

5

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHESTER )  
 )  
THE STATE, )  
 )  
VS. )  
 )  
Jordan James Johnson, )  
 )  
Defendant. )  
\_\_\_\_\_ )

IN THE SOUTH CAROLINA  
COURT OF APPEALS

STATEMENT OF APPELLANT'S COUNSEL  
REGARDING REQUEST FOR APPEAL

RECEIVED

FEB 22 2017

SC Court of Appeals

2017 FEB 21 A 8 41  
RECEIVED  
COURT OF APPEALS  
SOUTH CAROLINA

**Appellant's Statement of Facts**

This case originated from the arrest of Jordan James Johnson, a breeder of Doberman Pinschers in Richburg, South Carolina, on September 23, 2016 by Chester County Animal Control for 116 counts of felony level ill-treatment of animals pursuant to South Carolina Code of Laws Section 47-1-40(B).

Animal Control charged the defendant one warrant for each dog on the property. At the time of the defendant's arrest, all of the defendant's Doberman Pinschers were seized by Chester Animal Control. The defendant was booked into the Chester County Detention and remained there unable to post bond through the pendency of his criminal case.

In January of 2017, the Six Circuit Solicitor's Office procured an indictment with 15 counts of felony level ill-treatment of animals. The remaining 101 warrants for ill-treatment of animals pending against the defendant were not indicted. This matter was set for trial to begin on January 23, 2017.

Pursuant to plea negotiations, the defendant entered a No Contest plea to the indictment and the counts therein. The terms of negotiation included the reduction in charge from the felony level to the misdemeanor level of ill-treatment of animals pursuant to South Carolina Code of Laws Section 47-1-40(A). The State agreed to dismiss the remaining 101 pending warrants. As a result of the defendant's plea, each of the dogs associated with those 15 warrants were forfeited by the defendant.

By agreement of the parties, the dismissal of the remaining 101 warrants was not dispositive of the ownership of the remaining dogs and a hearing regarding ownership of these dogs was held on January 25, 2017 pursuant to South Carolina Code of Laws Section 47-1-150(C) regarding the defendant's fitness to care for these dogs.

After a day long hearing, the court took the matter under advisement and rendered an order on February 9, 2017. In that order the judge found the defendant could not adequately care for the dogs and awarded ownership of the dogs to the State.

At the request of the defendant, this notice of appeal is filed by his attorney in the criminal matter.

### **Issues on Appeal**

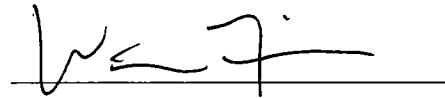
This appeal is filed on behalf of the defendant at the request of the defendant. It is done so in an effort to protect the defendant's appeal rights where possible.

While there is little case law in this particular area, this proceeding appears to be civil in nature and can be most appropriately likened to a forfeiture hearing in a drug case. However, since this matter involved living creatures rather than inanimate objects, coupled with the possibility of potentially huge expenses for the dogs being placed on the defendant, the defendant's appointed counsel the criminal matter believed it would be appropriated, to enter a special appearance representing the defendant for this hearing.

It is also important to note that the defendant had remained incarcerated at the Chester Detention Center since his arrest on September 23, 2016 and, as a breeder of Doberman Pinschers, the dogs in question were his sole source of income. As a result, the defendant was indigent at the time of this hearing and had no means with which to retain counsel for that purpose.

Subsequent to his plea, the defendant was released from custody and is now able to access property and resources he was unable to while incarcerated. The defendant was represented by the Public Defender at this particular civil hearing as an accommodation to the defendant. It is well settled law that a defendant is not entitled to appointed counsel for the purposes of a forfeiture proceeding, and the present matter was much akin to that type of hearing.

Therefore, the defendant's attorney requests to be relieved from further representation in this matter.

A handwritten signature in black ink, appearing to read 'W P Frick', is written over a horizontal line.

William P. Frick  
SC Bar Number 69739  
Deputy Public Defender  
6th Judicial Circuit  
PO Box 637  
Winnsboro SC 29180  
Phone (803) 815-4074  
ATTORNEY FOR APPELLANT