

**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

Appellate Case No. 2016-002275

Carlton E. Cantrell,

.....Appellant

VS

**Aiken County, Aiken County Animal Control / Code
Enforcement Director Bobby Arthurs, Aiken County
Animal Control / Code Enforcement Officer Ron Cooper,
Judge Donna L. Williamson**

.....Respondents

REPLY BRIEF OF APPELLANT

**Davidson & Lindermann
Attorneys for Defendants
P.O. Box 8568
Columbia, S.C. 29202**

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

The Defendants state in their defense that Judge Early did the right thing by dismissing Mr. Cantrell's Civil Complaint because he was found guilty by the lower Court. This was an unlawfully conducted trial By Judge Williamson, Officer Cooper and Officer Ashe. The dogs in fact didn't belong to Mr. Cantrell and as for the rabies vaccination they must always issue a warning first and give time to get the rabies shots.

Mr. Cantrell filed his complaint on September 22, 2015 and on October 14, 2015 Officer Ashe came to Mr. Cantrell's house and handed Mr. Cantrell two more Citations for failure to Vaccinate animals and failure to I.D. and animals. This was Scheduled to go to before Judge Williamson's Court in Wagner on October 24, 2015.

Mr Cantrell then called Cathy Rawls of the Aiken County Council and she asked Mr. Cantrell one Question, can they prove that these are your dogs, and Mr. Cantrell told her that these weren't his dogs. On October 20, 2015, Officer Ashe hands Mr. Cantrell another citation for Animals creating a Nuisance, also scheduled to go before Judge Williamson in Wagner on October 24, 2015.

On October 22, Mr. Cantrell finished serving the Civil Complaint, and the venue was changed to Judge Tracey Carroll's Court in Aiken. On December 18, 2015, Animal Control dropped the two Citations for animals creating a nuisance and failure to I.D. animals and Mr. Cantrell agreed to get rabies vaccinations for the dogs that were in the fenced area and Judge Carroll gave Mr. Cantrell three months to get the rabies shots.

The Defendants Lawyers sent Mr. Cantrell, THE FIRST SET OF CONTINUING INTERROGATORIES TO THE PLAINTIFF ON BEHALFE OF THE DEFENDANTS, and also FIRST SET OF CONTINUING REQUEST FOR PRODUCTION TO THE PLAINTIFF ON BEHALF OF THE DEFENDANTS, stating that they demanded a Jury Trial, dated October 22, 2015, see (Attachment A).

Mr. Cantrell sent them a letter regarding the reports that he had turned into the FBI wanting to know

if they wanted the complete report because there were some personal issues involving Animal Control Director Bobby Arthurs that his neighbor had told Mr. Cantrell in the report, no answer was sent back from the defendant's lawyers.

The defendants sent a letter dated December 2, 2015, Stating that they have not yet received a response from Mr. Cantrell for the Interrogatories and request for Production.

In the first week of January Mr. Cantrell got a letter from the defendant's lawyers dated January 5, 2016, Notice of Motion to Compel, scheduled January 25, 2016 to go before Judge Early.

Mr. Cantrell sent the Defendants a letter stating that because Officer Ashe had written him three more citations for the same dogs that were determined not to be his dogs and he was in the process of getting rabies vaccination for his dogs within the fenced area that this matter was still in the lower court and would be for quite some time.

On the day of Court Judge Early had another Judge fill in for him and that Judge gave Mr. Cantrell 20, Days to answer the outstanding Matter and Mr. Cantrell sent a letter stating that we were still in the lower Court over this matter and some of the questions couldn't be answered until it was finished, and Mr. Cantrell kept sending what they requested has best has he could because there was no response from the Defendants during the whole time and when Mr. Cantrell was about 80% finished he got a phone call from the Aiken Court house that this Civil Complaint was scheduled to go before Judge Early on October 10, 2016 and that he would make a Decision on whether to pick jurors or not, but that we wouldn't be picking jurors that day.

On October 10, the Defendants had filed a Motion to Dismiss Mr. Cantrell's Complaint, there was nothing else to say but that this is another attempt to release Judge Williamson so that she could write more warrants against Mr. Cantrell and lock him up so that just like Junior Enlow said to take everything away from you, this was another attempt by Aiken County using Judge Early again to stop Mr. Cantrell from Having a fair trial to cover up the real reason for attacking Mr. Cantrell to begin with. (R. p32-34)

It is obvious by the outstanding matter that Mr. Cantrell had sent the defendants lawyers that Aiken County didn't want this in the court room so the easiest thing to do was to get Judge Early to throw it out and then try and throw out the appeal, by writing the court date were it wasn't legible on the Order, by setting on the order, by having the Court Reporter sit on the transcript past the due date, by removing the Initial Briefs from the Postal Service even though it was sent Certified Mail, to make it late which Mr. Cantrell expected would happen so he hand delivered it to the Appeals Court, to keep this from happening, all these attempts were to stop the appeal from going forward.

Just like Mr. Cantrell has been saying all along that this is a conspiracy against him, because he isn't a team player, this whole deal was orchestrated as an attempt to lock Mr. Cantrell up and take everything away from him.

Attachment A

FOR A FOURTH DEFENSE

4. The Defendants deny each and every allegation of the Plaintiff's Complaint not hereinafter specifically admitted, qualified, or explained.

5. The Defendants deny the allegations set forth in the Plaintiff's Complaint, as stated, and demand strict proof thereof. Further answering, the Defendants would admit that Plaintiff was issued two Uniform Summons Tickets by Aiken County Code Enforcement Officers on, or about, July 2, 2015, that Plaintiff was tried by jury on those two charges on, or about, August 26, 2015, and that Plaintiff was found guilty at that jury trial of all charges.

6. The Defendants deny that the Plaintiff is entitled to the relief sought in his Complaint, or any other relief.

FOR A FIFTH DEFENSE

7. The Defendants assert that the Plaintiff's claims are time barred, in whole or in part, by the applicable statute of limitations.

FOR A SIXTH DEFENSE

8. The Defendants are immune from suit pursuant to pertinent portions of the South Carolina Tort Claims Act, specifically, § 15-78-60 (1), (2), (3), (4), (5), (6), (20), (21), and (23).

FOR A SEVENTH DEFENSE

9. The Defendants, upon information and belief, allege that any injuries or damages allegedly suffered by the Plaintiff, without admitting same to be true, were due to and caused entirely by the negligence of the Plaintiff, or the Plaintiff's negligence is more than the Defendants' negligence, and that such is a complete bar to the Plaintiff's recovery herein. Further, the Defendants, upon information and belief, allege that if the Plaintiff's negligence was less than the

Defendants' negligence, that such negligence should be compared to that negligence of these Defendants, so as to apportion the relative fault as to each party.

FOR AN EIGHTH DEFENSE

10. The Defendants assert the defense of sovereign immunity, including but not limited to the damages caps set forth in S.C. Code Ann. § 15-78-120.

FOR A NINTH DEFENSE

11. The Defendants assert witness immunity as a bar, in whole or in part, to the Plaintiff's claims.

FOR A TENTH DEFENSE

12. The Defendants assert judicial immunity as a bar, in whole or in part, to the Plaintiff's claims.

FOR AN ELEVENTH DEFENSE

13. The Defendants assert prosecutorial immunity as a bar, in whole or in part, to the Plaintiff's claims.

FOR A TWELFTH DEFENSE

14. The Defendants assert the damages caps and prohibition against recovery of punitive or exemplary damages set forth in the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-120.

FOR A THIRTEENTH DEFENSE

15. The Plaintiff has failed to properly mitigate his damages, if any, and therefore his claims are barred in whole or in part by such failure.

FOR A FOURTEENTH DEFENSE

16. Defendants would assert the doctrines of laches and unclean hands as a bar, in whole or in part, to Plaintiff's claims.

FOR A FIFTEENTH DEFENSE

17. This action is barred by the doctrine of issue preclusion.

FOR A SIXTEENTH DEFENSE

18. This action is barred by *res judicata* and/or Collateral Estoppel.

FOR A SEVENTEENTH DEFENSE

19. The Defendants assert that Plaintiff's claims are barred pursuant to the quasi-judicial immunity doctrine.

FOR AN EIGHTEENTH DEFENSE

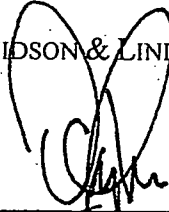
20. The Defendants assert that the Plaintiff's claims are frivolous and/or malicious in nature, and should be dismissed pursuant to the South Carolina Frivolous Civil Proceedings Sanction Act, S.C. Code Ann. §§ 15-36-10, *et seq.*, and the Defendants reserve the right to move for sanctions and/or costs under said Act.

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WHEREFORE, having fully answered the Plaintiff's Complaint, the Defendants pray that the Complaint be dismissed with prejudice, for the costs of this action, and for such other and further relief as the Court deems just and proper.

DAVIDSON & LINDEMANN, P.A.



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Counsel for the Defendants

Columbia, South Carolina

October 22, 2015

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

) IN THE COURT OF COMMON PLEAS
)
) Civil Action Number: 2015-CP-02-02241

Carlton E. Cantrell,
Plaintiff,

v.

Aiken County, Aiken County Animal
Control/Code Enforcement Director Bobby
Arthurs, Aiken County Animal Control/Code
Enforcement Officer Ron Cooper, Judge
Donna L. Williamson,
Defendants.

**FIRST SET OF CONTINUING
INTERROGATORIES TO THE
PLAINTIFF ON BEHALF OF THE
DEFENDANTS**

TO: CARLTON E. CANTRELL, PLAINTIFF *PRO SE*:

The Defendants serve the following written Interrogatories upon the Plaintiff to be answered separately and in writing by the Plaintiff within thirty (30) days after the service hereof, pursuant to South Carolina Rules of Civil Procedure, Rule 33:

1. Give the names and addresses of persons known to the Plaintiff to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

2. Please provide the social security number, any driver's license numbers, and the month, date, and year of birth for the Plaintiff.

3. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in this case.

4. Set forth the names and addresses of all physicians or mental health professionals who have treated the Plaintiff and all hospitals to which the Plaintiff has been committed in

connection with any injuries alleged in the Complaint, and also set forth a statement of all medical costs involved.

5. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

6. Set forth an itemized statement of all damages, exclusive of pain and suffering, claimed to have been sustained by the party.

7. For each person known to the Plaintiff to be a witness concerning the facts of the case, set forth a summary sufficient to inform the other party of the important facts known to or observed by such witness, and provide a copy of any written or recorded statements taken from such witnesses.

8. Please identify in complete detail each person whom the Plaintiff has consulted with regarding this matter, and/or expects to call as an expert witness at the trial of this matter, stating as to each such person:

- (a) Name, occupation, title, business address, area of specialization, if any, and
 - professional relationship to the Plaintiff.
- (b) The manner in which such person became familiar with the facts of this case.

9. As to each person the Plaintiff has identified or intends to identify as an expert witness in this matter, state in full detail:

- (a) The subject matter or area in which such person is to testify.
- (b) The substance of the facts and opinions in which such person is to testify.
- (c) A summary of the grounds or basis for each opinion and fact.

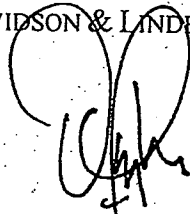
(d) A list of books, treatises, articles, and other works which such person regards as authoritative on the subject matter on which he is expected to testify.

10. Set forth a list of any and all documentation in the possession of the Plaintiff that relates directly to the charges that were issued to the Plaintiff on, or about, July 2, 2015, or the trial of those charges, which occurred on, or about, August 26, 2015.

11. Set forth the date and time of the alleged incident where Junior and Enn Enlow allegedly fed razor blades to your dogs, as you allege on page 7 of your Complaint. Include in your answer a list of all documentation relating to that allegation, and a listing of all persons to whom you reported that allegation.

The foregoing Interrogatories shall be deemed to continue from the time of service until the trial of the case and any information obtained shall be promptly submitted to the undersigned.

DAVIDSON & LINDEMANN, P.A.



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Counsel for the Defendants

Columbia, South Carolina

October 22, 2015

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

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) Civil Action Number: 2015-CP-02-02241

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v.

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Arthurs, Aiken County Animal Control/Code
Enforcement Officer Ron Cooper, Judge
Donna L. Williamson,
Defendants.

)
)
) **FIRST SET OF CONTINUING**
) **REQUESTS FOR PRODUCTION TO**
) **THE PLAINTIFF ON BEHALF OF THE**
) **DEFENDANTS.**

TO: CARLTON E. CANTRELL, PLAINTIFF PRO SE:

Pursuant to Rule 34 of the South Carolina Rules of Civil Procedure, the Defendants request the Plaintiff to produce within thirty (30) days hereof the documents listed below.

1. Copies of any and all statements given by the Plaintiff, any Defendant, or any witness, whether written or recorded on a tape recorder or otherwise, which relate to the matters complained of in the Complaint.

2. Copies of any and all photographs or other visual aids in possession of the Plaintiff or Plaintiff's attorney for the underlying criminal matter, or any and all photographs or other visual aids that are in the possession of the Plaintiff that show any of the property or livestock complained of by the Plaintiff in his Complaint.

3. Each medical record, report, or opinion that has been made in connection with a medical examination or treatment of the injuries in this action or in preparation of this action. "Report" includes but is not limited to reports of physical examination or evaluation, results of

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laboratory tests, doctors' notes, nurses' notes, prescriptions, memoranda, studies, graphs, charts, tabulations, analyses, summaries, data sheets, statistical or informational accumulations, computer-generated documents, and preliminary drafts or revisions of the above. "Reports" also includes writings to Plaintiff's attorneys on medical matters.

4. Each medical or veterinary bill, statement for services rendered, and record that will show that the Plaintiff's dogs have been properly vaccinated.

5. Copies of Plaintiff's federal and state income tax returns for the years 2005 through the present, including W-2 forms, and any and all other documentation upon which Plaintiff relies in claiming lost wages, earnings, or income.

6. Any and all reports, opinions, correspondence, memoranda, or other documentation provided to Plaintiff from any expert consulted by or retained by Plaintiff in this litigation.

7. Each veterinary record, report, or opinion that has been made in connection with a veterinary examination or treatment of the Plaintiff's dogs in this action or in preparation of this action. "Report" includes but is not limited to reports of physical examination or evaluation, results of laboratory tests, doctors' notes, nurses' notes, prescriptions, memoranda, studies, graphs, charts, tabulations, analyses, summaries, data sheets, statistical or informational accumulations, computer-generated documents, and preliminary drafts or revisions of the above. "Reports" also includes writings to Plaintiff's attorneys on medical matters.

8. Copies of any documents in the possession of the Plaintiff relating to the two Uniform Summons Tickets issued to the Plaintiff on, or about, July 2, 2015.

9. Copies of any documents, or other tangible evidence, in the possession and/or control of the Plaintiff relating to the criminal trial before Judge Williamson on, or about, August 26, 2015.

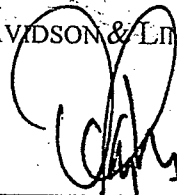
10. Copies of any appeals filed by Plaintiff regarding his conviction by jury on, or about, August 26, 2015 for the charges issued against him on, or about, July 2, 2015.

11. A complete copy of any correspondence and/or reports sent to the FBI by the Plaintiff, or received by the Plaintiff from the FBI, regarding any of the matters and/or allegations set forth in your Complaint in this case. This would include, but not be limited to, the report you referenced on page 7 of your Complaint regarding Enn and Junior Enlow and the report you referenced on page 12 of your Complaint.

12. Provide copies of any documents or other tangible evidence of any sort that support your claims that "[t]he primary reason for all of these attacks is because Aiken County is bringing in Millions of dollars of cocane [sic] by Aircraft all around my dwelling place and because I am not a team player like my neighbours [sic] they are trying to get rid of me any way they can." See, Complaint, pg. 12.

The foregoing Requests shall be deemed to continue from the time of service until the trial of the case and any information obtained shall be promptly submitted to the undersigned.

DAVIDSON & LINDEMANN, P.A.



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Counsel for the Defendants

Columbia, South Carolina

October 22, 2015

STATE OF SOUTH CAROLINA

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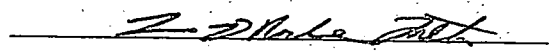
Aiken County, Aiken County Animal
Control/Code Enforcement Director Bobby
Arthurs, Aiken County Animal Control/Code
Enforcement Officer Ron Cooper, Judge
Donna L. Williamson,

Defendants.

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Defendants Aiken County, Aiken County Animal Control/Code Enforcement Director Bobby Arthurs, Aiken County Animal Control/Code Enforcement Officer Ron Cooper, Judge Donna L. Williamson, do hereby certify that service of the **Answer on Behalf of Defendants, First Set of Continuing Interrogatories to the Plaintiff on Behalf of the Defendants, and First Set of Continuing Requests for Production to the Plaintiff on Behalf of the Defendants** in the above-captioned action was made upon the *pro se* Plaintiff of record by placing same in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this 22nd day of October, 2015, addressed as follows:

Carlton E. Cantrell
223 Muddy Branch Road
Aiken, South Carolina 29805



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

Appellate Case No. 2016-002275

RECEIVED

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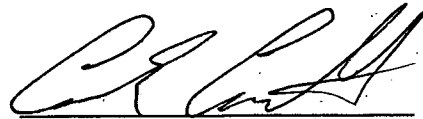
Aiken County, Aiken County Animal Control / Code
Enforcement Director Bobby Arthurs, Aiken County
Animal Control / Code Enforcement Officer Ron Cooper,
Judge Donna L. Williamson

.....Respondents

CERTIFICATE OF CONTENTS RULE 211(b)

The undersigned Plaintiff/Appellant hereby certifies that the Final Brief(s)
is identical to the previous Brief(s) served under Rule 208.

May 30, 2017



Carlton E Cantrell/Appellate
223 Muddy Branch Road
Aiken, South Carolina 29801