

NOTICE OF APPEAL

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THE STATE OF SOUTH CAROLINA
in the Court of Appeals

OCT 05 2017

SC Court of Appeals

Ms. Carmen Mullen, Circuit Court judge

Case No. 2016-CP-15-1413

Lynne Van House,
Acting pro se

Appellant,

v.

Colleton County

Respondent

MOTION FOR DISCOVERY OF EXCULPATORY EVIDENCE

Sean P. Thornton,
County Attorney
PO Box 157
Walterboro, SC 29488

Lynne Van House
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Round O, SC 29474
(843) 835-8038

Cover

NOW COMES Appellant Lynne Van House, acting pro se, who hereby Moves that this Court demand the items, documents, and explanations listed below to the Appellant pursuant to Rule 26 (b) (1) SCRCF, Rule 37 (a) SCRCF, (*BRADY v. MARYLAND* 373 U.S. 83 (1963), the fourth, fifth, sixth, eighth, and fourteenth Amendments to the United States Constitution, and Article 1 of the South Carolina Constitution. Respondents have had Motions for Discovery made verbally in Court, written as legal Motions, and a Compel to Produce Evidence Motion all submitted to them through the lower Courts by Appellant, but Appellant has received no evidence from these Motions to date. Therefore, Appellant further begs this Court to demand this exculpatory evidence be assembled and handed over within one week—as the Respondents have withheld this information from her for over 16 months to date. If any of this material is not available, Appellant further asks the Court to demand a reasonable and detailed explanation for the unavailability of same.

****Stated with specificity, so there be no error in her requirements, Appellant requests the following:**

- 1) Copies of all 10 misdemeanor tickets written on Friday, May 13, 2016.
- 2) Copies of any and all audio recorded, and all photos taken, by any County employee and/or any contracted person present during the initial, unwarranted entry onto my property and subsequent conversations at my gate by the road on Friday, May 13, 2016 including with particularity those videos, voice recordings, and still photos that show or describe Appellant's dogs as they were viewed and counted on May 13, 2016, on Appellant's property, the approximately 35 short haired dogs being of foremost importance.
- 3) Copies of all photos taken of Appellant's animals as they were seized on Monday May 16, 2016, while being loaded into trucks for transport, together with the number assigned each animal for

identification by the County, as recorded on the seizure paper for each at that time, (of which Appellant received a copy of the papers only the night of May 16, 2016), with particular emphasis on the short haired individuals, comprising approximately 1/2 of the total animals seized.

4) Any notes or observations as written or recorded by Dr. Laurie Campbell as to the actual physical condition (in her opinion) of the animals seized at the time of seizure, on site at my property, if there be any, listed by the County's assigned number, as was noted by the newspaper press release of May 16, 2016 (Defendant's Exhibit #16) that Dr. Laurie Campbell was assigned to do while there.

4) A list of all personal property of any description in addition to Appellant's adult dogs (as listed on the actual warrant), that was seized on May 16, 2016.

5) A copy of the Affirmation Affidavit signed by Mr. McNeil, (or by whatever representative of the County that did so) by which he/she obtained the warrant dated Monday, May 16, 2016, and signed by Judge Duffie.

6) A copy of the Warrant issued on May 16, 2016, with times of issue and service on Appellant, showing with particularity what was to be seized.

7) A copy of the Affirmation Affidavit signed by Mr. McNeil (or by whatever representative of the County that did so) by which he obtained the warrant issued on Wednesday May 18, 2016, and signed by Judge Campbell.

8) A copy of the Warrant issued on Wednesday, May 18, 2016, with times of issue and service on Appellant, showing with particularity what was to be seized.

9) A detailed list of all of Appellant's personal property in addition to the domestic animal remains in my burial pit that was seized on Wednesday, May 18, 2016.

- 10) A copy of the original complaint, (or notes or comments recorded by any means, during the time the complaint was being issued and detailed, and/or being documented and/or followed up on), with dates, times, and name of complainant and all other pertinent information contained therein.
- 11) Copies of ALL of Appellant's (defendant's) exhibits with all attached pages, from Magistrate Court, as presented by myself, and entered into the record from all 6 hearings by Judge Duffie as Defendant's Exhibit numbers 1-33. (2 bearing the same number) total 34.
- 13) A copy of Plaintiff's Exhibit #9 from Magistrate Court, which details the initial Veterinary exam by County number assigned, of each of Appellant's animals individually, with attendant extra follow-up test results for each, as they were obtained.
- 14) A color copy of the Purina "body condition" chart by which Appellant's dogs were said to be judged for body condition, detailing the number of ribs that should show, and the waist and tuck-up that should be evident. (Plaintiff's Exhibit #7)
- 15) Appellant's 2016 CALENDAR-disappeared on May 16, 2016—at the time of the first search.
- 16) Dispatch records for County vehicles, particularly Sheriff Andy Strickland, specifically relating to those vehicles dispatched to Appellant's property during May 13, 16, 18, 2016. with dispatch and return times—to establish more exactly when they individually arrived at my property for the first unwarranted entry, and for the first and second actual seizures of my personal property. and when my animals arrived at the Hilton Head Animal Shelter, as followed by Mr. McNeil and/or other County personnel or contracted persons.
- 17) A list, by number assigned by the County, of all the animals seized, plus the litter of 7 born while in their care: such list detailing their final disposition with date of said disposition, and where they (or

their remains) are now. (Killed, Adopted, Aborted, or Died in their care); and if adopted out, where they went) Noting with particularity how many of the animals that were in the County's possession in the first 10-11 days of the seizure, (then numbering 80) are dead as of the first year anniversary of the seizure, May 16, 2017, including all four categories above.

18) An itemized list of the many medications and treatment/care preparations seized,—listed as “bucket of meds” on a seizure warrant, plus any others taken,—and their final disposition, for comparison of value, as documented by Defendant's Exhibit # 25)

19) A list of all donations and collected monies received from advertising about my animals and the supplies the various animal shelters and organizations said were necessary for them, with an approximate total monetary value.

20) An itemized list of all monies, totaling \$15,000—as was claimed by Talullah Trice, of the Hilton Head shelter, to have been spent on my animals within the first 5 days after the seizure; per our telephone conversation, and the followup affirmation on the (*Mag. Ct. audio*) by Mr. Sapp.

21) A list, by amount, of all the grant money received by any involved or contracted person relative to my animals and the forensic study of them.

22) ALL THREE of Appellant's Motions made to Magistrate Court, with attendant citations of law, —which were answered by the single Order from Judge Duffie; and Appellant's counter-motion as authorized by Judge Duffie, with attendant citations of law.

23) ALL FIVE Motions of Appeal (contained in two face documents) made to Common Pleas Court, including the “Compel to Produce” evidence Motion, some of which were answered by Judge Mullen's two denials.

24) the full copy of Appellant's Appeal to the Common Pleas Court consisting of 47 pages including the Table of Contents, citations of law and all exhibits.

25) A copy of Judge Duffie's Answer to Appellant's (Defendant's) Appeal to Common Pleas Court, consisting of approximately 24 pages, and containing an approximate description and verbiage of Appellant's Defense and the County's (or their contracted persons) reply, in the more than 10 hours of the Magistrate Court Hearings, relating to the Appellant's/Defendant's claim of the illegal and unlawful taking and disposal of Appellant's animals and other personal property.

26) copies of all 10 of the Criminal warrants issued by specific number of the dog named as "ill-treated" in relation to the May 16, 2016 seizure of Appellant's animals and other property.

27) ALL information, in any form, as variously collected by Colleton County employees, personnel, and contracted others—which might serve in defense of the Appellant in a court of law.

28) A transcript of the entire 10+ hours of testimony in Magistrate Court, if there be one.

29) A concise explanation of the exact verbiage used for the criminal warrants—particularly where the code used (41-1-40 B) states the terms used as they relate to the Appellant's written charges; where the "offense code" 2804 is to be found, and what it says; the explanation of the notation "OCA#16-2347.

30) Copies of any and all evidence, which was presented to both Magistrate Judges, which was considered by them to be probable cause to seize my personal property livestock as relates to the animals only, as the warrant states was to be seized.

Entered this day, October 3, 2017

cc:
Sean P. Thornton,

/s/ Lynne VanHous

County Attorney
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PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Colleton County by depositing a copy of it in the United States Mail, postage prepaid on October 3, 2017, addressed to Mr. Sean P. Thornton, County Attorney, Post Office 157, Walterboro, South Carolina 29488.

October 3, 2017

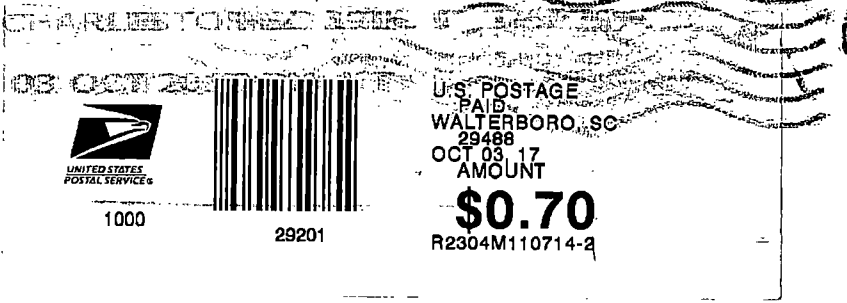
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