed pro se. This constitutes concern for this Court as to whether the defendant made the decision to comply in a voluntary, knowing, and intelligent manner as required and that legal counsel was available at the time of the decision to accept the terms of the "release-dismissal".

Release-dismissal agreement whereby criminal defendant released his right to file a section 1983 action in return for prosecutor's dismissal of pending criminal charges: was enforceable, where defendant voluntarily entered agreement, and there was no evidence of prosecutorial misconduct, inasmuch as prosecutor had legitimate reason to make agreement that was directly related to his prosecutorial responsibilities and was independent of his discretion in bringing criminal charges; significant consideration in prosecutor's decision

was fact that it spared victim of alleged sexual offense from public scrutiny and embarrassment she would have endured if she had been required to testify in either civil or criminal trial concerning defendant.

42 U.S.C.A. § 1902.

In sum, we conclude that this agreement was voluntary, that there is no evidence of prosecutorial misconduct, and that enforcement of this agreement would not adversely affect the relevant public interests. ^{FN10}

The major failure, of the argument by Aiken County, does not address the issue of the perjury by the official of the Aiken County Animal Control. In no way could a comparison with Newton v. Rumery, 480U.S.386(1987) make a sound legal basis in this case. The Higher Courts found no evidence of prosecutorial misconduct, in this case it is not only well documented but comes from a admission from that official. This Court realizes the need for Aiken County Animal Control to take action in this case, but to seize the personal property of a citizen due to improper care in light of the actions during and after seizure by the Aiken County Animal Control creates great concern for this Court. The failure of the Aiken County Animal Control to obtain an exact count of the number of animals seized, the number born while in possession of the Aiken County Animal Control, and the number that died while in possession of the Aiken County Animal Control appears to place the county in the same light of the defendant. The county could have better served the situation by leaving the animals at the property of the defendant while daily monitoring the condition of the goats to insure the proper care and attention was provided. The above issues cause great concern for this Court, but the addition of perjury by the official of the Aiken County Animal Control that made the decision to seize the goats and charge the defendant portrays Aiken County as above the laws and ordinances that they are mandated to enforce on behalf of the citizens. The actions taken by the county are in no way in the best interest of the citizens nor do they attempt to seek the justice that the people of Aiken County, South Carolina expect and deserve.

The argument, by Aiken County, not to set aside the "release-dismissal" further disturbs this Court as to the reason and intentions of the county. The opposition by Aiken County of the motion is frivolous, time consuming, and improper, furthermore Aiken County upon knowledge of the perjury and the failures of Aiken County Animal Control to properly handle the situation, should have acted quickly to set aside the agreement. To offer the arguments and compare these circumstances to Newton v. Rumery, 480U.S.386 (1987) is akin to perpetuating the prior failures of the county. This Court concludes that to enforce the "release-dismissal" is contrary to the constitutional and statutory rights of a defendant and to continue this action would be detrimental to public policy and the best interests of all.

Should Aiken County have continued concerns as to the welfare of the animals owned by the

defendant this Court cautions the county to pursue the issues with better regard of the proper manner of seizure of personal property and the necessity of a accurate inventory to begin a seizure. The opinions of the South Carolina Supreme Court in State v. Thrift, 312S.C. 282, 440 S.E. 2d 341, referenced United States v. Ringling, 988 F.2d 504 (4th Cir. 1993) that "the government had to be held to a higher degree or responsibility than the defendant for imprecisions or ambiguities". Aiken County and this Court must hold to the ideal that the defendant is innocent until proven guilty and for the county to argue to deny the motion by the defense to set aside the agreement on the basis the defendant has "unclean hands" after the actions by the county does not constitute justice, in fact it appears to be a abuse of power. Aiken County Animal Control began as a proper investigation into the conditions of the animals under the care of the defendant, but quickly degraded into a abuse of power. These actions, by Aiken County Animal Control, may be best discribed by a quote from A. Barlett Giamatti, " Nearly all men can stand adversity, but if you want to test a man's character, give him power". Aiken County has failed this test of character in a clear and flagrant manner.

STATE OF SOUTH CAROLINA)
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COUNTY OF AIKEN)
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STATE/ AIKEN COUNTY)
)
VS)
)
)
CARLTON CANTRELL)
DEFENDANT)
)
_____)

IN THE SUMMARY COURT OF
AIKEN COUNTY

COURT RULING

AND

ORDER

THEREFORE; IT IS ORDERED

This Court hereby grants the motion of the defendant to set aside the "release-dismissal" in all parts. The monies paid as restitution shall be returned to the defendant within the same time frame as was paid by the defendant to the county.

IT IS SO ORDERED, this 17th day of January , 2007.



Judge Patrick D. Sullivan
Aiken County, South Carolina

STATE OF SOUTH CAROLINA

COUNTY OF: AIKEN

Carlton E. Cantrell, Plaintiff,

vs.

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

) IN THE COURT OF COMMON PLEAS

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SUMMONS

FILE NO.

08-CP-02887

TO THE DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein,
a copy of which is herewith served upon you, and to serve a copy of your answer to this
complaint upon the subscriber, at the address shown below, within thirty (30) days after
service hereof, exclusive of the day of such service, and if you fail to answer the
complaint, judgment by default will be rendered against you for the relief demanded in
the complaint.

Aiken, South Carolina

Carlton E. Cantrell

Plaintiff/Attorney for Plaintiff

Dated: 05/19/08

Address: 223 Middle Branch Road, Aiken, SC 29805

COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

MAY 19 2008

Liz Godard
C.C.C.P. & G.A., Aiken County, S.C.
Barbara Riggs
Deputy Clerk

SCCA 401 (5/02)

5-19 8
Liz Godard
C.C.C.P. & G.S.
ar 11:10 AM
Deputy Clerk

STATE OF SOUTH CAROLINA

COUNTY OF: AIKEN

Carlton E. Cantrell, Plaintiff,

vs.

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

) IN THE COURT OF COMMON PLEAS

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~~SUMMONS~~

Complaint

FILE NO.

08-CP-02-887

On May 19, 2005 at 8:30 a.m., Aiken County Animal Control Director Shirley Hardin and Animal Control Officer Bobby Arthurs arrived at my Aiken County home located at 724 Muddy Branch Road together with two Aiken County Sheriff's Deputies and issued me two citations – one for a violation of Aiken County Ordinance 97-4-17(4-68), commonly known as unsanitary conditions, under UTT 66501CD and another for § 47-1-40(a), ill-treatment of animals, under UTT 66505CD.

Then, against my wishes, they proceeded to seize more than 200 goats from my property.

I immediately called Channel 12 News whose cameramen arrived in time to film the seizure in progress.

That afternoon, Dr. Jamie Carter, a local veterinarian, visited my home and stated he believed they had made a mistake and should not have taken my animals.

5-19-05
Shirley Hardin
CLCP & GS
11:10 AM
Deputy Clerk

Additionally, my veterinarian, Dr. Lisa Handy, told me that if the Aiken County Animal Control Officers had followed standard procedure, "This never would have happened, as there is no such thing as unsanitary conditions for goats, cows, or pigs."

The following Sunday, County Council Member Cathy Rawls visited my home and stated that she, too, thought the Defendants had overstepped their authority and made a mistake in taking my animals.

Subsequently, on August 8, 2005, a plea agreement was reached in Judge Tracey L. Carroll's Court stating all charges against me would be dismissed without prejudice pending execution of a formal agreement in which I would release Aiken County and any agencies, employees or agents thereof from any potential liability or claims that I may have as a result of this incident, my arrest and charges, and seizure, keeping and care of the goats by Aiken County and Aiken County Animal Control, and all of the goats seized would be returned to me after I paid an \$1800 fine. However, after paying the fine, on August 29, 2005, only 163 goats were returned – far fewer than the original number seized. Additionally, an estimated 40+ newborns delivered while in the County's custody were given away with no compensation to me. Even worse, 57 of the goats returned died within weeks from worm infestations, mange and malnutrition suffered while held by the County.

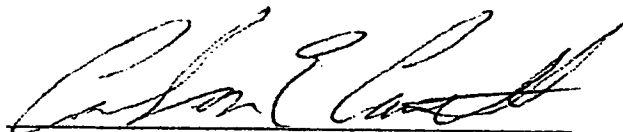
I then filed another Motion informing Judge Carroll of these events, and another hearing was held on September 12, 2005, which resulted in Judge Carroll's Order for SLED to investigate allegations of perjury, breach of trust and misconduct in office involving Aiken County Animal Control. Animal Control Director Shirley Harden was subsequently charged with perjury.

This matter was transferred from the Aiken Summary Court to Judge Patrick Sullivan's Court based upon a Motion filed on the 5th day of December on behalf of the then defendant, Carlton Cantrell, by Attorney Jeffery Moorehead seeking to be released from compliance with a plea agreement reached before the Honorable Judge Tracey Carroll on the 8th day of August, 2005.

On October 3, 2007, Judge Sullivan issued a Court Order granting the "release-dismissal" would be set aside in its entirety, and ordered that the monies paid as restitution, shall be returned to me.

All charges against me were dismissed and I did receive my \$1800 back. And now, by copy of this Affidavit hereby indicate my intention to sue Aiken County, and the other named defendants for the mental anguish I suffered when charged with ill-treatment of animals and unsanitary conditions, all costs associated with loss of animals seized and not returned, subsequent veterinary expenses for animals returned ill and in poor condition, and for financial damages incurred in my successful defense against these false charges, and financial awards for damages I suffered personally from this attack as well as the

various mistreatments done to my animals, and any other such financial award(s) deemed appropriate by the Court.

A handwritten signature in black ink, appearing to be "Carlson E. Carlson", written over a horizontal line.

Plaintiff

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

Carlton E. Cantrell, Appellant,

v.

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

Of whom Judge Charles T.
Carter is the Respondent.

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No. 2010-UP-533
Submitted December 1, 2010 – Filed December 14, 2010

AFFIRMED

Carlton Cantrell, pro se, for Appellant.

James M. Holly, of Aiken, for Respondent.

PER CURIAM: Carlton E. Cantrell appeals the trial court's order granting summary judgment in favor of Magistrate Judge Charles T. Carter. The trial court found Carter's complaint contained no allegation whatsoever concerning Carter, and even if it did, Carter was acting in his official capacity and therefore immune from liability. We affirm¹ pursuant to Rule 220(b)(1), SCACR, and the following authority: State v. Howard, 384 S.C. 212, 217, 682 S.E.2d 42, 45 (Ct. App. 2009) ("An issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority.").

AFFIRMED.

HUFF, KONDUROS, and LOCKEMY, JJ., concur.

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

STATE OF SOUTH CAROLINA

COUNTY OF: AIKEN

Carlton E. Cantrell, Plaintiff/Appellant

vs.

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

) IN THE COURT OF COMMON PLEAS

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SUMMONS

2011CP0201480

FILE NO.

FILED 7.7.2011

Shirley Hardin
C.C.P. & G.S.

Arita Knoepfle 40
Deputy Clerk

TO THE DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein,
a copy of which is herewith served upon you, and to serve a copy of your answer to this
complaint upon the subscriber, at the address shown below, within thirty (30) days after
service hereof, exclusive of the day of such service, and if you fail to answer the
complaint, judgment by default will be rendered against you for the relief demanded in
the complaint.

Carlton E. Cantrell

Carlton E. Cantrell, Pro Se
Plaintiff/Appellant
223 Muddy Branch Road
Aiken, SC 29805

Dated: 07/07/11

SCCA 401 (5/02)

STATE OF SOUTH CAROLINA

COUNTY OF: AIKEN

Carlton E. Cantrell, Plaintiff/Appellant

vs.

Aiken County,

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

) IN THE COURT OF COMMON PLEAS

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SUMMONS *Complaint*

2011CP0201480

FILE NO.

On May 19, 2005 at 8:30 a.m., Aiken County Animal Control Director Shirley Hardin and Animal Control Officer Bobby Arthurs arrived at my Aiken County home located at 724 Muddy Branch Road together with two Aiken County Sheriff's Deputies and issued me two citations authorized by Judge T. Carter – one for a violation of Aiken County Ordinance 97-4-17(4-68), commonly known as unsanitary conditions, under UTT 66501CD and another for § 47-1-40(a), ill-treatment of animals, under UTT 66505CD.

Then, against my wishes, they proceeded to seize more than 200 goats from my property.

I immediately called Channel 12 News whose cameramen arrived in time to film the seizure in progress.

Later, my veterinarian, Dr. Lisa Handy, told me that if the Aiken County Animal Control Officers had followed standard procedures, "This never would have happened, as there is no such thing as unsanitary conditions for goats, cows, or pigs."

On June 15, 2005, I hired Everett K. Chandler as my lawyer, and he notified Judge Charles T. Carter the same day that he was representing me in this matter.

On June 20, 2005, Everett Chandler requested the venue be changed to Judge Tracy L. Carroll's Court for a jury trial. Since a jury strike was scheduled for July 8, 2005, the trial was scheduled to begin August 8, 2005.

A week before the trial, Mr. Chandler called me into his office and showed me a Plea Agreement that Animal Control's lawyer, Lawrence Brown, had produced. After discussing this with my attorney, I told him I still wanted a jury trial.

Mr. Chandler slammed his fist on his desk and declared, "I'm driving this boat Mr. Cantrell, and we're going to do this my way."

At this point I did not feel I could trust my lawyer to represent me properly and I was forced into a Plea Agreement against my wishes. But, I insisted that my veterinarian, Dr. Lisa Handy, be allowed to monitor the care, feeding, and general welfare of the seized animals until they were returned to me.

Subsequently, on August 8, 2005, a Plea Agreement was reached in Judge Tracey L. Carroll's Court stating all charges against me would be dismissed without prejudice pending execution of a formal agreement in which I would release Aiken County and any agencies, employees or agents thereof from any potential liability or claims that I may have as a result of this incident, my arrest and charges, and seizure, keeping and care of the goats by Aiken County and Aiken County Animal Control, and all of the goats seized would be returned to me after I paid an \$1800 fine. However, after paying the fine, on August 29, 2005, only 163 goats were returned – far fewer than the original number seized. Additionally, an estimated 40+ newborns delivered while in the County's custody were given away with no compensation to me. Even worse, 57 of the goats returned died within weeks from worm infestations, mange and malnutrition suffered while held by the County.

I then filed another Motion informing Judge Carroll of these events, and another hearing was held on September 12, 2005, which resulted in Judge Carroll's Order for SLED to investigate allegations of perjury, breach of trust and misconduct in office involving Aiken County Animal Control. Animal Control Director Shirley Harden was subsequently charged with perjury.

Soon after this development, I hired another lawyer, Jeffery Moorehead, to replace my previous counsel, and asked him to file a Motion on my behalf to move the case to Judge Patrick Sullivan in New Ellenton.

Several weeks later, I called Mr. Moorehead and asked if he had filed a Motion on my behalf and he said he had.

Then I called Judge Tracy Carroll's Court and asked them if they had heard from Mr. Moorehead. They said nothing had been received from Mr. Moorehead and that I needed to fire him and get a new lawyer. Instead, I called him, told him what they had just told me, and asked him if he had filed the Motion. He said he had faxed it to them and would immediately do so again, which he did. This time they reported getting the Motion via fax, which I confirmed by telephoning them the same day.

This matter was transferred from the Aiken Summary Court to Judge Patrick Sullivan's Court based upon a Motion filed on the 5th day of December on behalf of the then defendant, Carlton Cantrell, by Attorney Jeffery Moorehead seeking to be released from compliance with a plea agreement reached before the Honorable Judge Tracey Carroll on the 8th day of August, 2005.

On October 3, 2007, Judge Sullivan issued a Court Order granting the "release-dismissal" would be set aside in its entirety, and ordered that the monies paid as restitution, to be returned to me.

All charges against me were dismissed and I did receive my \$1800 back. And now, by copy of this Affidavit hereby indicate my intention to sue Aiken County, and the other named defendants for the mental anguish I suffered when charged with ill-treatment of

animals and unsanitary conditions, all costs associated with loss of animals seized and not returned, subsequent veterinary expenses for animals returned ill and in poor condition, and for financial damages incurred in my successful defense against these false charges, and financial awards for damages I suffered personally from this attack as well as the various mistreatments done to my animals, legal fees incurred in my successful defense, and any other such financial award(s) deemed appropriate by the Court.



Carlton E. Cantrell, Pro Se
223 Muddy Branch Road Aiken, SC 29805
803-215-4747
Plaintiff/Appellant

July 7, 2011

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN

) Civil Action Number: 11-CP-02-01480

Carlton E. Cantrell,

)

Plaintiff,

) PROPOSED ORDER ON BEHALF OF PLAINTIFF

v.

Aiken County, Aiken County Animal

Control Director Shirley Harden,

Aiken County Animal Control Officer

Bobby Arthurs,

and Judge Charles T. Carter.

Defendants

To Judge Early, Aiken County Court of Common Pleas:

I purchased my first goat in 1993. I met Dr. Lisa Handy in 1996 when she moved her practice to Aiken, and she has been my veterinarian of choice since that time. As a result, she has been to my house on several occasions, and once stated that she had seen other people make barns out of houses before.

She taught me how to take care of them, and has recommended and provided them with any necessary medical treatments. For example, when several of my goats died of unknown causes, she recommended taking them to Clemson University for autopsy, which I did. One of the doctors there explained to me that their throats, rumens and intestines exhibited severe damage which he stated was most likely caused by Drano administered forcibly down their throats.

In 2002 I went to see Judge Fallaw with a complaint and a list of people that were poisoning my animals and threatening my life, as well. Judge Fallaw later called the Sheriff's Dept. When the Deputy arrived, he and the Judge went behind closed doors for approximately 30 minutes and the Deputy left. The Judge then told me there was nothing he could do, but recommended I contact the Governor's Office. Gov. Hodges was then in office, but it was an election year and Mark Sanford won the election.

Mark Sanford had an open door policy, so I was able to schedule an appointment with him in the Spring of 2003. Following our meeting Gov. Sanford told me he would contact Chief Stewart of SLED who would follow-up with me. The Governor sent me a letter confirming our conversation, but no-one from SLED ever talked with me.

In the Spring of 2005, I called Animal Control regarding my goats being poisoned again. Bobby Arthurs and other officers arrived and I gave them the names of the people doing this to me and my animals, and told them I had surveillance tapes which documented these events.

Approximately two weeks later, Bobby Arthurs and Shirley Hardin and other Sheriff's Dept., personnel arrived at my home with two warrants and proceeded to load my goats into trailers. I called Channel 12 News which arrived 15 minutes later and filmed the seizure and my on-camera interview.

After they left with my goats, Dr. Jamie Carter, a veterinarian, came by and walked around my property with me and said, "Animal Control made a big mistake doing this."

The following Sunday, Cathy Rawls of the Aiken County Council came by my house, looked at the remaining dogs and goats and stated that they looked quite healthy. She said she was going to fight to get my animals back. Subsequently, I contacted Everett Chandler to represent me in this matter.

While my animals were being held at the Animal Shelter, I went to visit them several times each week. Each time I went, I could see they were in visibly poorer condition. Mr. Chandler asked Dr. Lisa Handy to visit my animals in the County's possession and observe their deteriorated condition since being removed from my farm, which she did. And she was shocked at what she found – a dead goats among living animals, several couldn't walk due to malnutrition, and no water or food was available to ones in small pens, even though the temperature was over 100 degrees Fahrenheit. Dr. Handy suggested to the County Administrator that the animals be returned to my farm, but instead they moved my animals to a farm in New Holland before she could do an inspection – see attached copy of her letter to my attorney, Everett Chandler, dated 7-26-05.jj

Just before the trial my vetermarian Lisa Handy came to my house with Animal Control and looked around and after they left, she told me Gene the Law is very corrupt and if Animal Control had followed their procedures thes would have never happened because their must first,always be a veterinarian involved and their wasn't secondly they must issue a warning and give time to correct any problems and they didnt, besides all this there is no such thing has unsanitary conditions for goats cows, and pigs.

About this time my Lawyer Evrett Chandler had dissapeared and his secretary told me he had went to Mirtle Beach for a meating and the next several days he was in Atlanta. About a week befor the trial Everett Chandler called me into his office and handed me a plea agreement which I read and I said what happened to the trial he said I don't feel cmfortable doing a trial and I said that I want a trial and he slamed his fist down on the desk in front of me and shook his finger at me and said im driving this boat Mr. Cantrell and were going to do this my way. I couldn't trust my Lawyer Evrett Chandler at this point its like he had turned on me. So I said that I wanted my vetermarian Lisa Handy to be in charge of my animals the goats and the dogs, Clarence Brown did want to do it but they had no choice.

A Boyus Seigler came to my house and said that Cathy Rawles was very angry at Everett Chandler and told him that he had better straighten up.

On the day of the trial on Aug-8-05 my Lawyer Everett Chandler came to me and said if you want a trial y wil give you a trial but I couldn't trust him to give me a fair respresentation . My Veterinarian Lisa Handy told me to go ahead and sign the plea agreement and she told me her experiences with contracts is that they ;d;ont hold up in court. So I signed the plea agreement.

On August 30, 20 05. My veterinarian Lisa Handy called me and said that my goats were on the way back to my farm and that she would come by later because she had an emergency call. The first two trailer loads looked good and healthy but the third trailer load looked bad, there were two dead on the trailer and another one died later that day. I counted close to sixty eight goats missing not including the goats that were born at the shelter. When Dr. Handy arrived at my farm and saw their condition she told me to carry the dead ones to Clemson University for autopsies to determine cause of death. And, she told me, " Gene you need to sue them for what they did to your animals." She took some pictures and before she left she said, " Gene no matter what they will never take your goats again."

I went back to Judge Carroll's court in Aiken and filed a motion to bring Animal Control back to court. In Court Judge Carroll requested that all records on my animals be brought to court. Back in Carroll's court, Animal Control did not produce reliable numbers of goats and new- borns and Carrol said "This is the worst case of record-keeping that I have ever seen." She told me if I wanted to I could seek a Civil Suit for the damages that Animal Control personnel had done.

About two hours after court was over I got a call from Carroll's secretary telling me that SLED would be investigating this matter.

Several months later, it was on TV that Shirley Harden had been removed as Animal Control's Director and charged with perjury.

I got another lawyer, Jeffrey. Moorehead, and asked him to make a motion to take this matter to Judge Sullivan Court in New Ellenton to get the Plea Agreement removed and the \$1800 back that I had paid in fines. About two weeks later I called Judge Carroll's Court and asked if she had heard anything from my lawyer Jeffrey Moorehead and she said that she hadn't heard anything. However, when I called and spoke with him, he said he had faxed it to them, and would do so again.

Accordingly, a motion was sent to Judge Carroll on Dec. 28, 2005 to go to Judge Patrick Sullivan's Court in New Ellenton.

In early January of 2006, two of my neighbors -- Lisa and Larry Shepard -- came to my house and said they knew Bobby Authurs and that he had the rest of my goats on his property at Kitchens Mill. I immediately called Mr. Moorhead and told him what they had said and that I wanted to bring them to court.. Mr. Morehead told me that there wasn't enough time to get them to Court and that I would get another day in Court and could bring them in then. On the day of Court I told Sullivan that I had two witnesses that knew where the rest of my goats were and he said, " Where are these witnesses?"

Before this Hearing, my attorney had told me I would have another day in Court, but Judge Sullivan said this is the only day you will get in court.

I now realize my attorney did not properly represent my best interests and this was probably the last chance I had to get the rest of my goats back. Mr. Moorehead never once mentioned anything about my witnesses and what he had told me about another day in court.

**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**

Carlton E. Cantrell, Appellant,

v.

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

Appellate Case No. 2011-200486

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No. 2012-UP-662
Submitted November 1, 2012 – Filed December 19, 2012

AFFIRMED

Carlton E. Cantrell, of Aiken, pro se.

William H. Davidson, II, and Daniel C. Plyler, of
Davidson & Lindemann, PA, of Columbia, for
Respondents.

The South Carolina Court of Appeals

Carlton E. Cantrell, Appellant,

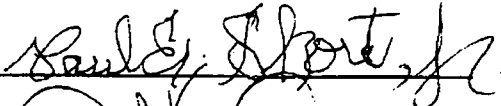
v.

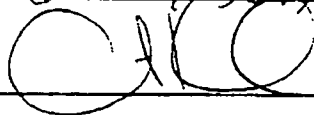
Aiken County; Aiken County Animal Control Director,
Shirley Hardin; Aiken County Animal Control Officer,
Bobby Arthurs; Judge Charles T. Carter, Respondents.

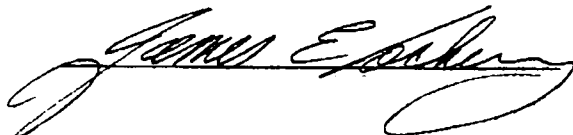
Appellate Case No. 2011-200486

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

cc: Carlton Cantrell
Daniel Clifton Plyler
William H. Davidson, II

FILED

25 January 2013

STATE OF SOUTH CAROLINA

COUNTY OF

Aiken

Carlton E. Cantrell

Plaintiff(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2014 -CP- 02 00879

Aiken County Etal

Defendant(s)

(Please Print)

Submitted By:

Carlton E. Cantrell

Address:

223 Muddy Branch Rd
Aiken SC 29805

SC Bar #:

Telephone #:

803 215 4747

Fax #:

Other:

E-mail:

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|---|---|---|
| ☐ Contracts
☐ Constructions (100)
☐ Debt Collection (110)
☐ Employment (120)
☐ General (130)
☐ Breach of Contract (140)
☐ Other (199) | ☐ Torts - Professional Malpractice
☐ Dental Malpractice (200)
☐ Legal Malpractice (210)
☐ Medical Malpractice (220)
☒ Notice/ File Med Mal (230)
☐ Other (299) | ☐ Torts - Personal Injury
☐ Assault/Battery (300)
☐ Conversion (310)
☐ Motor Vehicle Accident (320)
☐ Premises Liability (330)
☐ Products Liability (340)
☐ Personal Injury (350)
☐ Wrongful Death (360)
☐ Other (399) | ☐ Real Property
☐ Claim & Delivery (400)
☐ Condemnation (410)
☐ Foreclosure (420)
☐ Mechanic's Lien (430)
☐ Partition (440)
☐ Possession (450)
☐ Building Code Violation (460)
☐ Other (499) |
| ☐ Inmate Petitions
☐ PCR (500)
☐ Mandamus (520)
☐ Habeas Corpus (530)
☐ Other (599) | ☐ Judgments/Settlements
☐ Death Settlement (700)
☐ Foreign Judgment (710)
☐ Magistrate's Judgment (720)
☐ Minor Settlement (730)
☐ Transcript Judgment (740)
☐ Lis Pendens (750)
☐ Other (799) | ☐ Administrative Law/Relief
☐ Reinstate Driver's License (800)
☐ Judicial Review (810)
☐ Relief (820)
☐ Permanent Injunction (830)
☐ Forfeiture-Petition (840)
☐ Forfeiture-Consent Order (850)
☐ Other (899) | ☐ Appeals
☐ Arbitration (900)
☐ Magistrate-Civil (910)
☐ Magistrate-Criminal (920)
☐ Municipal (930)
☐ Probate Court (940)
☐ SC/DOT (950)
☐ Worker's Comp (960)
☐ Zoning Board (970)
☐ Administrative Law Judge (980)
☐ Public Service Commission (990)
☐ Employment Security Comm (991) |
| ☐ Special/Complex/Other
☐ Environmental (600)
☐ Automobile Arb (610)
☐ Medical (620)
☐ Other (699) | ☐ Pharmaceuticals (630)
☐ Unfair Trade Practices (640)
☐ Out-of-State Depositions (650)
☐ Sexual Predator (610) | ☒ Conspiracy
4-16-14
L. H. Haddad
J.C.P. & G.S.
Anita Knoedler
Deputy Clerk | |

Submitting Party Signature:

Date:

4-16-14

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF: AIKEN

SUMMONS

Carlton E. Cantrell, Plaintiff/Appellant

2014CP0200879

FILE NO.

VS.

Aiken County.

Aiken County Animal Control Director, Shirley Hardin.

Aiken County Animal Control Officer Bobby Arthurs, and

Judge Charles T. Carter, Defendants

4-16-14

[Signature]
D.C. CLERK
[Signature] 940
Deputy Clerk

TO THE DEFENDANT(S) ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein,
a copy of which is herewith served upon you, and to serve a copy of your answer to this
complaint upon the subscriber, at the address shown below, within thirty (30) days after
service hereof, exclusive of the day of such service, and if you fail to answer the
complaint, judgment by default will be rendered against you for the relief demanded in
the complaint.

[Signature]
Carlton E. Cantrell, Pro Se
Plaintiff/Appellant
223 Muddy Branch Road
Aiken, SC 29805

Dated: 04/16/14

SCCA 401 (5/02)

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS

COUNTY OF: AIKEN)

Complaint

Carlton E. Cantrell, Plaintiff/Appellant

2014CP0200879
FILE NO.

vs.

Aiken County.

Aiken County Animal Control Director, Shirley Hardin.

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

4-16-14
Shirley Hardin
A.C.C.P. & O.S.
Anita Knoche 940
Deputy Clerk

On May 19, 2005 at 8:30 a.m., Aiken County Animal Control Director Shirley Hardin and Animal Control Officer Bobby Arthurs arrived at my Aiken County home located at 724 Muddy Branch Road together with two Aiken County Sheriff's Deputies and issued me two citations authorized by Judge T. Carter — one for a violation of Aiken County Ordinance 97-4-17(4-68), commonly known as unsanitary conditions, under UTT 66501CD and another for § 47-1-40(a), ill-treatment of animals, under UTT 66505CD.

Then, against my wishes, they proceeded to seize more than 200 goats from my property.

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Later, my veterinarian, Dr. Lisa Handy, told me that if the Aiken County Animal Control Officers had followed standard procedures, "This never would have happened, as there is no such thing as unsanitary conditions for goats, cows, or pigs."

On June 15, 2005, I hired Everett K. Chandler as my lawyer, and he notified Judge Charles T. Carter the same day that he was representing me in this matter.

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A week before the trial, Mr. Chandler called me into his office and showed me a Plea Agreement that Animal Control's lawyer, Lawrence Brown, had produced. After discussing this with my attorney, I told him I still wanted a jury trial.

Mr. Chandler slammed his fist on his desk and declared, "I'm driving this boat Mr. Cantrell, and we're going to do this my way."

At this point I did not feel I could trust my lawyer to represent me properly and I was forced into a Plea Agreement against my wishes. But, I insisted that my veterinarian, Dr. Lisa Handy, be allowed to monitor the care, feeding, and general welfare of the seized animals until they were returned to me.

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This matter was transferred from the Aiken Summary Court to Judge Patrick Sullivan's Court based upon a Motion filed on the 5th day of December on behalf of the then defendant, Carlton Cantrell, by Attorney Jeffery Moorehead seeking to be released from compliance with a plea agreement reached before the Honorable Judge Tracey Carroll on the 8th day of August, 2005.

On October 3, 2007, Judge Sullivan issued a Court Order granting the "release-dismissal" would be set aside in its entirety, and ordered that the monies paid as restitution, to be returned to me.

All charges against me were dismissed and I did receive my \$1800 back.

Mr. Cantrell went to his lawyer Michael Chesser and asked him if he would help with the Appeal of Judge Early's decision that was heard in Court on August 8 2011.

Mr. Chesser said that he would do the whole Appeal cash, but he didn't want his name on the Appeal.

Mr. Chesser did the Initial Brief but not the Final Brief, he left out the Proposed Order that Judge Early's decision was based on from the Record of Appeal, and was at least 120 days late ordering the Transcript from the Court Reporter.

Mr. Cantrell went to see Elizabeth Carter who was handling his Appeal at the Court of Appeals, and she said even though Mr. Chesser's name is on this Appeal he will still be held accountable for the Appeal and that she would contact Mr. Chesser and get back with Mr. Cantrell

Mr. Cantrell never heard anymore from the Court of Appeals concerning this matter.

Mr. Cantrell contacted Mr. Chesser by phone for regards to the Appeal and Mr. Chesser said that powers to be told him that it wasn't in his best interest to continue with this Appeal because he could be held responsible for his actions.

After the Court of Appeals ruled in favour of the defendants on December 19 2012. Mr. Cantrell did the Potition for Rehearing himself and and the Court of Appeals ruled in favour of the Trial Court on January 25, 2013.

Mr. Cantrell did the Petition for writ of Certiorari prosae.

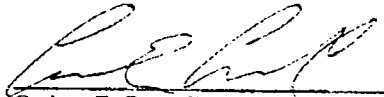
On March 19, 2014 The Supreme Court denied Mr. Cantrell's Writ of Certiorari.

The evidence of the correspondance letters and verbal response of Mr. Chesser and Elizabeth Carter of the Appeals Court reveals that the Transcript was being used has a means of throwing out the Appeal, but because their was an investigation on the said lawyers in this complaint the Appeals Court let it slide through.

All this evidence was brought before The Supreme Court in the Writ of Certiorari, but no investigation was preformed by the Supreme Court.

And now, by copy of this Affidative nearby indicate my intention to sue Aiken County, and the other named defendants for the mental anguish I suffered when when charged with ill-treatment of,

animals and unsanitary conditions, all costs associated with loss of animals seized and not returned, subsequent veterinary expenses for animals returned ill and in poor condition, and for financial damages incurred in my successful defense against these false charges, and financial awards for damages I suffered personally from this attack as well as the various mistreatments done to my animals, legal fees incurred in my successful defense, and any other such financial award(s) deemed appropriate by the Court.

 4-16-14
Carlton E. Cantrell, Pro Se
223 Muddy Branch Road Aiken, SC 29805
803-215-4747
Plaintiff/Appellant

) IN THE COURT OF COMMON PLEAS

Civil Action Number: 2014-CP-02-879

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**NOTICE OF MOTION AND MOTION
TO DISMISS, OR IN THE
ALTERNATIVE FOR SUMMARY
JUDGMENT, FOR SANCTIONS, AND
FOR INJUNCTIVE RELIEF ON
BEHALF OF THE DEFENDANTS**

YOU WILL PLEASE TAKE NOTICE, that the undersigned counsel for the Defendants will move before the Presiding Judge of the Second Judicial Circuit at the Aiken County Courthouse, Aiken, South Carolina, at such time and place as may be set by the Court, for an Order, pursuant to Rule 12, SCRPC, dismissing this case with prejudice and awarding sanctions against the Plaintiff pursuant to Rule 11, SCRPC and S.C. Code Ann. § 15-36-10, as well as asking that injunctive relief be granted on behalf of the Defendants, on the following grounds:

1. Defendants Hardin, Arthurs, and Carter are entitled to absolute employee immunity under the South Carolina Tort Claims Act, S.C. Code Ann. §§ 15-78-10 *et seq.* The Tort Claims Act "constitutes the exclusive remedy for any tort committed by an employee of a governmental entity." S.C. Code Ann. § 15-78-70(a). An employee of a governmental entity is immune from liability for tortious acts committed within the scope of his or her official duties. *See, Flateau v. Harrelson*, 355 S.C. 197, 584 S.E.2d 413 (Ct. App. 2003). Therefore, the

Plaintiff's allegations, as to Defendants Hardin, Arthurs, and Carter, must be dismissed as a matter of law.

2. The Defendants assert that the Plaintiff's claims are barred by the provisions of the South Carolina Tort Claims Act, S.C. Code Ann. §§ 15-78-10 *et seq.*, including but not limited to § 15-78-60(3) and (4).

3. Pursuant to the allegations contained on the face of the Complaint, the Plaintiff's claims are time-barred pursuant to the applicable statute of limitations, and therefore this matter must be dismissed. *See*, S.C. Code Ann. § 15-78-110; *see also*, *Flateau v. Harrelson*, 355 S.C. 197, 584 S.E.2d 413 (Ct. App. 2003).

4. The Plaintiff's claims are barred by the doctrines of *res judicata* and/or collateral estoppel, as these same claims have previously been litigated, on two separate occasions, in this very court against these same Defendants. *See*, Civil Action No. 08-CP-02-887 and Civil Action No. 11-CP-02-01480; *see also*, Exhibit A.

5. Defendant Carter is entitled to Judicial Immunity, and therefore the Plaintiff's claims against Defendant Carter must be dismissed. *See*, Unpublished Opinion of South Carolina Court of Appeals 2010-UP-533.

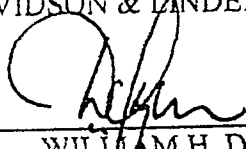
6. The Plaintiff's Complaint fails to state a claim against these Defendants upon which relief can be granted.

7. The Defendants assert that the Plaintiff's allegations are wholly frivolous and/or malicious in nature, specifically given the fact that these same claims have already been litigated by these same parties in this same court on two previous occasions; and the Defendants therefore ask for sanctions to be determined by the Court in accordance with the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10, and for the costs incurred by the

associated with this matter. Furthermore, the Defendants assert that sanctions would also be appropriate under Rule 11(a), SCRCP.

This motion is based on the pleadings, South Carolina Rules of Civil Procedure, the Laws of the State of South Carolina, the Case Law of the State of South Carolina, and such other matters as may be properly presented to the Court at the time of the hearing.

DAVIDSON & LANDEMAN, P.A.

By: 

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Counsel for the Defendants

Columbia, South Carolina

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

Carlton E. Cantrell, Appellant,

v.

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

Of whom Judge Charles T. Carter is the Respondent.

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No. 2010-UP-533
Submitted December 1, 2010 – Filed December 14, 2010

AFFIRMED

Carlton Cantrell, pro se, for Appellant.

James M. Holly, of Aiken, for Respondent.

PER CURIAM: Carlton E. Cantrell appeals the trial court's order granting summary judgment in favor of Magistrate Judge Charles T. Carter. The trial court found Carter's complaint contained no allegation whatsoever concerning Carter, and even if it did, Carter was acting in his official capacity and therefore immune from liability. We affirm^[1] pursuant to Rule 220(b)(1), SCACR, and the following authority: State v. Howard, 384 S.C. 212, 217, 682 S.E.2d 42, 45 (Ct. App. 2009) ("An issue is deemed abandoned and will not be considered on appeal if the argument is raised in a brief but not supported by authority.").

AFFIRMED.

HUFF, KONDUROS, and LOCKEMY, JJ., concur.

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

Exhibit B

2, 130 L.Ed.2d 1 (1994); *In re Anderson*, 511 U.S. 364, 114 S.Ct. 1606, 128 L.Ed.2d 332 (1994); *In re Demos*, 500 U.S. 16, 111 S.Ct. 1569, 114 L.Ed.2d 20 (1991); *In re Sindram*, 498 U.S. 177, 111 S.Ct. 596, 112 L.Ed.2d 599 (1991); *In re McDonald*, 489 U.S. 180, 109 S.Ct. 993, 103 L.Ed.2d 158 (1989). Other courts have required that the abusive litigant file an affidavit certifying that he believes the petition raises an original claim or is nonfrivolous before accepting filings from the litigant. *In the Matter of Verdone*, 73 F.3d 669 (7th Cir.1995); *Abdul-Akbar v. Watson*, 901 F.2d 329 (3d Cir.1990); *Green v. Warden*, 699 F.2d 364 (7th Cir.), *cert. denied*, 461 U.S. 960, 103 S.Ct. 2436, 77 L.Ed.2d 1321 (1983).

*5 Although Rule 229, SCACR, does not require a filing fee for a petition to invoke the original jurisdiction of this Court, we find that the repetitive and frivolous nature of petitioner's numerous petitions has placed a substantial enough burden on this Court's time and resources to warrant imposition of a filing fee for any future petitions of this type from petitioner. Accordingly, we direct the Clerk of Court to refuse to accept further petitions from petitioner asking this Court to entertain matters in our original jurisdiction unless he pays a \$25.00 filing fee generally required for the filing of motions and petitions with this Court. *See* Rule 224(d), SCACR.

**680 Additionally, we instruct the Clerk not to accept future petitions of this type from petitioner unless the petition is accompanied by a properly notarized affidavit by petitioner that certifies that he in good faith believes that the matter raised in the petition is nonfrivolous and proper for this Court to consider in its original jurisdiction. Petitioner is warned that should he continue to file petitions with this Court containing matter that is frivolous or not proper for this Court to consider in its original jurisdiction, he may be held in contempt or sanctioned under Rule 240, SCACR.

IT IS SO ORDERED.

/s/ Ernest A. Finney, Jr., C.J.

/s/ Jean H. Toal

/s/ James E. Moore

/s/ John H. Waller, Jr., A.J.

/s/ E.C. Burnett, III, A.J.

S.C., 1996.

In re Maxton

325 S.C. 3, 478 S.E.2d 679

END OF DOCUMENT

Civil Action Number: 2014-CP-02-879

**ORDER DISMISSING THIS ACTION
WITH PREJUDICE, ENJOINING THE
PLAINTIFF FROM RE-FILEING THIS
MATTER, AND IMPOSING
SANCTIONS UPON THE PLAINTIFF**

SANCTIONS UPON THE PLAINTIFF

THIS MATTER COMES BEFORE THE COURT pursuant to a motion to dismiss, or in the alternative for summary judgment, for sanctions, and for injunctive relief filed on behalf of Defendants. A hearing on this motion was held on July 7, 2014, at the Aiken County Courthouse, Aiken, South Carolina. Present at the hearing was Daniel C. Plyler, Esquire, on behalf of Defendants. Also present at the hearing was the *pro se* Plaintiff Carlton E. Cantrell. The Defendants' motions are made in part pursuant to Rules 11, 12, and 56 of the South Carolina Rules of Civil Procedure and are dispositive of all claims against the Defendants as asserted by Plaintiff. Upon review of the record, the pleadings, the file available to the Court, including Plaintiff's previous filings, and oral arguments, this Court now rules, and grants the Defendants' motion.

Based upon the following discussion, this Court hereby dismisses Plaintiff's Complaint with prejudice. Further, this Court hereby awards the Defendants the costs associated with the defense of this matter, in the amount of eight hundred, twenty-five dollars and no cents (\$825.00).

9.4.14
L. J. G. G. G.
D.C.C.P. & O.S.
A. J. G. G. G. 12⁴⁰
Deputy Clerk

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STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General
Sessions for Aiken County, South Carolina do hereby certify
that the foregoing constitutes a true and correct copy of the
original documents which have been filed in my office this

SEP 04 2014

Lisa Garland
C.C.C.P. & G.A. Aiken County S.C.
Anita Krueger
Deputy Clerk

due the frivolous and malicious nature of this litigation. This Court further directs the Clerk of Court for Aiken County to refrain from filing any additional Complaints or other Pleadings submitted by Plaintiff that are related to the matters set forth in Civil Action Nos. 08-CP-02-887, 11-CP-02-1480, or 14-CP-02-879.

STANDARD OF REVIEW

In ruling on a motion to dismiss, the Court must view the pleadings in the light most favorable to the nonmoving party. *Gray v. State Farm Auto Ins. Co.*, 327 S.C. 646, 651, 491 S.E.2d 272, 274-75 (Ct. App. 1997). A motion to dismiss must be granted if the facts and inferences reasonably deductible from them show that the plaintiff cannot prevail on any theory of the case. *Id.* In considering a motion to dismiss pursuant to Rule 12(b)(6) of the South Carolina Rules of Civil Procedures, the Court must base its ruling solely upon the allegations set forth on the face of the plaintiff's complaint. *Doe v. Greenville County Sch. Dis.*, 375 S.C. 63, 66-67, 651 S.E.2d 305, 307 (2007). A 12(b)(6) motion will not be granted if the facts alleged and the inferences therefrom would entitle the plaintiff to any relief on any theory. *Carnival Corp. v. Historic Ansonborough Neighborhood Ass'n.*, 407 S.C. 67, 753 S.E.2d 846, 850 (2014).

In this case, with regards to the motion at issue, the Defendants filed their motion as both a motion to dismiss, or in the alternative for summary judgment under Rule 56, SCRPC. Rule 56, SCRPC, "provides that a trial judge may grant summary judgment if there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. In addition, it must be shown that further inquiry into the facts is not needed to clarify an application of law." *Charleston Lumber Co., Inc. v. Miller House Corp.*, 318 S.C. 471, 478, 458 S.E.2d 431, 436 (Ct. App. 1995). "In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in

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the light most favorable to the nonmoving party.” *Strothers v. Lexington County Recreation Commission*, 332 S.C. 54, 61, 504 S.E.2d 117, 121 (1998).

The Court has considered the motion as a motion for summary judgment, and finds, as is set forth in more detail herein, that summary judgment in favor of the Defendants is appropriate.

BACKGROUND

Plaintiff filed his Complaint in the above-captioned matter on April 16, 2014. Taking the facts in a light most favorable to Plaintiff, he makes allegations relating to the confiscation of a number of goats from his property by Aiken County Animal Control. The confiscation in question occurred on May 19, 2005. According to the facts set forth in the Complaint, Plaintiff entered into a plea agreement, which he later had overturned as set aside. Specifically, Plaintiff alleges that the plea agreement was set aside on October 3, 2007.

The Court takes judicial notice that Plaintiff previously filed two civil actions against the same named Defendants, regarding the same allegations, on May 30, 2008¹ and July 7, 2011². See, Civil Action Number 08-CP-02-887, Civil Action Number 11-CP-02-01480. “A court can take judicial notice of its own records, files and proceedings for all proper purposes including facts established in its records.” *South Carolina Dep’t of Social Servs v. Janice C.*, 383 S.C. 221, 678 S.E.2d 463 (Ct. App. 2009), citing *Freeman v. McBee*, 280 S.C. 490, 313 S.E.2d 325 (Ct. App. 1984). The Court additionally takes judicial notice that the two earlier civil actions were dismissed, with prejudice, that the Plaintiff appealed those dismissals, and that those dismissals were upheld on appeal.

¹ This action was dismissed pursuant to an Order from this Court signed December 9, 2008.

² This action was dismissed with prejudice pursuant to an Order from this Court filed September 2, 2011.

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DISCUSSION

A) Defendants Hardin, Arthurs, and Carter

The South Carolina Tort Claims Act ("SCTCA"), S.C. Code Ann., § 15-78-10, *et seq.*, provides various immunities for employees of governmental actors. Chief among these immunities is the absolute immunity provided to individual employees contained within S.C. Code Ann., § 15-78-70. Pursuant to subsection 15-78-70(a), individual employees are not subject to suit as personal defendants for the alleged tort claims committed within the course and scope of their employment.

Plaintiff has named Defendants Hardin, Arthurs, and Carter³ as individual defendants in this case. The record reflects that these Defendants are employees of the County of Aiken and at all times were working within the course and scope of their official duties as employees of the County of Aiken. An employee of a governmental entity is immune from liability for tortious acts committed within the scope of his or her official duties. *See, Flateau v. Harrelson*, 355 S.C. 197, 584 S.E.2d 413 (Ct. App. 2003). As a result, these Defendants are entitled to be summarily dismissed from this action.

B) Action Barred by Res Judicata and/or Collateral Estoppel

This Court finds that the doctrines of *res judicata* and/or collateral estoppel, which are also known as and referred to as issue preclusion, apply in this matter. "Under the doctrine of issue preclusion, if an issue of fact or law was actually litigated and determined and necessary to a valid and final judgment, the determination is conclusive in a subsequent action on that claim or a different claim." *Laughon v. O'Braitis*, 360 S.C. 520, 526, 602 S.E.2d 108; 111 (Ct. App. 2004), *citing, Carman v. S.C. Alcoholic Beverage Control Comm'n*, 317 S.C. 1, 6, 451 S.E.2d

³ This Court finds that Defendant Carter is also entitled to absolute judicial immunity. *See*, Unpublished Opinion of South Carolina Court of Appeals 2010-UP-533.

383, 386 (1994). "Under South Carolina law, '[c]ollateral estoppel, also known as issue preclusion, prevents a party from relitigating an issue that was decided in a previous action, regardless of whether the claims in the first and subsequent lawsuits are the same.'" *Kunst v. Loree*, 404 S.C. 649, 653, 746 S.E.2d 360, 362 (Ct. App. 2013), quoting, *Carolina Renewal, Inc. v. S.C. Dep't of Transp.*, 385 S.C. 550, 554, 684 S.E.2d, 779, 782 (Ct. App. 2009).

"The party asserting collateral estoppel must demonstrate that the issue in the present lawsuit was: (1) actually litigated in the prior action; (2) directly determined in the prior action; and (3) necessary to support the prior judgment." *Id.* Plaintiff's pending lawsuit has been fully litigated in two prior actions. Both those lawsuits were ultimately dismissed, and those dismissals were upheld on appeal. Further, Plaintiff's allegations in his 2008 lawsuit, 2011 lawsuit, and this current lawsuit are exactly the same.

This Court finds that the Defendants have met this burden in this case, and that the doctrines of *res judicata* and/or collateral estoppel, which are also known, and referred to, as issue preclusion, apply in this case to bar the Plaintiff from relitigating the facts at issue and the conclusions of law reached by this Court on Plaintiff's two, previous civil actions.⁴ Therefore, this Court is bound to apply the facts and the conclusions of law as reached in Plaintiff's two previous identical proceedings. In applying the law to the facts, this Court finds that the Plaintiff's claims fail, and that the Defendants are entitled to summary judgment.

C) Action Barred by Statute of Limitations

The Court further concludes that Plaintiff's claims are barred by the applicable statute of limitations. The SCTCA is the exclusive remedy for any tort committed by an employee of a

⁴ As recognized above, Plaintiff brought Civil Action No. 08-CP-02-887 and Civil Action No. 11-CP-02-01480 in this same Court against the same Defendants with those prior actions containing the very same allegations that are contained in his present Complaint.

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governmental entity. S.C. Code Ann. § 15-78-70(a). Thus all of Plaintiff's claims are governed by the SCTCA, including its statute of limitations in § 15-78-110. That section provides that:

"any action brought pursuant to this chapter is forever barred unless an action is commenced within two years after the date the loss was or should have been discovered . . ."

See, S.C. Code Ann. § 15-78-110; *Flateau v. Harrelson*, 355 S.C. 197, 584 S.E.2d 413 (Ct. App. 2003).

The actions of which Plaintiff complains took place on May 19, 2005. According to the facts set forth in the Complaint, Plaintiff entered into a plea agreement, which he later had overturned and set aside on October 3, 2007. However, Plaintiff did not institute this action until April of 2013, almost six years after the events complained of. Because Plaintiff did not commence an action within two years after the date the loss was discovered, the action is forever barred according to § 15-78-110.

D) Frivolous Civil Proceedings Sanctions Act

This Court further finds that Plaintiff is subject to the South Carolina Frivolous Proceedings Sanctions Act ("FCPSA") and imposes sanctions upon him. Defendants requested sanctions in the form of attorney's fees and costs they have incurred in defending the above-captioned matter, which Defendants contend is frivolous. Defendants further requested that Plaintiff be enjoined from filing additional pleadings regarding the same set of facts as the current lawsuit, and the two that were previously dismissed. This Court finds that such remedies are well within the inherent authority of the Court, and are appropriate under these circumstances.

This Court acknowledges that Plaintiff is *pro se*; however, lack of familiarity with legal proceedings is not an acceptable excuse and the court will hold a layman to the same standard as

an attorney. *Hill v. Dotts*, 345 S.C. 304, 310, 547 S.E.2d 894, 897 (Ct.App.2001). Furthermore, the Plaintiff had already been put on notice, in the Order dismissing his 2011 civil action, that his attempts to relitigate these facts, despite the dismissal and the affirmation of that dismissal through the appeals courts, that his claims were legally flawed, and therefore he was not ignorant of those facts.

Further, the applicable law specifically provides that *pro se* plaintiffs are subject to the FCPSA. Under the FCPSA, "sanctions may be awarded under section 15-36-10 regardless of whether or not the case has been tried to verdict so long as the trial court finds by a preponderance of the evidence that the party should be sanctioned under the terms of the FCPSA." *Holmes v. East Cooper Community Hospital, Inc.*, 408 S.C. 138, 758 S.E.2d 483 (2012).

Specifically, the FCPSA provides:

An attorney or pro se litigant participating in a civil or administrative action or defense may be sanctioned for:

(a) filing a frivolous pleading, motion, or document if:

- (i) the person has not read the frivolous pleading, motion, or document;
- (ii) a reasonable attorney in the same circumstances would believe that under the facts, his claim or defense was clearly not warranted under existing law and that a good faith or reasonable argument did not exist for the extension, modification, or reversal of existing law;
- (iii) a reasonable attorney presented with the same circumstances would believe that the procurement, initiation, continuation, or defense of a civil cause was intended merely to harass or injure the other party; or
- (iv) a reasonable attorney presented with the same

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circumstances would believe the pleading, motion, or document is frivolous, interposed for merely delay, or merely brought for any purpose other than securing proper discovery, joinder of parties, or adjudication of the claim or defense upon which the proceedings are based;

(b) making frivolous arguments a reasonable attorney would believe were not reasonably supported by the facts; or

(c) making frivolous arguments that a reasonable attorney would believe were not warranted under the existing law or if there is no good faith argument that exists for the extension, modification, or reversal of existing law.

See, S.C. Code Ann. § 15-36-10(A)(4)(a)-(c) (Supp.2012). This Court finds that Plaintiff has violated the FCPSA. Specifically, Plaintiff has filed this Complaint after his two, previous, identical complaints had been dismissed. Any reasonable plaintiff in these "circumstances would understand that under the facts his claim was clearly not warranted under existing law" and made frivolous arguments that were not supported by the facts. *Id.* This is especially true in this case, because the Plaintiff had already been informed, by this very Court in its Order dismissing his 2011 lawsuit, that the claims at issue were legally flawed and time-barred by the applicable statute of limitations.

"The determination of whether attorney's fees should be awarded under the Frivolous Proceedings Act is treated as one in equity." *Hanahan v. Simpson*, 326 S.C. 140, 156, 485 S.E.2d 903, 912 (1997). "In reviewing the award in issue, this Court may take its own view of the preponderance of the evidence." *Id.* Moreover, "the decision whether to impose sanctions under the FCPSA is a decision for the judge, not the jury, it sounds in equity rather than at law." *Father v. S.C. Dep't of Soc. Servs.*, 353 S.C. 254, 260, 578 S.E.2d 11, 14 (2003).

The Court has considered the matter, and finds that sanctions are appropriate. No litigant, *pro se* or not, should be allowed to subject other parties to the costs of defending

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litigation of the same factual claims on multiple occasions. In this case the Plaintiff first sued the Defendants regarding these facts in 2008. That lawsuit was dismissed. The Plaintiff appealed the dismissal to the Court of Appeals, where the dismissal was affirmed. The Plaintiff then petitioned the South Carolina Supreme Court for a writ of certiorari, which was denied. Apparently dissatisfied with the dismissal and the affirmation of the dismissal through the appellate process, the Plaintiff chose to re-file the exact same claims, based on the exact same facts, against the exact same Defendants in 2011. This Court subsequently dismissed the 2011 lawsuit, and set forth, clearly and distinctly, in the Order of dismissal the various ways in which the Plaintiff claims were legally flawed. The Plaintiff then appealed the dismissal of the 2011 case to the Court of Appeals, where the dismissal was affirmed. He then petitioned the South Carolina Supreme Court for a writ of certiorari, which was denied.

Despite the fact that the Plaintiff had filed the exact same claims, based on the exact same facts, on two separate occasions, and the fact that on both occasions his lawsuits had been dismissed, and those dismissals had been upheld on appeal, the Plaintiff filed his claims for a third time against the exact same Defendants. Such a pattern shows a clear disdain for the judicial process. It wastes the Court's resources, and frivolously subjects the Defendants to costs and fees to defend the repetitive litigation. The Court finds that this is a prime example of a scenario where sanctions are appropriate. At this point the Plaintiff's recalcitrant efforts to continue to litigate claims that have been repeatedly dismissed are undoubtedly frivolous and are potentially malicious. This Court will not simply sit by and allow the Plaintiff to continue to abuse the judicial system and subject the Defendants to the unnecessary burden and expense of continuing to have to re-litigate these matters, and therefore this Court hereby **GRANTS** the Defendants request for sanctions, and hereby **GRANTS** the Defendants request for an injunctive

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Order preventing the Clerk of Court from hereafter filing any pleadings from the Plaintiff regarding the matters set forth in Civil Action Nos. 08-CP-02-887, 11-CP-02-1480, or 14-CP-02-879. The Plaintiff shall pay, as a sanction, the costs and fees incurred by the Defendants, as set forth in the Affidavit of Costs provided to the Court, in the amount of eight hundred, twenty-five dollars and no cents (\$825.00).

The Plaintiff shall remit payment of these sanctions directly to Davidson & Lindemann, P.A. as attorneys for Aiken County, and shall do so within thirty (30) days of the date of this Order. The Plaintiff is specifically cautioned that failure to comply with this Order, and failure to satisfy the sanctions imposed herein, will potentially subject him to additional sanctions for contempt of court.

CONCLUSION

This Court finds that Plaintiff's Complaint, on its face, and in taking the allegations in the complaint most favorable to Plaintiff, fails as a matter of law to state a cause of action against Defendants. As such, the Court agrees, as is set forth in detail herein, with the Defendants that the Plaintiff's Complaint should be dismissed pursuant to Rules 12(b) and 56, SCRPC.

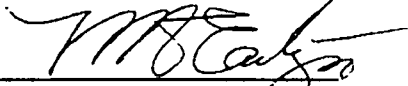
IT IS THEREFORE ORDERED that the motion to dismiss, or in the alternative for summary judgment, filed on behalf of the Defendants be, and hereby is, **GRANTED**, and that Plaintiff's Complaint is hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that Plaintiff's Complaint is frivolous and Plaintiff is to pay Defendants eight hundred, twenty-five dollars and no cents (\$825.00) as a sanction pursuant to the ECPSA, which represents the fees incurred in the defense against Plaintiff's Complaint.

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IT IS FURTHER ORDERED that the Clerk of Court of Aiken County shall refrain from filing any additional Complaints, or other Pleadings, that are related to the matters set forth in Civil Action Nos. 08-CP-02-887, 11-CP-02-1480, or 14-CP-02-879.

IT IS SO ORDERED.


The Honorable Doyet A. Early, III
Presiding Circuit Court Judge

Dated: Aug. 19, 2014
Bamberg, South Carolina

State of South Carolina
County of Aiken

Court of Common Pleas

Carlton Cantrell	)	
	)	
Plaintiff,	)	Transcript of Record
v.	)	2014-CP-02-00879
	)	
Aiken County, et al.	)	
	)	
<u>Defendant.</u>	)	

July 7, 2014
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

A P P E A R A N C E S:

Carlton Cantrell, Pro Se

Daniel C. Plyler, Esquire
Attorney for the Defendant.

Bethanie K. Creppon
Circuit Court Reporter

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1 (The following proceedings were held July 7,
2 2014.)

3 MR. PLYLER: Thank you, Judge. May it please
4 the Court. Daniel Plyler on behalf of the
5 defendant.

6 We filed a Motion to Dismiss Summary Judgment
7 and also asked that sanctions and injunction to be
8 issued in this case. This is actually the third
9 time Mr. Cantrell has filed these same factual
10 allegations, same legal claims against the same
11 defendants regarding an incident that originally
12 happened in 2005.

13 He has -- the first case, which was filed in
14 2008, was dismissed by Your Honor. Mr. Cantrell
15 appealed it to the Court of Appeals where the
16 dismissal was affirmed. He then attempted to take
17 it to the Supreme Court where they denied his
18 Petition for Writ.

19 Almost instantaneously, he re-filed the matter
20 in 2011. We then moved to dismiss again, this time
21 with collateral estoppel also being grounds for the
22 dismissal. Your Honor actually granted that motion.
23 He appealed to the Court of Appeals where the
24 dismissal was affirmed. He then attempted to take
25 it to the South Carolina Supreme Court which denied

1 his Petition for Writ of Cert. And then he filed
2 this complaint in 2014.

3 At this point, Your Honor, my clients have had
4 to pay me three times to come and defend these
5 claims. We would ask, as happened in the two
6 previous times, that this case be dismissed. At
7 this time we would also ask for the sanctions in the
8 form of costs, fees, and expenses that my clients
9 have incurred through this third defense of the
10 matter. And we'd also ask that an injunction --
11 injunctive order be issued against Mr. Cantrell
12 filing this matter again and also have the order
13 state that the Clerk of Court is not to file another
14 complaint from Mr. Cantrell regarding these same
15 issues.

16 THE COURT: Mr. Cantrell?

17 MR. CANTRELL: Yes, Your Honor. What he failed
18 to mention was, on the second time, I had a lawyer,
19 I paid him to do it, he didn't want his name on it.
20 But he played around with the transcript and the
21 appeals court was playing games with him. Now, he
22 was 120 days late ordering that transcript, Your
23 Honor, and the appeals court kept sending him
24 letters. They sent a letter stating motion to
25 dismiss because appellant hasn't, you know --

1 THE COURT: Well, that lawyer that's done you
2 wrong, why don't you sue the lawyer? Don't just
3 keep bringing the lawsuit.

4 MR. CANTRELL: Well, I did this hoping to get
5 an investigation going against the lawyer and the
6 appeals --

7 THE COURT: Well, this court welcomes people
8 with legitimate complaints. You've filed this same
9 lawsuit three times. The Court of Appeals and the
10 Supreme Court have dismissed it twice, and I'm now
11 going to dismiss it a third time.

12 You're enjoined from bringing this same case
13 again in this court, and if you do, sanctions will
14 be issued and I will grant their motions for
15 attorneys' fees, costs, and sanctions for an
16 injunction for preclusion of any further filings
17 dealing with this.

18 If you're dissatisfied with your lawyer and you
19 want an investigation, sir, there are two avenues
20 that are welcome; number one, you can bring a legal
21 malpractice action against him if you have been
22 wronged as a result of his failing to follow the
23 standard of care. The other way to do it is to file
24 a complaint with the South Carolina Bar Grievance
25 Committee.

1 MR. CANTRELL: I've tried that. I've tried
2 that.

3 THE COURT: That's your two avenues
4 of complaint.

5 MR. CANTRELL: Well, I went to SLED. I turned
6 in a --

7 THE COURT: That's even better. Thank you.

8 MR. PLYLER: Thank you, Judge.

9 THE COURT: Do me an order, a strong order.

10 MR. PLYLER: Yes, Your Honor.

11 -- END OF TRANSCRIPT OF RECORD --

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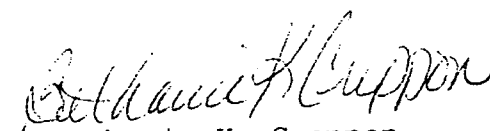
C E R T I F I C A T E

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

I, the undersigned, Bethanie Patterson, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the captioned cause, relative to appeal in the Common Pleas Court for Aiken County, South Carolina, on the 7th of July, 2014.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

December 16, 2014


Bethanie K. Creppon
Circuit Court Reporter

Jun 15 05 02:05p

Everett Chandler

803-644-5334

p.3

UNIFORM TRAFFIC TICKET

CITY OR COUNTY OF Aiken FIRST NAME Eugene MIDDLE NAME Carl LAST NAME Cartier

STATE LICENSED SC DRIVER'S LICENSE NO. 03062686 DRL LIC. CLASS D

VEH. LIC. NO. SC STATE SC MAKE OF VEH. HAZ. MT. YEAR 1997 COM. VEH. NO AUTO NO TRUCK NO COMB. NO

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER Cartier STREET AND NO. 14 Masonic Shopping Center

DATE OF TRIAL 5/17/2005 TIME OF TRIAL 10:00 CITY Granville STATE SC ZIP CODE 29829

VIOLATION - COURT APPEARANCE REQUIRED YES NO NO VIOLATION SECTION NO. 97-4-17

OWNER OF VEHICLE Cartier DATE OF ARREST 5/19/2005

ADDRESS OF OWNER 5/19/2005

BAIL DEPOSITED None NAME OF ARRESTING OFFICER Arthur RANK ACA

PRESENT THIS SUMMONS TO THE TRIAL OFFICER SHOWN ABOVE

Be sure you understand from the arresting officer the exact time and before whom you are to appear. IF THIS TICKET IS WRITTEN FOR A TRAFFIC VIOLATION AND YOU FORFEIT BAIL, PLEAD GUILTY OR NOLO CONTENDERE OR ARE CONVICTED AFTER A TRIAL, THIS VIOLATION WILL BE PLACED AGAINST YOUR DRIVING RECORD, OR FORWARDED TO YOUR HOME STATE.

FAILURE TO COMPLY WITH THE TERMS OF THIS SUMMONS MAY RESULT IN THE SUSPENSION OF YOUR DRIVERS LICENSE BY YOUR HOME STATE. YOU ARE REQUIRED BY LAW TO APPEAR IN COURT FOR CERTAIN OFFENSES.

SEE IMPORTANT INFORMATION ON THE REVERSE SIDE OF THIS TICKET

VIOLATOR'S COPY

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SEE IMPORTANT INFORMATION ON THE REVERSE SIDE OF THIS TICKET

VIOLATOR'S COPY

The State of South Carolina



Tracey L. Carroll
Summary Court Judge

Aiken Summary Court
1680 Richland Avenue, West
Suite 70
Aiken, SC 29801

Phone : (803) 642-1744

Fax: (803) 642-1749

September 19, 2005

Major Carlton Medley
South Carolina Law Enforcement Division
P.O. Box 21398
Columbia, South Carolina 29221

RE: Officer Shirley Harden, Director
Aiken County Animal Control

Dear Major Medley:

Please accept this letter as a formal request to the South Carolina Law Enforcement Division to investigate possible charges of Perjury, Breach of Trust and Misconduct in Office involving the case of State of South Carolina vs. Carlton Cantrell. It has come to my attention that documentation presented to the Court during sworn testimony was possibly falsified and that evidence seized from Mr. Cantrell by Animal Control Officers may have been retained for their personal use.

I have contacted the Aiken County Sheriff's Department to request that they initiate an investigation. Due to the fact that the Aiken County Council is requesting that Animal Control be placed under the supervision of the Sheriff's Department, both Major Dwayne Courtney and I feel that it may be more appropriate for SLED to conduct the inquiry into this matter.

Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,


Tracey Carroll
Summary Court Judge

Cc: Solicitor Barbara Morgan
Mr. Clay Killian
Sheriff Michael Hunt

Former director of animal control is facing charges

Former director of animal control is facing charges

By Betsy Gilliland | South Carolina Bureau

Thursday, December 1, 2005

AIKEN - Aiken County's former director of animal control services has been charged with perjury and turned herself in to authorities Thursday, law enforcement officials said.

Shirley Harden, 53, who resigned Sept. 29, posted \$5,000 bond at the Aiken County Detention Center and was released on her own recognizance, Magistrate Court Judge Danny Lynn said.

Ms. Harden was charged with presenting an altered document as a matter of record and making false statements before Magistrate Court Judge Tracey Carroll on Sept. 12, according to a copy of the arrest warrant.

The South Carolina Law Enforcement Division instigated an investigation as a result of the court case, which involved Carlton Cantrell, an Aiken man who owned almost 200 goats seized from his home in May.

Mr. Cantrell claimed that the county did not return all of his goats, Aiken County Administrator Clay Killian said.

"We didn't do an inventory of the goats," the administrator said.

Some goats died and others were born in county custody between May and early September, when some goats were returned to Mr. Cantrell, Mr. Killian said.

SLED obtained a warrant for Ms. Harden's arrest Monday, a copy of the document shows.

The warrant says that she made false statements to conceal the fact that property that had been lawfully seized was not returned to the rightful owner under a previous agreement.

The goats seized from Mr. Cantrell's property had been living in his Muddy Branch Road home in unsanitary conditions for almost seven years, according to reports in The Augusta Chronicle. Mr. Cantrell lived in his truck during that time, reports state.

Mr. Killian said Ms. Harden had been an animal control officer since March 15, 1991, and a county employee since 1982.

Ms. Harden is scheduled to appear at the Aiken County Courthouse on Jan. 16.

Reach Betsy Gilliland at (803) 648-1395, ext. 113, or betsy.gilliland@augustachronicle.com.

From the Friday, December 2, 2005 printed edition of the Augusta Chronicle



Ron Cockerille/Staff

Shirley Harden: Former Aiken County director of animal control resigned Sept. 29.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

Doyet A. Early, III, Circuit Court Judge

Case No. 2014-CP-02-00879

Carlton E. Cantrell ----- Appellant
vs.

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

FINAL BRIEF OF APPELLANT

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

William H. Davidson, II
Daniel C. Plyler
Davidson & Lindemann, PA
Attorneys for Respondents
PO Box 8568
Columbia, SC, 29202
(803) 806-8222

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TABLE OF AUTHORITIES

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

Statutes and Rules

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

STATEMENT OF ISSUES ON APPEAL

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

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

13. On May 19, 2008, Mr. Cantrell filed a Civil Complaint at the Aiken Court house against Aiken County. Aiken County Director Shirley Harden, Aiken County animal (R.pp.13-17) Control Officer Bobby Arthurs and Judge Charles T. carter.
14. The civil Complaint was brought before Judge Doyet Early on December the 8th 2008. Judge Early Completely dismissed the complaint against Judge Carter. and gave Mr. Cantrell 10 days to answer to the outstanding matter
15. Mr. Cantrell asked his new lawyer Michael Chesser to to help him do the Appeal on Judge Earlys decision and help with the outstanding Matter and Michel Chesser said that he would help get the Appeal started but he wouldn't do the appeal.
16. Mr. cantrell's lawyer Michael Chesser sent in some of the written discovery but not all of it. On March 27 2009 the defendants lawyer Daniel Plyler sent a letter that the discovery was found to be deficient.
17. Mr. Cantrell took the letter to Michael Chesser and he he said that he would send them the rest of the discovery. but Mr. Chesser failed to reinstate the Matter at the Aiken County Court House and the Civil Complant was placed in the inactive file.
18. Mr. Cantrell took this matter to Elizabeth carter or the Court of Appeals and she said that were not concerned with the other defendants right now only Judge Carter right now.

STATEMENT OF THE CASE

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

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

Two weeks before the Trial Mr. Cantrell tried to contact his lawyer Mr. Chandler and his secretary told Mr. Cantrell that Evrett Chandler went to Mirtle beach for a meeting.

Two days later Mr. Cantrell called his lawyers office again and this time his secretary told him that he was in Atlanta at a meeting. Mr. Cantrell found out later that his Lawyer Evrett Chandler was actually in a meeting in Aiken with Aiken County Animal Control with their Lawyer Lawrence Brown working on a plea Agreement. (R.pp. 3-4)

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

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

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

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

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

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

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

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

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

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

Mr. Cantrell secured a nother lawyer Jeffrey R. Moorehedd and requested that he make a motion to take Aiken Animal control back to court to have the Plea Agreement dismissed, in order to seek Civil Damages. Several weeks went by and Mr. Cantrell didn't hear anything from the Court or his lawyer so he called his Lawyer Mr. Moorehead in regards to this matter and Mr. Moorehead said that he had faxed them the request several weeks ago. So Mr. Cantrell called Carroll's Court and talked with the Court Recorder Becky and she said we havent seen any fax it appears that your lawyer is lying and that you need to fire him and get a new lawyer. Mr. Cantrell called Mr. Moorehead back and told him what the Court had said and Mr. Moorehead said well I will fax them again, this time they did receive the motion.

The fax was received on December 28 2005.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Cantrell didn't receive anything from his lawyer to prove that he had indeed ordered the transcript.

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

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

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

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

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

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

FACTS

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

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

FACT: No dogs were housed with the goats.

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

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

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

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

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

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

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

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

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

There was no evidence to support Arthurs' statements.

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

Judge Carter knowingly and willingly signed:

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

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

The County employees are not entitled to governmental immunity.

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

ARGUMENTS

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

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

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

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

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

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

The defendants asserts in their defense that the statute of limitations has been breached. The unlawfull seizure of the Appellant's animals occurred on May 19, 2005. The appellant Mr. Cantrell was forced into a plea-agreement by his lawyer

Everett Chandler on August 8, 2005. At the end of August Animal control failed to return all the appellant's goats. Mr. Cantrell took Animal Control back to Judge Carroll's court in September 2005, which brought forth a SLED investigation in alligations of perjury against Animal Control. In November of 2005 Shirley Harden was removed from her job and charged with perjury and also Judge Charles T. Carter was removed has a magistrate. Mr. Cantrell took Animal Control back to Court in Patrick Sullivan court in New Ellenton to have the plea-agreement removed to seek civil damages

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to:

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

CONCLUSION

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

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

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

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

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

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

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

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

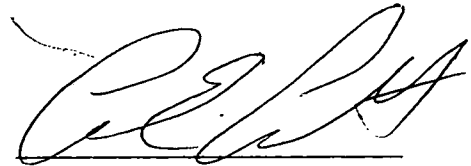
Aiken county has Corrupted three of Mr. Cantrell's lawyers Mr. Everett Chandler, Jefforey Moorehead was probably allready corrupt, and Michael Chesser.

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

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

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

April 3 2015

A handwritten signature in black ink, appearing to read 'Carlton E. Cantrell', written over a horizontal line.

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803-215-4747
Pro se/Appellant

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June 25, 2015

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Carlton E. Cantrell v. Aiken County, Aiken County Animal Control Director, Shirley Hardin, Aiken County Animal Control Officer Bobby Arthurs, and Judge Charles T. Carter
Appellate Case No. 2014-001705
Civil Action Number: 2014-CP-02-879
Date of Incident: May 19, 2005
Our File Number: 333.7805

Dear Ms. Kitchings:

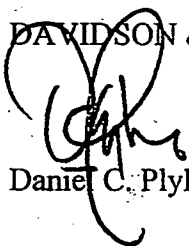
Please find enclosed the original, unbound, Final Brief of Respondent, as well as 15 bound copies. Please file the original, returning one clocked copy to my courier.

By copy of this letter, I hereby serve a copy of the Final Brief of Respondent upon the Appellant, Carlton E. Cantrell.

Please contact me with any concerns or questions.

Very truly yours,

DAVIDSON & LINDEMANN, P.A.


Daniel C. Plyler

DCP:ses
Enclosures

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

Case No. 2014-001702

Carlton E. Cantrell, ...Appellant,

v.

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

FINAL BRIEF OF THE RESPONDENTS

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Folkens v. Hunt,
290 S.C. 194, 348 S.E.2d 839 (Ct. App. 1986)

Statutes and Rules

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S.C. CODE ANN. § 15-78-110

S.C. CODE ANN. § 15-36-10, *et seq*

STATEMENT OF THE CASE

The Appellant filed this action on April 16, 2014. In the Complaint the Appellant makes allegations relating to the seizure of a number of goats from his property by Aiken County Animal Control. The seizure in question occurred on May 19, 2005. According to the facts set forth in the Complaint, the Appellant entered into a plea agreement, which he later had overturned and set aside. Specifically, the Appellant alleges that the plea agreement was set aside on October 3, 2007. These facts are clearly stated on the face of the Complaint.

This action represents the third time the Appellant has filed a civil action, regarding these exact same claims and these exact same facts, against the Respondents. *See*, Civil Action No. 08-CP-02-887 and 11-CP-02-1480 (R. 13-17, and 20-25). The two earlier civil actions were dismissed by the Honorable Doyet A. Early, III. On each of those occasions the Appellant appealed the dismissals to this court. *See*, Appellate Case No. 2009-113406 and 2011-200486. For each of those appeals this court affirmed the trial court's dismissal. *See*, 2010-UP-533 and 2012-UP-662 (R. 18-19, and 31). Furthermore, the Appellant petitioned the South Carolina Supreme Court for a writ of certiorari on each of those earlier appeals. In both cases the petitions were denied.

The Respondents filed a motion to dismiss, or in the alternative for Summary Judgment, in this action on May 23, 2014. (R. 42-47, SR. 1-26). That

motion was heard by the Honorable Doyet A Early, III on July 7, 2014. Judge Early issued an order dated August 28, 2014, which dismissed the Appellant's Complaint in its entirety and awarded sanctions against the Appellant, pursuant to the South Carolina Frivolous Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10, *et seq.* (R. 48-60). That order was filed on September 4, 2014. (R. 48-60).

Judge Early found that the Appellant's claims were time-barred by the applicable statute of limitations as set forth under the provisions of the South Carolina Tort Claims Act; that Respondents Hardin, Arthurs and Carter were subject to dismissal pursuant to S.C. Code Ann. § 15-78-70; that Respondent Carter was entitled to judicial immunity; and that the entire action was barred by *Res Judicata* and/or the Collateral Estoppel doctrine.

The Appellant did not file a Rule 59(e) Motion. He then filed his Notice of Appeal.

STATEMENT OF THE FACTS

In this case the Appellant has sued seeking compensation relating to the seizure, and alleged loss, of a number of goats by Aiken County Animal Control. The Appellant asserts in his Complaint, that the goats in question were seized on May 19, 2005. (R. 35). According to the facts set forth in the Complaint, the Appellant entered into a plea agreement, which he later had overturned and set aside. (R. 37-38). Specifically, the Appellant alleges, in his Complaint, that the plea agreement was set aside on October 3, 2007. (R. 38).

ARGUMENT

In the Appellant's Notice of Appeal and Brief, the Appellant asserts that his claims are not time-barred, that the County employees are not entitled to governmental immunity, and that Respondent Carter is not entitled to absolute judicial immunity. However, the Appellant has not appealed Judge Early's ruling that this matter is barred by *Res Judicata* and/or the Collateral Estoppel doctrine.

I. The Order dismissing the Complaint was appropriate.

The Respondents argue that the order issued by Judge Early, dismissing the Appellant's Complaint and awarding sanctions, was appropriate on all stated grounds. Judge Early found that the Complaint was time-barred, that the individual defendants were subject to dismissal under S.C. Code Ann. § 15-78-70, that defendant Carter was entitled to judicial immunity, and that this matter was barred pursuant to *Res Judicata* and/or the Collateral Estoppel doctrine.

Specifically, Judge Early found that "the doctrines of *res judicata* and/or collateral estoppel, which are also known as and referred to as issue preclusion apply in this matter." See, August 28, 2014 Order, pg. 4 (R. 51-52). Judge Early's finding that this action was barred by *res judicata* and/or collateral estoppel has not been appealed. There is no mention of Judge Early's decision regarding *res judicata* and/or collateral estoppel in the Appellant's brief.

In *Folkens v. Hunt*, 290 S.C. 194, 348 S.E.2d 839 (Ct. App. 1986), this Court held that “[a]n alternative ruling of a lower court that is not excepted to constitutes a basis for affirming the lower court and is not reviewable on appeal.” *Folkens*, 348 S.E.2d at 845. Such a ruling becomes the law of the case. *Id.* See also, *Eagles v. South Carolina National Bank*, 301 S.C. 402, 392 S.E.2d 187 (Ct. App. 1990). Because the Appellant did not appeal from the alternative ruling by Judge Early dismissing this matter in its entirety based on the doctrines of *res judicata* and/or collateral estoppel, the dismissal must be affirmed.

Furthermore, as is correctly stated in Judge Early’s Order dismissing the Appellant’s Complaint, the Appellant filed this lawsuit outside the time allowed to do so by the applicable statute of limitations. The statute of limitations at issue in this matter is the statute of limitations set forth in the South Carolina Tort Claims Act (hereinafter the “Act”), S.C. Code Ann. §§ 15-78-10 *et seq.* The Act provides for a two-year statute of limitations. S.C. Code Ann. § 15-78-110; see also, *Flateau v. Harrelson*, 355 S.C. 197, 207, 584 S.E.2d 413, 418 (Ct. App. 2003).

In *Flateau* this Court held that the Act’s two-year statute of limitations applies, even if the claim at issue alleges that the employees at issue acted outside the scope of their official duties or that those actions “constituted actual fraud, actual malice, intent to harm, or a crime involving moral turpitude.” *Flateau*, 355 S.C. at 208, 584 S.E.2d at 419, citing S.C. Code Ann. § 15-78-70(b). Importantly,

the decision of this Court in *Flateau* was also a review of an order granting a motion to dismiss.

The Respondents assert that it should come as no surprise to the Appellant that Judge Early ruled that this matter was time-barred pursuant to the applicable statute of limitations, as the exact same claims based on the exact same facts had been previously dismissed as time-barred. *See*, Appellate Case No. 2011-200486. Furthermore, that earlier dismissal of these exact same claims was affirmed by this very Court. *See*, 2012-UP-662.

The only argument regarding Judge Early's decision that this matter was time-barred set forth by the Appellant in his brief is that "[t]he original Complaint was filed on May 19, 2008 and has been in service from the Appeals Court in December of 2008, up till the present time, their [sic] has been no lapse in time for the statute of limitations to have been breached." *See*, Initial Brief of Appellant, pg. 25. Such an argument is clearly flawed. The Appellant seems to have a gross misconception of the litigation and appellate process. While the Appellant's first effort to litigate these claims was in fact filed in May of 2008, that case was dismissed, and the dismissal was affirmed by this very Court. *See*, Civil Action No. 08-CP-02-887 and 2010-UP-533. (R. 14-19 and SR. 22). The Appellant then filed a second civil action, which was also dismissed, and that second dismissal

was also affirmed by this very Court. *See*, Civil Action No. 11-CP-02-1480 and 2012-UP-662. (R. 21-25, 31, and SR. 10-11).

The Appellant's third civil action, which is the action that is currently on appeal, was filed with the Court of Common Pleas for the County of Aiken on April 16, 2014. (R. 35-41). As Judge Early correctly found in his August 28, 2014 Order, the current action was filed "almost six years after the events complained of [in the Complaint]." *See*, August 28, 2014 Order, pg. 6 (R. 48-60).

Simply put, Judge Early correctly ruled that the facts set forth on the face of the Appellant's Complaint, even taken in the light most favorable to the Appellant, clearly show that the Appellant's claims are time-barred. As such this appeal must be denied, and the August 28, 2014 Order of Judge Early must be affirmed.

The Respondents assert that this Court need go no further in its analysis of Judge Early's August 28, 2014 Order dismissing the Appellant's Complaint. However, the Respondents assert that Judge Early's alternative rulings, finding that Respondents Hardin, Arthurs and Carter were also subject to dismissal under S.C. Code Ann. 15-78-70, and that Respondent Carter was also subject to dismissal by application of absolute judicial immunity, were correct and should be affirmed.

It is clear from the face of the Appellant's Complaint that the allegations against the Respondents are for actions taken in the course of their employment. (R. 35-41). The Appellant did not allege otherwise in his Complaint. (R. 35-41).

Therefore, the dismissal of these Respondents under S.C. Code Ann. § 15-78-70 was appropriate, and should be affirmed.

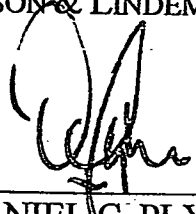
As for Respondent Carter, this very Court has twice found that he should be granted judicial immunity for the claims asserted by the Appellant. *See*, 2010-UP-533 and 2012-UP-662. As a result Judge Early's decision must, once again, be affirmed.

CONCLUSION

Based on the foregoing discussion and analysis, the Respondents respectfully request that this Court affirm the August 28, 2014 order of the Honorable Doyet A. Early, III, dismissing the Appellant's Complaint and awarding sanctions.

Respectfully submitted,

DAVIDSON & LINDEMANN, P.A.

BY: 

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Counsel for the Respondents

Columbia, South Carolina

June 25, 2015



The South Carolina Court of Appeals

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CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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August 03, 2016

Carlton E. Cantrell
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Mr. William H. Davidson, II, Esquire
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Mr. Daniel Clifton Plyler, Esquire
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Columbia SC 29202-8568

Re: Carlton Cantrell v. Aiken County
Appellate Case No. 2014-001702

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,

Jenny Abbott Kitchings

CLERK

cc: The Honorable Doyet A. Early, III

**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**

Carlton E. Cantrell, Appellant,

v.

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

Appellate Case No. 2014-001702

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Unpublished Opinion No. 2016-UP-397
Submitted April 1, 2016 – Filed August 3, 2016

AFFIRMED

Carlton E. Cantrell, of Aiken, pro se.

William H. Davidson, II and Daniel Clifton Plyler, both
of Davidson & Lindemann, PA, of Columbia, for
Respondents.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: Rule 220(c), SCACR ("The appellate court may affirm any ruling,

order, decision or judgment upon any ground(s) appearing in the Record on Appeal."); *Atl. Coast Builders & Contractors, LLC v. Lewis*, 398 S.C. 323, 328, 730 S.E.2d 282, 284 (2012) ("Under the two[-]issue rule, where a decision is based on more than one ground, the appellate court will affirm unless the appellant appeals all grounds because the unappealed ground will become law of the case." (quoting *Jones v. Lott*, 387 S.C. 339, 346, 692 S.E.2d 900, 903 (2010))); *id.* at 329, 730 S.E.2d at 285 ("[A]n unappealed ruling, right or wrong, is the law of the case."); *id.* (stating the two-issue rule must "be applied consistently and not selectively").

AFFIRMED.¹

HUFF, KONDUROS, and GEATHERS, JJ., concur.

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

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

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

CASE NO: 2014-CP-02-00879

Carlton E. Cantrell,

..... **Appellant**

v.

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

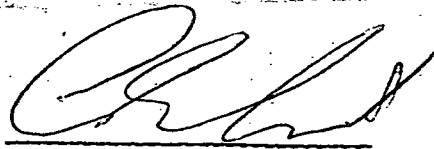
..... **Respondent**

PROOF OF SERVICE

I Carlton E. Cantrell, do hereby Certify that I have this day of August 17th
2016, served six copies and original of the Petition for Rehearing and Memorandum
in Support of Petition for Rehearing on to the South Carolina Court of Appeals and
one copy to the opposing council on record, by placing same in the United States
Mail with proper Postage attached.

Other Counsel of Record
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Plaintiff-Appellant

FILED
CANCELLED
8.22.16
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**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

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

CASE NO: 2014-CP-02-00879

Carlton E. Cantrell,

..... **Appellant**

v.

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

..... **Respondent**

PETITION FOR REHEARING

Carlton E. Cantrell request tha the Court of Appeals rehear and reconsider its
opinion of August 3rd 2016 affirming the trial court's Order of Summary judgment
in Favour of the defendants listed above. This petition for Rehearing is based on
the grounds set forth in the attached Memorandum in Support of Petition for Rehearing.

Other Counsel of Record
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(803) 806-8222



Carlton E. Cantrell
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803-215-4747
Plaintiff Appellant

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

CASE NO: 2014-GP-02-00879

Carlton E. Cantrell,

Appellant

v.

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

Respondents

**MEMORANDUM IN SUPPORT
OF PETITION FOR REHEARING**

The Appellant respectfully request that the Honorable Court of Appeals reconsider its decision of August 3rd 2016, affirming the trial court. Appellant avers that the Court of Appeals did not adequately consider the following issues.

1. This is the third time that the Appellant has filed this Complaint in the Common Pleas Court and it has gone before the same judge Doyet A. Early III, presiding Circuit Court judge, every time, it is apparent that Aiken County is determined not to repay me for the damages that they brought on me because of their fraudulently and maliciously, misconduct by judge Charles T. Carter and Officers Shirley Harden and Bobby Arthurs.
2. judge Doyet A. Early III, sat on the Order for more than thirty days and the Appellant had to file for an extension in the Court of Appeals, before his thirty day time limit ran out to file an appeal on judge Early's decision.

3. The Appellant received a letter from the court of Appeals within 10 days to order the transcript on September 24, 2014 was the day of the letter. The Appellant sent a letter to the Court reporter on September 30 2014 to Bethanie Crepon, the court reporter. The Appellant received a letter dated October 06, 2014, that stated that the appellant needed to provide a copie of the transcript being ordered to the Court of Administration this is who the court reporter works for. I showed them a copie of the letter and the lady said that it wasnt necessary, but I asked how long should it be before I receive the transcript from the court reporter and the lady told me that the court reporter had 60 days to contact me in regards to the transcript and that I had to pay for the transcript before I receive it.

On December 11th 2014, I received a letter dated December 11th 2014 requesting that the appellant advise the Court of Administration the status of the transcript within 10 days. I contacted Bethanie Crepon by phone and she said that she had never received the request for the transcript at all, and she told me that I was suposto contact her within 10 days if she failed to contact but I told her that I went to the Court Administration and asked about the transcript and they told me that you had 60 days to contact me. The Court of Appeals said that it would be all right and I got the Transcript from the Court reporter that week. Could this be another attempt to throw out my appeal just like the last time see pages 14-16 Appellants final brief.

4. When i took the signed Order from Judge Earley to the Court of Appeals Elizabeth Carter was doing my appeal for the third time she said that she was training a young black lady by the name of Ella which I met but I sent a letter complaining even though Elizabeth Carter is training a new case worker she is still in charge of my Appeal. During the Appeal at the very end I didn't receive any correspondence from the Court of Appeals and I called Monica and she said that Ella had been terminated but gave no reason behinde their decision.

I called Elizabeth Carter in July in reference to my appeal and she told me that we would be preparing for oral arguments.

In December of 2015 I received a letter from the Court of Appeals stating that this matter would be decided without oral arguments, why did Elizabeth Carter tell that we would be preparing for oral arguments and didn't give me any reason for deciding against, but I knew what their decision was going in favor of the defendants, after I received the letter.

5. On March 15th 2015 the Appellant turned in the Record on Appeal in time and the Final Briefs were due on April 3rd 2015, the Appellant sent in his final Brief on April 3rd, but never received a Final Brief from the defendants and on April 13th he received a motion to correct the Record on Appeal from the defendants dated April 10th 2015.

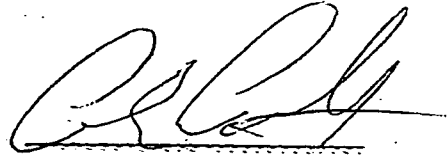
The defendants had two weeks to file a motion before I turned in my Final Brief in regards to the Record on Appeal. I received a letter from the Court of Appeals that a decision would be made in this matter. I received a Court order within 10 days that the Appellant shall serve and file a supplemental record on appeal, dated June 3rd. The Appeals court said nothing about the defendants final Brief and this was the last letter that I received from the Court of Appeals.

I did receive a Final Brief from the Defendants dated June 25th 2015.

6. Even though the correspondence letters and phone conversations are not in the Final Briefs or the Record on Appeal they are still part of the Appeal and can be used as evidence against the appeal itself.

WHEREFORE, on the grounds set forth in this Memorandum the appellant does hereby
move that the Court of Appeals rehear and reconsider its decision of August 3rd 2016.

August 17th 2016



Carlton E. Cantrell
223 Muddy Branch Road
Aiken, S.C. 29805
803-215-4747

The South Carolina Court of Appeals

Carlton E. Cantrell, Appellant,

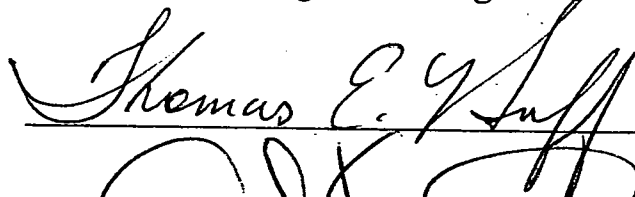
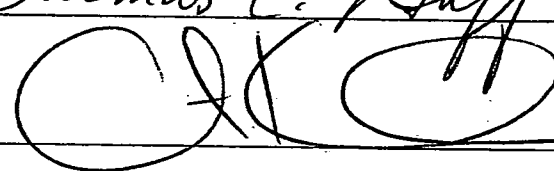
v.

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

Appellate Case No. 2014-001702

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

cc:
Carlton E. Cantrell
William H. Davidson, II, Esquire

FILED

September 23, 2016