BRIEF OF APPELLANT

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2017-001017

Sean P. Thornton, Attorney for
Colleton County, et. al. Respondent,

v.

Lynne Van House Appellant

INITIAL BRIEF OF APPELLANT

Lynne Van House
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Round O, SC 29474
(843) 835-8038
Appellant (acting pro se)

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IX

ARGUMENT NO. 1
(Synopsis and questions of law)

Both the Respondents and Mr. McNeil's original complainant did commit several well -documented (both in Court under oath and in newsprint and TV news stories) acts of Invasion of Privacy; Unwarranted Surveillance; and Criminal Trespass PRIOR to either Search Warrant being issued.

Both of the Search/Seizure warrants were issued based on the unlawfully obtained evidence garnered on the unwarranted searches carried out by the original complainant and the Animal Control officers on the Friday afternoon prior to the first seizure.

Both seizure warrants were issued to the wrong address, and neither were signed by the Appellant.

The Appellant was given a copy of only one of the Warrants when served, and neither of the warrants were accompanied by the Affirmation Affidavit as required.

Much collateral damage to Appellant's personal property and goods resulted, and much of the property actually seized was never listed on either warrant.

QUESTION 1:

Did Judges Duffie and Campbell, who signed the two warrants in question—ERR in signing them; due to the quality and legality of the potential evidence used in procuring them?

QUESTION 2:

Should Respondents be BARRED FROM USING any potential evidence seized; due to the unlawful methods used in obtaining it?

QUESTION 3:

Should the POTENTIAL EVIDENCE be SUPPRESSED or expunged, and the WARRANTS issued be VACATED, and declared null, void, and moot; due to the potential evidence's quality,

legality, and methods used to obtain it?

QUESTION 4:

Should Appellant be entitled to suitable RESTITUTION for the damaged goods and irreplaceable LIFE'S WORK, RE: her personal property LIVESTOCK, AND THE VALUE OF IT'S FUTURE PROGENY--as a hobby breeding operation?

BACKGROUND TO THIS ARGUMENT AND CITATIONS OF LAW IN REFERANCE FOLLOW.

ARGUMENT NO. 2

(SYNOPSIS AND QUESTIONS OF LAW)

Appellant's then-attorney Mr. Sapp was hired only AFTER the seizure of her personal property livestock and goods, in order to specifically effect their return intact. Although Respondents were Ordered by Judge Duffie, in his May 31, 2016 decision, to keep ALL the property intact as evidence until the next court date of June 21, 2016, neither Mr. Sapp nor Respondents did so. Instead, all of Appellant's animals were surrendered to local County officials and animal shelters the very next day—JUNE 1, violating (AC#6) *Colleton County Animal Control Statute Section 6.04.050* and Judge Duffie's Order.

On June 8, 2016; Ms. Taylor had the newspaper print an article asserting that she had "spoken" to me, and that I'd "recently agreed" to relinquish the animals to avoid the high costs of "treating the animals and nursing them back to health!" (AC# 19)

NONE of this ever happened: I did NOT speak to her except in court after my arrest on June 3, and she went out of her way in the article to claim poor health of animals that were not unhealthy. I literally never knew anything about this article or her claims as to what was said until months after her assertions of having "spoken" to me!

The now-Attorney of record for Respondents, Mr. Thornton, also reported violation of this order while some of Appellant's animals were still in Respondent's possession. Mr. Thornton's undated letter postmarked June 28, 2016 (AC #20) states that 22 animals were still in the Hilton Head shelter, and that those would be held intact until the June 21 Hearing. They were NOT. When the June 21 hearing convened, Mr. Bennett, who became the then-attorney of record for

Respondents at that time; simply informed the court and the Appellant that "all the animals had been adopted out or disposed of". *(per Mag. Ct. Audio)*

Question 1:

Did Magistrate Court Judge Duffie ERR by AFFIRMING the Respondent's belated request to allow the keeping and selling of the Appellant's seized private property after the discovery that his Order had been violated, AND that the Appellant knew nothing of this back-door agreement?

Question 2:

Should the Order affirming this action be vacated and be declared null, void, and moot?

BACKGROUND TO THIS ARGUMENT AND CITATIONS OF LAW IN REFERANCE FOLLOW.

ARGUMENT NO. 3
(Synopsis and Questions of Law)

Magistrate Court Judge Duffie signed Mr. Bennett's proposed Order as written, and used it to deny all three of Appellant's Motions, focusing on only ONE aspect of the case, Rule 43(k), since my animals were, indeed, gone by this time, and the "agreement" had already been "carried into effect"; inasmuch as Appellant's then-attorney Mr. Sapp had already surrendered all of Appellant's animals (without her knowledge or consent) on June 1, 2016. However, Mr. Sapp had been hired AFTER the seizure of Appellant's personal property animals and goods.

**In addition, the Amendment in 2009 to Rule 43(k) specifically states that : "The amendment to Rule 43(k) provides a settlement agreement is also binding if the agreement is reduced to writing and signed by the parties and their counsel." Appellant did not know about the agreement, and did not sign them over or surrender them.

Mr. Sapp never worked in defense of Appellant's best interests; as designated to him by Appellant's clearly stated goals of retrieving all of her breeding animals intact and undamaged. His (*Mag. Ct. audio)* comments made under oath, as well as his several actions leading up to his surrendering of them immediately after being ordered by Judge Duffie to have them kept in this condition—indicate that none of these were aimed at retrieving Appellant's animals and goods, as he was hired to do.

Question 1:

Did Judge Duffie ERR by signing the Order, written by the County's then-attorney, and specifically aimed to have the Appellant's then-attorney, Mr. Sapp, appear to be a General attorney, rather than the Special Defense attorney he was hired by the Appellant to act as; thereby appearing to allow him the power to surrender Appellant's property without her knowledge or consent?

Question 2:

Should the single Order denying all three of Appellant's Motions be vacated, and declared null, void, and moot?

BACKGROUND TO THIS ARGUMENT AND CITATIONS OF LAW IN REFERANCE FOLLOW.

(ARGUMENT NO. 4)
SYNOPSIS AND QUESTIONS OF LAW

Appellant's Motion to Reverse the Order made by Judge Duffie in Magistrate Court denying all three of Appellant's Motions was promulgated on the facts that:

1) Judge Duffie never made sure that Appellant got a copy of his Answer to Appellant's Appeal at all. *(SCRCP ..."shall send notice to all parties that the record has been received... and the return has been filed" Rules 75 and 18)*

2) Judge Duffie's clerk claimed as "proof of service" a yellow "sticky note" on the front of the Common Pleas Clerk's copy Claiming *"I brought this return and file to Common Plea on 11-10-16 and gave it to Polly...Ms. Pam"* . *This date is 4 days earlier than the actual time and date stamp of 11-14-16 at 8:57 AM as noted by the Common Pleas Clerk.*

3) Although the letter to Judge Buckner from Judge Duffie, requesting an extension to file his Answer, was entered into the file in Common Pleas Court on 11-15-16, Appellant never received a copy of Judge Buckner's agreement to allow the extension, as instructed in the letter to Judge Duffie. This further confused the issue and greatly increased the difficulty by Plaintiff to determine what was actually in Judge Duffie's Answer, and when and if the Common Pleas Court had ever actually received it.

QUESTION 1: Did Judge Mullen ERR by allowing this irregular and questionable court procedure to stand, and denying Appellant's suggested Motion of Reversal; While offering NO alternative modifications or sanctions for these actions?

BACKGROUND TO THIS ARGUMENT AND CITATIONS OF LAW IN REFERANCE FOLLOW.

STATEMENT OF THE CASE

Appellant's Appeal to the Appeals Court is set up in a narrative form, essentially like an oral argument--with time/date listings, and citations of law inserted where appropriate in the arguments. The Motions that were appealed to Common Pleas Court were: 1) to rescind the search warrants that were signed by Magistrate Judges Duffie and Campbell based on information garnered by Respondent's alleged illegal and unlawful invasion of privacy and trespassing; 2) To rescind the "probable cause" to have removed, dispersed, and sold Appellant's animals from her property as authorized by Appellant's special agent Mr. Sapp, but never agreed to by Appellant; 3) to declare a Mistrial, based on several inappropriate and personally abusive remarks by Respondent's just-appointed attorney Mr. Bennett against the Appellant; which had nothing to do with the case being heard; and that all the facts, evidence, and arguments were not heard in court nor all Respondent's witnesses questioned, before the Order denying all three of Appellant's Motions was signed. 4) To have all those Orders reversed because of multiple errors of court procedure as alleged in this Motion and in oral argument in Common Pleas Court, and as a part of this Motion, a demand for a "Compel to Produce Evidence" referencing Motions for Discovery introduced three times before, the last with the appeal to Common Pleas Court--which was not addressed at all.

This original case was appealed timely with fee paid, to the Court of Common Pleas on September 21, 2016 because of the Order issued by Judge Duffie from Magistrate's Court denying all three of Appellant's Motions as presented, mostly before Appellant's ability to cross examine the County's witnesses and view nearly any of the County's evidence, was allowed her.

When notified of this Appeal, Judge Duffie prepared an Answer, which was essentially a partial transcript of the (Appellant's) testimony heard in his courtroom, but requested of Judge Buckner an extension to complete the Answer, as the actual court sessions covered over 10 hours of testimony, mostly Appellant's defense against her personal property (including her animals) being seized in the

first place.

This request was granted with a letter to Judge Duffie, with the extension to be until November 15, 2016. Although Judge Buckner required Judge Duffie to make Appellant aware of this extension, this was not done, And in addition, Appellant was never sent a copy of the Answer from the Magistrate Court.

Appellant attempted to determine in several ways what this Answer contained, but was not given a copy of it before the first Hearing date of November 17, 2016 so she could prepare. At that Hearing, Judge Buckner had to leave early because of a funeral he needed to attend—so this case did not come before him on that day.

When Appellant attempted to discuss her lack of a copy of the Answer with Respondent's newest attorney Mr. Thornton, she was told that she could "probably get a copy from the clerk." When Appellant responded that that solution would have done her no good for this Hearing, if it had come off--and asked if he knew why she'd not gotten a copy of Judge Duffie's Answer—Mr. Thornton replied that "nobody ever pays any attention to pro se claimants anyway." Appellant's Motion to Reverse was filed with the Common Pleas clerk on that day; and Appellant also requested a Compel to Produce from the Motion of Discovery filed with this original Appeal, and several times prior.

At the next scheduled Hearing date, November 28, 2016, Mr. Thornton broke in to Appellant's request to have her second Motion heard first because of time constraints; with several comments that they (both of the Motions) were frivolous claims, and the Court should disregard what she wanted. Appellant had no choice except to request a Continuation, in order to have the time needed to attempt to have her Motions properly heard; which was granted.

This Hearing was then Continued to February 8, 2017—changed by the court from February 6. The docket was too full, and it was continued by the court to March 17, 2017.

This Hearing was held off until Appellant was the last case in the Courtroom. Appellant was given a little time to discuss the second Motion as to Reversal of the Motions from Magistrate Court

due to clerical errors, and was then told by Judge Mullen that she needed to read the Appeal to Common Pleas Court. After several minutes of reading on her computer, Judge Mullen then asked Appellant exactly why she had appealed. A few minutes into Appellant's oral argument of the case under appeal, and after a few comments by Mr. Thornton relative to why he thought Appellant was still "fighting"; Judge Mullen said she needed to take this "under advisement" and adjourned the Hearing subject to her Judgment; which would be issued later.

On March 22, 2017, Judge Mullen issued her Judgments, Appellant received her copy on March 25, 2017 by USPS mail. All that was said was that both were "respectfully denied;" The main Appeal asserted that there were "no errors of law" made in Magistrate's Court, and the shorter Reversal Motion simply "respectfully denied" with no explanation: with no citations of law, no arguments to refute Appellant's; no explanations of any kind for either.

Appellant alleges that this is a continuation of the County's improper delaying tactics, in the hope, as I am acting pro se, that I will miss a deadline or fail to timely present something to the Courts, thereby failing to properly present my case. (16 months delay so far)

This brings us forward to this Appeal to the Appeals Court. Appellant is appealing all the judgments and orders of both courts, as none of them were ever addressed by citation, argument, or opinion, or by countering Appellant's many citations of law. Appellant also begs this Court to determine a number of her unanswered questions by way of possible closure for herself: WHY her personal property was seized, sold, and killed without due process of law; exactly WHAT Appellant was actually charged with (or convicted of without her knowledge?), that resulted in her extremely valuable personal property being suddenly and arbitrarily seized and sold without following the process the County has established to handle this kind of charge; (AC # 6) WHY is her personal property gone with no restitution; and finally; WHO actually did the original invasion of privacy and criminal trespass (in the Appellant's arranged absence) in order to gather supposed evidence of

whatever crime she was alleged to have committed? This was a first "offense", and Appellant's background check reveals that they were misdemeanors, which have not been resolved, but the criminal charges are hanging there still in the County records, and interfering with Appellant's ability to get guardianship of her adult disabled son, since South Carolina has no statute of limitations on criminal cases. There is no actual criminal cases pending—since they were mis-written, and the actual charges on the warrant are a compilation of part of a State Statute, a word or two which were not included in any law, and a few words from a County Ordinance. I allege that a Sheriff's Deputy is not authorized to rewrite, alter, or combine any laws to fit a pending case.

Appellant's arguments are arranged numerically, with narrative synopsis and questions of law; background statements, time line, and evidence; with citations of law inserted within the background as appropriate, and referenced in the Table of Contents. These are all attached by number of argument; in order, 1-4.

Appellant has also just made a Motion of Discovery of Exculpatory Evidence; of which Mr. Thornton has a copy—but this has yet to be acted upon. Appellant alleges that ALL evidence, (including her personal property animals) were to be HELD INTACT until this entire Appeals process is finished. They were not.

ARGUMENT NO. 1

(BACKGROUND AND CITATIONS OF LAW)

*PLEASE NOTE: All 34 (2 carry the same number) of the "Defendant's Exhibits" that were entered into my defense against the seizure and invasion of my property were introduced in Magistrate Court at the appropriate time in the narrative that supported, or showed the violation of, that particular exhibit covered. A mere list of them as offered in the Answer to my Appeal by Judge Duffie, (especially noting simply that there is a particular number of pages relating in some way to the same numbered Exhibit) does not do justice to my narrative of the sequence of the events. Only a careful listening to the (*Mag. Ct. audio*) or the computer record of the hearing, and comparing the sequence of events, could ever do that.

I was told by the Magistrate Court clerk that there was no transcript available—although I did obtain a *thumb drive of the audio*. I have added in the actual wording of the testimony in Magistrate Court in many cases for clarity (with quotation marks) from that audio recording where notated by this source listed as *(Mag. Ct. audio)* It appears that the thumb drive is locked in some way—I've tried to copy it or do a verbal transcription of it without success.

(Davis v. Wechsler, 263 US 22, at 24 (1923) "The assertion of Federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice." (Cooper v. Aaron, 358 U.S.1 (1958) *"The State cannot nullify Federal court decisions" (US Supreme Court, 15 US, 274 (2016)* Opinion: Justice Clarence Thomas: *"Our Constitution renounces the notion that some constitutional rights are more equal than others. A Plaintiff either possesses the constitutional right he is asserting, or not—and if not, the judiciary has no business creating ad hoc exceptions so that others can assert rights that seem especially important to vindicate. A law either infringes a constitutional right, or not; there is no room for the judiciary to invent tolerable degrees of encroachment"*

SOMETIME PRIOR to May 13, 2016: A person who was said to be "known" by Mr. McNeill when I questioned him (interviews at my gate and on my grounds recorded by the County representatives on phones) on both May 13 and May 16, 2016 (*Defendant's Exhibit #7--6th Amendment in regard to my right to "face" my accuser)* but by May 19, was claimed to have been an "anonymous" phone call;

(SC. Const. Art. 1, S. 14) was said (in Mr. McNeil's Press Release to the Press and Standard newspaper online copy--*Defendant's Exhibit #16)* to have entered my totally closed, completely Private, *(Defendant's Exhibit #5, U.S. Const. Amend. IV, and Trupiano v. United States, 334 US 699(68 Ct.1229, 92 L. Ed. 1663 (1948) "Individual liberty depends on freedom from unreasonable invasion")* Posted, *(Defendant's Exhibit #2 "warrantless searches are presumed to be violating the 4th Amendment")* and Grandfathered *(Defendant's Exhibit #1 "a legal provision that a business or enterprise is exempt from a new rule, regulation, or law that would affect rights previously held")* real property during a"walk in the woods."

NONE of my personal property is visible from anywhere around the perimeter of my real property, or even from the air. *(Defendant's Exhibits #'s 17 and 18-Schematic and overhead photo)* including ALL buildings, livestock, and vehicles. It is totally wooded, and all the surrounding properties are either heavily wooded (2) or an open field (1), and completely unoccupied. (Also private property unless one of the owners was the complainant —and MY property was entered from the "walk in the woods" from THEIR property--which I still never authorized.)

What IS obvious are the dozens of "No Trespassing" signs *(some of Defendant's Exhibit #24)* located closely all around the perimeter of my property (only 4 required by law-*SC Code 16-11-600*), and in many places in a second or third close circular layer surrounding several areas of the interior.

During that "walk in the woods" this person closely passed AT LEAST 2-3, and probably up to a DOZEN or more of my "posted" signs in a concerted effort to actually see any of my personal property livestock. Even though Mr. McNeil told me that he did not verify in any way the credentials of this person as an animal husbandry expert of any degree, a report was apparently taken (I've never seen that either) and followed up on by Mr. McNeil (and later, many other Deputies, Officers, Veterinarians, shelter volunteers, and contracted animal activists) because of this complainant's statement of finding "diseased and malnourished" animals "hidden in the woods". *(Defendant's Exhibit # 16 and #7- concerning one's right to confront witnesses that are accusing him of a crime and evaluate the evidence claimed.)*

SC Trespass law would appear to avow that ALL real property is PRIVATE—and it becomes CRIMINAL Trespass when the trespasser(s) are aware that they are NOT on their own property; are notified that the owner does not wish anybody to come onto it, via a sign, verbally, or any other kind of

notification; AND the trespass is carried out anyway. CRIMINAL TRESPASS is (obviously) a crime in SC. *(SC Code 16-11-510, and Defendant's Exhibit #2.)* Mr. McNeil was quoted as saying what he "could" charge me with as far as so-called "lack" of medical records (which he refused to look at) across the number of all of my animals; although the dozens of people who REPEATEDLY trespassed onto my property over the course of all those invasions "could" also be charged separately, per *(Defendant's Exhibit #2, SC Code 16-11-510)* and I have not done so.

A LATER TIME-FRAME THAN ABOVE—PRIOR to May 13, 2016: Several unmarked vehicles (probably from the Sheriff's Dept.) started following me, apparently taking note of my routine, and timing my comings and goings. I have been a hunter and tracker all of my life, and these observations are based on many years of experience.

My terminal mentally and physically disabled son in Walterboro is the main center of my routines, so I became familiar with the few vehicles employed in this surveillance, but couldn't stop any of them to ask why they were doing it.

This surveillance was described by myself in detail in Magistrate Court under Oath, with several Deputies present who were involved with the "raid" (Mr. Spears descriptive word) on my property—including Mr. McNeil, Mr. Spears, Ms. Taylor, and the young brunette white woman that wasn't properly identified, plus several others from the various shelters, and NO ONE made any objection, nor questioned, nor denied that any of these practices were used against me, thus violating my privacy rights.

(SC Const. Art.1, S. 10) and sense of personal safety and security. *(U.S. Const. Amend. 4—Defendant's Exhibit #5)*

FRIDAY MAY 13, 2016. 1:45 PM: I left out of my latched gate to head into town to administer medications to my son and to check up on him. After my gate was re-latched, and I was about to turn onto Hwy 61—a Black extended cab pickup with blacked out windows literally skidded into the ditch across the road from me in an effort to get stopped, apparently to observe me—my impression at the time was that he was waiting to see which direction I turned.

I waited a few moments to see if the driver was going to get out of the truck, but he did not. I turned

right toward Sidney's Road, and when I got there to turn left, there was a small SUV, also Black with blacked-out windows, parked at the outside corner. That vehicle then pulled in directly behind me, and I was followed closely all the way to my son's apartment on North Lemacks St. in Walterboro. This vehicle literally stopped in the street behind me, and I was watched until I'd clearly exited and locked my vehicle, and was walking toward my son's apartment, then they drove slowly past and disappeared.

These surveillance actions by apparent law enforcement officers caused me great concern and appear to have been a form of purposeful harassment or stalking to gain information about me prior to any actual face-to-face confrontation.

FRIDAY MAY 13, 2016 APPROX. 4:10 PM: I left my son's apartment and started back home. When I got to the Forks gas station and the Sidney's Road turn to the left, what appeared to be the same small Black SUV fell in behind me and closely followed me out toward my property. When I got 1000 feet or so from the stop sign on Hwy 61, the SUV suddenly sped up, passed me much too closely, ran through the stop sign while barely slowing—and turned right. When I got to the stop sign to make my own right turn, the whole sky and highway was lit up with flashing Blue lights directly in front of my property on both sides of the road. I pulled into the ditch past my driveway on the left. *(the many vehicles were completely blocking my right of way, driveway, and gate, and I was refused access to my property, ignoring my right to enter and their violation of that right. (Defendant's Exhibit #5 and SC Const Art.1, S 10)*

FRIDAY MAY 13, 2016 4:30 pm: I parked my van, walked to outside my gate, observing that my previously latched gate was now unlatched, but the gate was pulled closed. I was stopped alongside a Black extended cab pickup which Mr. McNeil and three other Deputies were standing by. Mr. McNeil stopped me when I came to be surrounded by these officers, and said he had "some questions" for me. He "introduced" all four people so hurriedly that I didn't catch any of the names except his--but when I asked for cards or a slower or louder name recitation (I'm slightly hard of hearing); I was told by the Officer that I later identified as Spears that if I continued to "obstruct" them in their

under oath, I asked him *why* he had ignored all those no trespassing signs—he replied that he felt that they meant that "*You had something to hide.*" *(Mag. Ct. audio)* I explained that I was hiding nothing—but trying to protect a lot, which right he had chosen to ignore.

ANSWER to Common Pleas Court: Page 13, line 26: "McNeil testified that the No Trespassing signs did not prevent or apply to a law enforcement officer entering property for investigative purposes."

(This and many subsequent actions by armed law enforcement concerns me greatly because of the apparent belief that the uniform should allow an officer of the court to simply plunder in a private citizen's life and property at any time, regardless of the privacy laws, because of a nebulous "suspicion" of some crime possibly having been committed, or an opinion that the person may be "hiding" something.) Their verbal threats and attempts at intimidation add credence to this theory.

Mr. McNeil then informed me that he had called me "sometime this morning" about returning his call about "this" but that I had not returned his call, and was apparently "avoiding" them. I told him that I'd been in my trailer nearly all morning—and had received NO call from him. When I asked for a specific time, he would not say, nor was he willing to look at his phone to verify a time.

I told them that I wanted them to leave immediately; but instead I spent at least a half hour more outside my own gate; being loomed over, threatened that "It will go harder on you if you don't "cooperate" and that they "will come back and take all your dogs" if I didn't lead them all back down onto my property; but that IF I did allow them back on my property (their words)—they "might allow you to get back some of them."

The primary threatening, intimidating, and attempts at coercion came from Officer Spears, backed up by the young white brunette female officer who was video and audio recording the confrontations on her phone, apparently to use against me in court in case I DID happen to invite or allow them onto my property. I never did catch her name, nor did I ever give permission in any form allowing them to come on my private property in any manner. (I have repeatedly asked for this video and audio evidence too, to no avail.)

Mr. Spears further waved a sheaf of papers partially highlighted in yellow at me, informing me that I

"investigation" it would "go harder" on me. I felt very threatened and intimidated, particularly by Mr. Spears. Although these were all apparently Animal Control officers, they were soon joined for the rest of this "raid" (Mr. Spears' descriptive word) by actual Deputies from the Sheriff's Dept; the Sheriff, and several shelter and Veterinary representatives, as well as contracted animal activists. *(Defendant's Exhibit # 13 & 14 --US Code Title 18, S 241, 242 concerning collusion by two or more persons to deprive citizens of their Constitutional rights under color of law and the taking of personal property for use or sale to another, under (SC Const. Art 1, S. 13)*

Mr. McNeil then asked me if I was Lynne Van House; I said I was. He asked if I lived "there" indicating an area behind my gate; I said I did. He asked me if I owned "the dogs that are back there". I then stated that I did own dogs which were kenneled on my Private, Grandfathered, Posted property, BUT asked why he was asking the questions. Mr. McNeil said he had had a "complaint." For the first time of several, I asked Mr. McNeil WHO had complained, and was told that he "knew" who it was, but that he did not have to tell me except in "court". Mr. McNeil then proceeded to ask me to "escort" them ALL down to "where the dogs were" to "explain" some things they had "observed." I then informed them again that they had ALREADY trespassed onto my private property, invaded my peace and privacy, and apparently trampled all over my place knowing I was NOT there—and that there was NO WAY that I'd ever allow them on my property willingly.

(SC Code 16-11-600):

"Every entry upon the lands of another where any horse, mule, cow, hog or any other livestock is pastured, or any other lands of another, after notice from the owner or tenant prohibiting such entry, shall be a misdemeanor and be punished by a fine not to exceed one hundred dollars, or by imprisonment with hard labor on the public works of the county for not exceeding thirty days. When any owner or tenant of any lands shall post a notice in four conspicuous places on the borders of such land prohibiting entry thereon, a proof of the posting shall be deemed and taken as notice conclusive against the person making entry, as aforesaid, for the purpose of trespassing."

Under oath in Magistrate Court, *(from Mag. Ct. audio)* Mr. McNeil admitted that he had seen several No Trespassing signs at my gate, and at least one in either direction from my gate, out at the road; but that he had *"walked around the gate on this little path"(Mag. Ct. audio)* to gain entry. *(Testimony in Magistrate Court when I asked him if HE was the person who had unlatched my gate.)* Also when

was not legally allowed to give my own shots, or dock my own tails on my Min Pins because I was "practicing Veterinary medicine without a license"—which has always been legal in SC for the owned livestock in one's care. Later, after I insisted he give me a copy of them, it proved that the papers he was waving were proposed statutes that applied to cutting the tails on HORSES (his card said he was an "equine officer")—and was allowed if it was a "breed characteristic" for the horses to hold their tails in a certain way. Dogs were never mentioned at all. This was also only a BILL-and never made it out of committee—it was never a law. Tractor Supply sells vaccines for various species every day. My Veterinarian, Dr. Buddy DeLoach of Walterboro has seen dozens of my puppies that I've docked tails and removed dew claws on, and has never had anything negative to say about how it was done or the final result, and has always accepted my assertions of what shots had been given and when. We have even had discussions in the past of which brands of vaccines better protected puppies in this area of the country during my many visits for health certificates; and which one of us had more "experience. This was a draw, both of us having over 50 years "in grade."

While I was still standing outside my own gate that Friday May 13; Mr. McNeil was sitting in the truck, and wrote a couple of very generic misdemeanor citations, for "animal care" and "rabies" and then stepped back out of the truck (where he went when Officer Spears started threatening me), These citations were numbers 0669 and 0670. Mr. McNeil clearly dated them 5/13/16 at 4 PM—which WAS the actual date and time they were written.

Mr. Spears got in and wrote 7 more citations, (for the same two things--6 for "animal care" and 1 for "rabies") while Mr. McNeil then harangued and cajoled me (much less threateningly) to allow them access to my property "willingly." Mr. Spears, however—dated 6 of HIS 7 citations as 5/16/16, at 5:30 PM, and left one undated, and overwrote one of the dates. in an obvious attempt to cover up their unwarranted invasion of my property on the 13th. Mr. Spears' citation numbers are 0974, 0975, 0976, 0977 (which is undated,) 0978, 0979, and 0982 which has an over-written date on top. (I have no explanation for the two missing sequential numbers—they were not handed to me.) I was only ever handed 9 citations. *(AC# 1)*

I was reminded of what has been described as the "good cop, bad cop" routine as this was going on.

A criminal background check of myself I ordered recently indicates 10 misdemeanors —for "ill treatment of animals" all of which are unresolved (after 16 months!), and that term was never mentioned at the time of the original misdemeanor citations written May 13, 2016.

These 10 listed on my background check are dated May 16, 2016—(like 6 of Mr. Spears' citations) NOT May 13, 2016 when ALL the original ones were written at my gate. Copies are included as part of my exhibits as *(AC# 1)* The original 9 are cleared per Mr. Bennett in (Mag. Ct. audio)

I mention here that the warrants which were returned to General Sessions Court after my arrest WERE listed as "ill treatment of animals" but (*SC Code 47-1-40--ill-treatment of animals generally*) specifies that "a first offense is charged as a misdemeanor, that it needs to be knowingly or intentionally done, AND does not apply to accepted animal husbandry practices" (AC #2)

PLEASE NOTE: These were NOT my companions (EXCEPT FOR MY SERVICE DOG)—these were my personal property breeding livestock, producing puppies for sale. *(SC code 47-4-20 as amended means all classes and breeds of animals, domesticated or feral, raised for use, sale, or display.)*

PLEASE NOTE: although I was told that they were citing "kennel" requirements when stating that I could only keep "24" animals, and that the animals had to follow certain "requirements;" the actual fact is that they had decided to attempt to prosecute me under (CC ordinance 6-04-10)—which sets forth the criteria for a "companion animal hoarder." My animals were NOT kept as pets, (SEE ABOVE) but as personal property breeding livestock, used to produce animals for sale, and their care requirements fell under accepted animal husbandry practices. (which I fully followed)

**BY WAY OF COLLATERAL DAMAGE OF THE SEIZURE OF MY ANIMALS: I was recently assured by Mr. Dillon, the office manager? of the Walterboro Social Security office that it was a "fact" that he had heard from "several other offices and agencies" that I'd been convicted of 10 felony charges and they were displayed on the courthouse website! He also said that he would NEVER give me the payee-ship for my disabled son's SSI because of these things he had HEARD. I've also applied for Guardianship of David, because of his increasing inability to live alone, even part-time, and THAT is also being considered a poor likelihood to go through in light of my supposed "felonies" that I'm supposed to have been "convicted" of! Apparently, based on several friend's comments to me (that know me better than these people do, and listen well)—law enforcement and members of a couple of county agencies have been spreading this around a lot since my attempts to get my son's

affairs in order to provide for him (and my continuing fight for restitution for my livestock) began.

Misdemeanors, as listed on my background check—which have NOT been pled to, judged, or apparently resolved—should not apply to either of these decisions, but they well may...

Judge Duffie's Order, for some strange reason, when dismissing my three Motions, also listed May 16 as the date of all of the original misdemeanors that were dismissed in court at the time of the "enforceable agreement" discussion. (*Mag. Ct. Audio)*—Mr. Bennett clearly states that the "misdemeanors" had been cleared—those listed on the background report do not show a disposition. I submit that this is simply a further attempt to make me "stop fighting" them and not pursue restitution for my personal property that was seized, and sold or destroyed.

The only time Mr. McNeil asked for any medical records, I told him that I'd bring them out to the gate for his perusal at my convenience—but he insisted on "going to the house with me" to look at them, and I said again that that was NOT going to happen. *(Defendant's Exhibit #16-Press Release-claims that I had not shown them any documentation—and then further states that there was "a lot of proving she has to do" in relation to this documentation that he refused to let me bring out to show him!)*

I have since turned over as Exhibits the prior 10 years of orders from my primary vaccine and pharmaceutical company Revival Animal Health, *(Defendant's Exhibit #25)* but I actually have access to at least 20 years of similar orders from that company; pictures of my feed bin with both adult and puppy feed inside; *(some of Defendant's Exhibit #24)* and 5+ months of feed purchases for cash and on credit from Benton Feed of Walterboro, *(Defendant's Exhibit #19)* (A better explanation of these pages reveals nearly a TON of food was bought in a bit over 5 months, for my mostly TOY breed dogs); plus pictures of partially used boxes of vaccine vials in my fridge. *(some of Defendant's Exhibit #24)*

At that time, I asked Mr. McNeil if he had found any animals in danger or uncared for during his unwarranted invasion—he replied that he had not. *(recorded on one of their phones)* The young brunette officer claimed she'd seen ONE without water (I later verified that the water was so clear, and shaded—that the water line in the bowl, ¾ full, was hard to see) but other than that, nobody claimed to have seen any animals in "any danger". I told them at that time that I'd checked water and my

pregnant girls closely at about 6 AM that day, and that all of them were fine then.

At that point, the brunette officer gasped, and exclaimed "you have pregnant ones down there?" I, of course, replied that I BRED them—and of course I did. (*Kristi M. Perry/San Francisco v. CA Governor A. Schwarzenegger, Opinion 10-16696 9th Cir. (2011) "Moral disapproval is not an adequate basis to deprive men and women of their Constitutional rights."* In other words, I allege that animal rights activists may not legally judge me or impose their sense of morality on me or my use of my personal property! Finally, I said I needed them to stop blocking my driveway, and to leave me alone and leave. I drove my van down to the next driveway to the east, and parked—and waited a good while until they all dispersed, then drove back and went into my place, latching the gate behind me. (By the next day, I had installed an actual lock on it, in place of the latch.)

PLEASE NOTE: that on Monday the 16th, well prior to the arrival of the first search warrant, Mr. Spears verbally threatened and attempted to intimidate me again about my needing to "allow" them to come on my property without a warrant, and then made a comment to me about his "not needing" to have me unlatch the gate for him to gain entry—and grabbed and jerked up the chain around my gate post to expose what he clearly assumed was still the latch. When he saw that I had replaced the latch with a padlock, he glared at me, and literally threw the chain back down onto the gate, and then climbed over the left side-wing to my gate and entered my property anyway-on foot, closely followed by the brunette officer.

I stopped him again about 50 feet down my driveway—and told him that he could not enter onto my posted property. Mr. Spears response was: "yeah, well, Walterboro Horse Auction and the Round O Hunt Club thought that way–and they were wrong too." (*Southern Pacific Transportation Co. v. Public Utilities Commission, 18 Cal., 3d 309 1976)"Obviously, administrative agencies, like police officers, must obey the Constitution and may not deprive persons of their Constitutional rights."*

FRIDAY, MAY 13, 2016 4:21 PM. When I got back in, I checked messages. The ONLY message from Mr. McNeil was at 4:21 PM—only EIGHT MINUTES before I had pulled into the ditch by my gate. ALL he said, after saying his name and that he was with Animal Control, was that "I need you to call me back" and gave his cell phone number. I made notes about this message immediately-- (since

my voice mail does not allow saving or recording a message)--then I went down, took care of my animals, and took a good number of pictures of my own of the actual conditions as they were when Mr. McNeil and his armed force had made this first unwarranted search that Friday prior to the first seizure.

My 4th Amendment rights say I should be secure against "unreasonable searches" and the SC Constitution adds against "invasions of privacy" as well, but they had already committed criminal trespass, and searched and invaded my privacy on the "authority" of a person who they admitted at first had committed the very same crimes. The claim of an anonymous phone call was only mentioned AFTER I claimed my right to know who it was, and Mr. McNeil said he knew, but wouldn't tell me except in court. (Defendant's Exhibit #5 and SC Const. Art. 1 S. 10--which further claims a SC citizen's rights against unreasonable invasions of privacy.)

I had NOT committed any crime that I was ever made aware of *(Miller VS United States, 230 F. 2d 486. Cal 192 (1958): "The claim and exercise of a fundamental right cannot be converted into a crime")* I was simply quietly enjoying my peace and privacy; breeding, caring for, and selling the progeny of my personal property livestock, and taking care of my 41-year-old son, managing his worsening terminal disease. *(SC Code 16-11-510 declares ALL property that is not real estate, but is moveable—to be owned personal property, and specifically names all animals of any description)*

The carefully guarded and zealously maintained bloodlines of the livestock I bred were literally my life's work—as animals of the exceptional quality of mine in health, longevity, rare and unique colors and patterns, and breeding ability are not being produced any longer. I had stopped breeding very much about 6 months earlier, due to a sudden worsening in my son's conditions. At the time of the seizure, I was raising only enough pups to pay for my livestock's upkeep and enough extra for other extra bills of my own or my son's as they occurred. At that time, my credit rating was "very good". It dropped to under 500 because of the sudden loss of available income, from the seizure.

My "daughter of the heart" Kim Merriam and her daughter Aliesha were preparing to move here to help me to increase production of my exceptional quality pets and in protecting my exceptional bloodlines. She has already bought a house near me, and I testified in *(Mag. Ct. audio)* that my intention was to teach her and her daughter all about the bloodlines, strengths, pedigrees, and care of

these exceptional animals—so that in 10 years or so, I could have them totally doing the breeding and care aspects—and all I had to do was "play with puppies". I made the comment on the record that I'd be "nearly 80" by then, so it made sense to have made these plans in advance.

The officers admitted that none of my animals were in any immediate danger --yet the first warrant cited an "emergency" condition in order to obtain the warrant! NO ONE of the several officers that were in Magistrate Court objected in any way to my statements about the verbal exchanges relative to my animals being in danger, (or not) as mentioned earlier in this narrative, yet Mr. McNeil apparently "swore or affirmed" that my animals were "not being taken care of" and the warrant actually cited a HEAD COUNT that was only off by 2, proving a very careful close-up inspection of them. (a litter of 3 Chihuahuas were born Monday AM the 16th; but were so fat and healthy that the initial Vet exam put them at a week of age) and a Min Pin momma had a litter of 7, 6 of which survived—10 days after the seizure--even after all the trauma she had been put through. Toy breed dogs do NOT have large and strong litters like this if they are in any way "endangered." or "not being taken care of." *(SEE: AC# 3) of weights and vital signs completely derived from those initial exams.* ALSO *pictures and show standards of the breeds I raised from the Continental Kennel Club, the registering body I used. (AC#4)*

The officers also admitted to taking pictures and videos, further invading my privacy while I was known to not be there, because of their prior surveillance, while on that completely unwarranted Friday the 13th search. Pictures and videos were then possibly selectively used against me to obtain that first warrant signed by Judge Duffie. (criteria used to issue the warrant was not given me)

ALL of this so-called "evidence" (most of which I have never seen despite 3 Motions for Discovery and a request to Compel to Produce) was obtained in violation of my 4th Amendment and SC Bill of Rights guarantees, and I also allege and invoke the "Exclusionary Rule" as listed in my (Defendant's Exhibit # 5) in that, evidence obtained to apparently be used against me was obtained unlawfully and cannot be introduced in court or used against me for any purpose. (they have not produced the exculpatory evidence I've motioned to receive at this time, either (Nov. 1 of 2017))

The "fruit of the poisonous tree" rule, in reference to the second warrant, I allege cannot be used either, because they told me that they had "discovered" my burial pit during the first (unlawful) seizure raid. Also, I affirm that "If the Government becomes the lawbreakers, it breeds contempt for

the law. " (Supreme Court Justice Louis Brandeis) Also *(BRADY v. MARYLAND 373 U.S. 83 (1963)..."It is a violation of constitutional due process for prosecution to withhold evidence." "the prosecution must turn over all evidence that might exonerate the defendant (exculpatory evidence) to the defense."*

BOTH of the warrants were served to my "trailer" address 19897 Augusta Hwy. My "dog pens" address, 19893 Augusta Hwy, (per Coastal Electric Coop,(AC# 5) for my kenneling area at the far rear of my property—was not listed on either warrant. I only had one animal in my trailer, a 2-week old Miniature Pinscher puppy I was raising by hand, bottle feeding. The warrants were served to the WRONG ADDRESS for the "property" listed to be seized, which only named ADULT dogs as well —but every single animal was seized including my cats and several puppies, including 3 puppies that were only hours old, born that morning.

In addition, they used a Drug Sniffing dog on the second seizure day to locate my cats, which were in a separate part of my property, and it is not lawful to bring in such a dog unless they have reason to believe that drugs are to be found—the evidence found, if to be used, therefore, must be drugs, not cats. *(Rodriguez v. United States 575 U.S. (2015). "In 4th Amendment terms, the eight-minute period during which the officer detained Rodriguez—after writing his warning—was an "unreasonable seizure.") From a purely constitutional perspective, Justice Ruth Bader Ginsburg's majority opinion is...obviously correct."*

Bringing in a drug sniffing dog hours after the second seizure began in order to find "anything else needed" is a clear violation. They found NO drugs, of course, in my case, only my cats.

Neither warrant appears able to pass the "exceptions" rules as outlined from my research either—such as a known criminal holing up during a chase, or if I had voluntarily given consent for a search —which I did NOT for any of the four intrusions; not the first unwarranted one, nor the two using search warrants, nor the one in which Dr. Mary Campbell came in to assess "conditions they were living in" after they were gone.. No true emergency exceptions apply to this case.

My mailbox clearly shows four numbered addresses—all four of which are mine, only two are

currently used, because of 911-addressing errors that could not be corrected by the time they discovered the errors 10 years after the fact. *(part of Defendant's Exhibit #24)(AC# 5)* My trailer is 19897—my kenneling area (listed by the electric company as "dog pens") at the far back of my property, is 19893.

Mr. McNeil told me that he had checked ONLY at the Round O post office for an address for me. *ANSWER to Common Pleas Court: Page 13, starting line 13:* However, Mr. McNeil claimed under oath that he actually called 911 for both the address and phone number. (again, for ME, not my kenneling/breeding set up.)

(The County also has copies of two older Electric bills with the addresses on them, and I have attached copies here of more current ones—*(AC# 5)* He never told me where he'd obtained my UNLISTED telephone number. I only have a wired land line, which I maintain myself; I have no cell phone service out there. ALL of this was clearly against the requirements for legal warrants in this State, and further:

(SC Codes 17-13-140, 17-13-141, 17-13-150) covers legal suppression of unlawfully obtained evidence; requiring a copy of the Affirmation affidavit be given along with the search warrant; and a specific address and specific description of the property seized being required.) None of these requirements for a lawful warrant were met in my case.)

I allege, as well, that this "raid" was purposely orchestrated and initiated on a late Friday afternoon in order to severely restrict my access to proper legal counsel and eliminate my access to due process of law prior to the actual seizure of my animals beyond retrieval. (The complaint was made on April 18) To wit: The first question I was asked by Mr. Spears on the Monday of the first seizure was *"Do you have an attorney standing here now?"* and when I said no—he informed me that he guessed they'd *"just go on and do this, then." (Waeschle vs. Dragovic, 576 F.3d 539, 544 (6th Cir. 2009) "In order to establish a procedural due process claim, a plaintiff must show that (1) he had a life, liberty, or property interest protected by the Due Process Clause; (2) he was deprived of this protected interest; and (3) the state did not afford him adequate procedural rights prior to depriving him of the property interest."*

MONDAY, MAY 16, 2016 1:45 PM: I stepped out of my trailer to go medicate my son at the usual

time, but again had my gate and right of way blocked by vehicles and flashing blue lights. I asked why they were there, and was "answered" by a held up finger and told by Mr. McNeil that he'd be "with me" in "a few minutes". I waited on my side of my locked gate in my van and occasionally leaning on my side of the gate for about 30 minutes, while I was completely ignored by every one of the several carloads of people present, and not allowed to leave. This large group of people included Animal Control officers, Sheriff's deputies, at least one Veterinarian, shelter representatives, and many contracted animal activists, manyof them armed. *(Colleton County Animal Control Statute 6-04 -050--AC# 6 with comments)* I finally left my van there in my driveway on the inside of my locked gate, locked the van, took the keys, and went back to my trailer to call my daughter Ranie in Wisconsin to tell her what was happening.

(US Code, Title 42, Section 1983 states: "(e)very person who, under color of any statute, ordinance, regulation, custom, or usage of any State...subjects or causes to be subjected, any citizen of the United States...to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action of law, suit in equity, or other proper proceeding for redress.")

I came back out in a few minutes, and observed the same young white female brunette officer as I'd seen and spoken with on the prior Friday walking directly down my driveway that runs through the center of my property the long way, toward the far back of my property—already at least 300 feet inside my property boundaries, and on my side of my locked gate. I asked her why she was there. She replied that she needed to "join them" and waved a hand toward the rear of my property, back where my main kenneling area was. *(Defendant's Exhibits #17-18- my real property)*

I started walking toward her to follow, and she told me that "you can't go back there." I replied that it was my property, and I'd walk where I chose. The two of us got back to my main kenneling area, (about 800 feet from the highway, and directly down the center of my property) along my private driveway. *(See Defendant's Exhibits #'s 17 & 18, schematic and overhead photo of my real property)*

On arrival back among my whelping pens and runs, I was immediately confronted by our Colleton County Sheriff, Mr. Andy Strickland, surrounded by 4 deputies, including the white female brunette. Mr. Strickland rushed up and tried to loom over me, but is too short to do so, so he actually literally spat in my face as he shouted: *"this is unacceptable!"* while waving his arm at my kenneled dogs.

When I asked him what he found unacceptable about my setup, he replied *"How'd YOU like to spend your whole life locked up in a wire pen?"* I quietly replied that I was not a dog, and that this was all they had ever known. (I was never given the opportunity to inform him that the ones who wanted to run around outside the pens were allowed to do so when they asked).

ANSWER to Common Pleas Court Page 13, starting line 28: "one of Van House's dogs was out of the pen, but none were running at large" I often let my more active dogs out to play, and this particular Min Pin loved to chase squirrels in the woods. The 3 that did that most often were the ONLY ones of the short-haired dogs that had any ticks on them—in tick hatching season! (The officers walking in my woods well away from my dogs complained however, about ticks, as though it was my fault!)

I DID add to Sheriff Strickland that what he was doing was against the law, that he was trespassing, and that I wanted them all to leave. He then screamed: "I AM the law!" and then said the warrant was "on it's way."

As he is the chief law enforcement officer in this county, I allege that Sheriff Strickland was elected to enforce the law, not claim to be it. *(Southern Pacific Transportation Co. VS Public Utilities Commission, 18 Cal. 3d 309(1976)"Obviously, administrative agencies, like police officers, must obey the Constitution and may not deprive persons of constitutional rights."*

This incident took place well after 2 PM, possibly as late as 3 PM.

ANSWER to Common Pleas Court: Page 15, starting line 15: Ms. Taylor (later noted as the lead investigating officer) admits under oath that *she was there* with the Sheriff on my property on Monday, May 16, 2016, but claims that the Sheriff arrived after the search warrant had been served. I always left my trailer to medicate my son a little before 2...I was already blocked in at that time. I went down and confronted the Sheriff, walked back up and unlocked my gate and moved my van after his threats —THEN went into my trailer to call my daughter. The warrant was shown to me—AFTER I came back out, at about 4 PM. It was only issued at 3:05 PM. Dispatch records would verify when the Sheriff actually drove out, if they were checked, and would verify my allegations. My daughter Ranie could also verify the time of that second call, as I spoke to her right up until I stepped out of my trailer and was confronted by deputies with the first warrant to be served.

Getting back to the confrontation at my whelping area, I again asked Sheriff Strickland and the other officers to go back out onto the other side of my gate until the warrant arrived and I'd been served with it. Mr. Strickland immediately screamed *"are you going to unlock that F**king gate?"* I replied that I would, once I was satisfied that any warrant served was in order; since I'd never been given time for any consultation with an attorney. He THEN screamed: *"if you don't unlock that F**king gate NOW —I'll RIP the G*dD**med thing off it's F**king hinges and throw it in the G*dD**med woods!" Oh, and THEN I'll tow that F**king car of yours out of my way and impound it! How do you like that?"*

I have never been very frightened of anything before, but in this case, I was so shocked and frightened that I literally felt my breath leave me, and I stepped back a pace. Sheriff Strickland followed—and stood glaring at me with his fists clenched.

I suddenly took in my surroundings: I had no one else there on site that would be a witness for me; I was at least 100 feet inside 3 of my property lines, and 800 feet from the other one; I was surrounded by nobody but him and his deputies; and all of the 4 deputies had their hands on the butts of their guns. I realized that if I confronted him further in any way, I'd likely be shot right there, as he appeared completely out of control.

As quietly as I could, I told Mr. Strickland that I'd unlock my gate, move my car, and wait in my trailer until the warrant arrived. I tried to be as non-confrontational as possible, because I was literally in fear of my life at that time.

The brunette officer volunteered to "escort" me with a smirk and her hand still on her gun—but another officer instead stepped up and walked with me back to the gate. I have absolutely no doubt that if she had "escorted" me and I'd have even tripped, the brunette would have shot me.

I simply ran my van randomly into the woods by my driveway (I now have a couple of deep scratches in the paint because of this), unlocked my gate, and walked back to my trailer to talk to my daughter again, and try to calm down. I was shaking so badly I almost couldn't walk there. My daughter could verify both of the times I called her; before and after the confrontation with the Sheriff for comparison with dispatch records.

When I came back out about 4 PM—two officers were standing in my back yard, and showed me the

warrant. I did not get a copy of it at that time. ALL it said was that they could "search for and seize approximately 63 Adult dogs that were not being cared for by the owner"—but I was told that it allowed them to search all my buildings, and take whatever they thought was "important" or "needed,"although all the animals except the 2-week-old bottle-fed puppy were in outside pens! And they did search EVERYWHERE; while breaking and bending pen doors and frames, ripping run gates off the hinges and throwing them down, breaking into outbuildings and my trailer, destroying my personal property, and taking many of my things that were never listed on any warrant. The first warrant was issued at 3:05 PM—so Sheriff Strickland and many armed deputies were on my private property for at least an hour, probably closer to 2 hours, before any warrant was even issued. (see ANSWER above)*(Coolidge VS New Hampshire, 403 US 443, 467, et al(1971) "A warrant must describe the specific place to be searched and persons or things to be seized with particularity sufficient to prevent a 'general, exploratory rummaging in a person's belongings."* *(Cantwell VS Connecticut, 310 US296 (1940)"The fundamental concept of liberty embodied in the 14th Amendment embraces the liberties guaranteed in the 1st Amendment...freedom of conscience and religious belief is absolute...freedom to act is subject to regulation, however...must not unduly infringe on the protected freedom."*In other words, neither a citizen nor government officials have the authority to supersede my God and deprive me of my private, personal property in this manner.

(SC 16-11-650) "A person other than the owner...who willfully and knowingly removes, destroys, or leaves down any portion of a fence in this State intended to enclose animals of any kind...or who willfully and knowingly leaves open or removes a gate...intended for the same purpose...shall be guilty of a misdemeanor."(parts of Defendant's Exhibit # 25 -- showing bent down (instead of unlatched and opened) wire pen doors and knocked down and thrown aside chain link gates)

Again, *The (SC Const., Art. 1, S. 10,) that deals with Search and Seizure, mirrors the US Constitution's 4th Amendment (Defendant's Exhibit #5)*—but adds even more about privacy for her citizens. It states:

"The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, and against unreasonable violations of privacy, shall not be infringed, and no warrants shall issue; except upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

This was clearly not done on several important levels, most notably the "probable cause", and the "particular" place, persons, or things descriptions.

MONDAY, MAY 16, 4 PM. I was told both that I could not stay, AND was informed that I "could leave" if I chose, to finally go to medicate my son hours late. I left and spent some time with David, but was terrified as to what my poor animals were going through—so I went back about 2 hours later, around 6 PM, and watched the many animal control people, Deputies, a Veterinarian, (Dr. Laurie Campbell) shelter volunteers, and contracted animal activists catching and loading them into crates and trucks. I was told I could not go within 50 feet of whatever truck they were loading or I would be arrested. (Mary Campbell, noted later, and Laurie Campbell, as above—claimed to not be related on the (*Mag. Ct. audio)*—but both are Veterinarians, and both were involved—and look much alike.) *At one point, two of the women (possibly shelter volunteers) simply picked up two of my plastic dog crates out of my yard, and started to walk away. When I asked what they were doing with them, one replied that they had "run out of resources" and "have to use yours" but none of the at least six (I'm actually missing seven) taken ever showed up on the seizure lists; I did see six of my crates on the various TV segments, but when the question was brought up in court, Ms. Taylor offered to "return" what they had taken. She presented me with only THREE—2 of which were NOT mine, and I refused them. I never got back anything they took in addition to the dogs, except that one tiny crate. (Receipt copy attached (AC# 8)*

My animals were always kept isolated and secluded from everyone but me—both to protect them from random "bugs" carried on stranger's feet, clothes, and tires—and because when people know what you have, they, unbelievably, tend to think you won't "miss" one or two if they steal them when you are gone!

I lost literally DOZENS of my most "friendly" animals during the years that I worked at the Ford place in Walterboro—I worked very high profile in the Service Dept. and the general public knew I was there for 10 hours every day. People would simply go out and help themselves. That's one of the main reasons that my property was so totally "closed" to everyone. *a screen shot of the front page of my*

website at www.phoenix-kennel.com showing that it had been publicly posted as totally closed to everyone, and why—for many years is at (AC# 9)

My animals had literally never even seen ANYBODY but me; but I witnessed them that day suddenly swooped down upon by several total strangers, in groups; grabbed with huge bite-proof gloves; snatched and strangled with a catch pole; muzzled with ropes which caused sores and loss of hair on their noses; and carried and dragged to the trucks by their necks, the hide of their backs, and strangling nylon ropes, which were left on them at the shelter. Was this humane?

My poor dogs defecated and urinated on themselves in terror; fear-bit; and cried and screamed pitifully. I sat on my back porch crying and listening to them in their mortal distress—and had a stroke that paralyzed the left side of my vocal chords--apparently permanently--while witnessing this. The "rescuers" also were heard by my friend Kim, whom I had on the phone; to laugh, yell, sing, dance, give high-fives, and gleefully comment about the "beautiful" dogs they had "found"?. She asked me about what they were doing and I described this scene as she listened. That first warrant was supposedly signed because of the many animals "in immediate danger." but Kim commented that if she didn't know better—she'd have thought I was having a party from the noise and comments they made. My daughter Ranie also said it sounded like I was having a party or cookout—as I described it to her, if she hadn't known what was going on.

IF my animals HAD been as ill or uncared for as the warrant, the press release, and the several TV blurbs aired that night claimed—those joyful scenes we witnessed would certainly never have happened, nor would Mr. McNeil have waited 3 days until Monday to ask for a warrant after his original unwarranted search on Friday afternoon.

This was also verbalized by myself in Magistrate Court, and NO ONE objected to any part of my description of these actions in any way. Respondents have Kim's phone number, and she can be called for verification if necessary. (Ms. Taylor has spoken to her already)

Several times during this seizure, I begged various people to allow me to identify certain ones who were pregnant, (5 of my girls) specify which one should not be fed certain foods because of severe allergies, (Spotz), point out one old boy who had a weak heart, (Kobalt) and especially that they ALL needed to have blood titers run before vaccinating against anything—because of the probability of over-vaccinating, and told them that my dogs were all up-to-date on vaccinations The only response to

these pleas was the brunette's dumbfounded question: "what's a titer"? *(Defendant's Exhibits #32-#33 —articles by Vets and an owner about the near-criminal over-vaccination of our pets & (AC# 10)*

I was totally ignored in my appeals, and nearly ALL of my animals (that were not immediately euthanized) were over-vaccinated, over-wormed, and forced to have many tests run which were not only NOT necessary—but actually became life-threatening or -taking in several cases. *(Seibert v. Severino, 256 F.3d 648, 660 (7th Cir, 2001) "There can be no dispute that an animal owner has a substantial interest in maintaining his rights in a seized animal...Animal owners have a substantial interest in their "mere pets") and (Kristi M. Perry/San Francisco v. CA Governor A. Schwarzenegger, Opinion 10-16696 9th Cir. 2011) "Moral disapproval is not an adequate basis to deprive men and women of their Constitutional rights"*

Monday, May 16, 2016, at least 9:30 PM: The trucks, all my animals, (not just the adult dogs named on the warrant) and much other personal property finally were gone. One officer came and stood in my yard in the dark, well after 9 PM, and told me to wait there with him for the "seizure lists" to be given to me.

(SC 16-11-640) "It shall be unlawful for any person not an occupant owner, or invitee to enter any private property enclosed by walls or fences or closed gates between the hours of 6 PM and 6 AM ...the provisions...are supplemental to existing law relating to trespass."

When I asked why they weren't already there, since my property was gone—he said that officer Taylor "had to go down to the Red Oak Church" a mile from my place, and get the minister to copy all the paperwork on his printer; thus further humiliating and vilifying me to the neighbors that I still live near...and this AFTER all evening nearly blocking the major highway in front of my property with MANY blue lights and "official" vehicles at my gate, for all the passing traffic (and neighbors) to see and speculate over. I cannot claim slander or liable in this instance, since I don't know exactly how much or what my neighbors were told or what the minister read while doing the copying—but I can say that all my neighbors have been very standoffish since this happened, and I find it very regrettable and upsetting.

Again, the *(SC Const. Art. 1, S. 10) specifies "unreasonable invasions of privacy" as something that*

cannot be imposed on it's citizens. At this point, all I'd even been accused of were misdemeanors, with no supporting evidence shown me, because they refused to allow me to bring out any to show them. I'd also had NO time to contact an attorney or exercise any due process of law on my behalf—since all this had transpired over a weekend. (*Waeschle v. Dragovic, 576 F.3d 539, 544 (6th Cir. 2009) "In order to establish a procedural due process claim, a plaintiff must show that (1)he had a life, liberty, or property interest protected by the Due Process Clause; (2) he was deprived ofthis protected interest; and (3) the state did not afford him adequate procedural rights prior to depriving him of the property interest.") (Defendant's Exhibit #6, 5th Amendment): This exhibit also carefully states that I was not to have been "deprived of life, liberty, or property" (SC Code 16-11-510) and that my private property* have been taken for "public use" (sold as pets) without just compensation to me.

My life's work of 55 years was taken and my entire life was disrupted beyond redemption in a mere 5 hours. *(Mixon VS State of Ohio, 193 f. 3d 389-400 (6th circuit 1999) "We must construe the complaint in the light most favorable to the plaintiff and accept all the facts and allegations contained therein are true." (Munn v. People of Illinois (FIELD,J. 94, U.S. 113(1876-1900)"The State cannot deprive a citizen of his property without due process of law."*

When the seizure lists were finally given to me—they were, and still are—largely undecipherable—they often ignored or mis-stated gender, color, and breed, and *none were listed by "condition" which Dr. Laurie Campbell was stated in the "Press Release" as being there to "verify". (Defendant's Exhibit #16.)*

I allege that much of this misinformation was caused by the undereducated volunteers, shelter personnel, or contracted animal activists who were too hurried to bother to be accurate, as well as animal activists who simply wanted the dogs taken from me, because I bred them.

To this day, I have positively identified only about a third of my own dogs from these particular seizure pages—because I was never allowed to actually see the dogs, or even see the pictures they took to go with the assigned numbers, after they were taken, and the descriptions were so poor and misleading. *(I have listed these pictures taken AS they were loaded, as being needed and included in the appeal for ID)*

It seems apparent, and I allege, that they never intended for me to see any of them ever again, so they

were totally unconcerned with a description, since they had my dogs in hand.

I've been told in court that all of my dogs (and the cats) have been "adopted"--which in truth, translates into being spayed, neutered, adopted, aborted, or killed by this time. Their value to me as breeding animals, and any likely ability I would have had to partially salvage my special bloodlines with the pregnant dogs, was destroyed within less than 2 weeks of the seizure, by Mr. Sapp's surrendering them without my knowledge or consent—and without any of the other officers of the court who also knew how to get in touch with me for verification—ever doing so either. (I have repeatedly asked for final disposition of my animals in my Motions for Discovery, to verify which ones are even alive anymore—to no avail) Mr. Sapp was supposed to be acting as my Special Counsel, to retrieve my dogs —but he did not.

This hinges on AGENCY—and Mr. Sapp acted as my General Agent, (as though I were not capable of making my own decisions)—then hid what he did from me until all the dogs were gone...apparently thinking that I'd then just "stop fighting" as he kept insisting that I do. (Obviously, I did not comply.) Mr. Thornton expressed this question of why I was still fighting in Common Pleas court as well, since my dogs were "gone." It apparently didn't occur to any of the many officers of the court involved in this that not only the animals, but their actual monetary value to me, were of great concern. This kind of activist operation usually results in the dogs seized being immediately sent far out of State, so they cannot be tracked or retrieved. *(AC# 11)*--article about seized healthy former breeding animals being transported across many State lines for immediate "adoption")

The so-called "evidence" for criminal court is also gone, most of them are dead; apparently because the shelter decided they were not readily "adoptable" because of minor defects, temperament, or old age. The criminal warrants are verifiably unlawful—since I have never had any other complaints registered in nearly a quarter century, first alleged offenses are misdemeanors, per SC statute 47-1-40. Even the HSUS and the ASPCA have specifications for how "evidence" is to be legally kept and maintained—for use either in court, or in case the "evidence" were to ever have been given back to me. Now—nearly a year and a half since their seizure, I'm virtually certain that none of them are being "maintained." at any shelter. *(Bess VS Bracken County Fiscal Court, 210 s.w. 3d 177, 180 (KY 2006)*

...recognizing that dogs are personal property...the government is not permitted to deprive an animal owner of his property without due process of law. The risk of erroneous deprivation of this property

interest is significant."

Most of them listed as being "tortured" are apparently dead, from the descriptions and blacked out portions of the exams of them in (*Plaintiff's Exhibit #9,)* I also allege and submit that because the shelter decided they were not "adoptable" due to what they clearly viewed as temperament problems, old age, or health issues (as opposed to being "knowingly deprived of food, water or medical treatment or tortured" as alleged by the warrants)--they were chosen as the 10 criminal cases, and then destroyed with one possible exception, The Golden Sable Sheltie male..

ALL of those 10 were long-haired, and the short-haired ones were obviously those who would have shown that they were neglected first, even before seizure. Since none were—clearly, my dogs were in good condition visually. (*"The spoliation of evidence is the intentional, reckless, or negligent withholding, hiding, altering, fabricating, or destroying of evidence relevant to a legal proceeding . Any testimony of plaintiff's witnesses would not overcome the spoliation inference born of the lost evidentiary value of the missing product itself.")* (*Stokes v. Spartanburg Reg'l Med. Ctr.*, 368 S.C. 515, 522, 629 S.E.2d 675, 679 (Ct. App. 2006) (ordering a new trial for failure to give a jury *instruction on the adverse inference of the import of evidence lost or destroyed by the defendant) However, "[T]he effect of the doctrine of spoliation, when applied in a defensive manner, is to allow a defendant to exculpate itself from liability because the plaintiff has barred it from obtaining evidence (BRADY v. MARYLAND 373 U.S. 83 (1963)..."It is a violation of constitutional due process for prosecution to withhold evidence." "the prosecution must turn over all evidence that might exonerate the defendant (exculpatory evidence) to the defense."(UNITED STATES v. AGURS, No. 75 -491(1976) "if the omitted evidence creates a reasonable doubt of guilt that did not otherwise exist, constitutional error has been committed. Pp. 112-114. The prosecution's duty to disclose (under Brady) does not require a request by the defense." (KYLES v. WHITLEY 514 US 419 (1995)-"shows that the Brady Rule is not limited to evidence known only to the prosecutor—but applies to evidence known to other agents on the persecution team, E.G. the police, etc."*

POSSIBLY-THURSDAY, MAY 19, 2016. The Veterinarian (Dr. Mary Campbell) who picked out and evaluated the 10 so-called "criminally tortured" dogs stated under Oath in Magistrate Court that she went onto my property to take pictures of the "conditions the animals were living in". (*from the Mag.*

Ct. audio) Since this was done AFTER the animals were already removed, and the pens, runs, and surroundings were already partially destroyed and ransacked by the Officers—this was NOT valid evidence to have been introduced, and is a reason that I appealed one of the Orders by Judge Duffie. In addition, Dr. Mary Campbell was operating under an unlawful warrant, to evaluate something that she was not in a position to judge after the fact, as she chose to do.

The FACT is that several of the runs and pens she described as "deplorable" during testimony in Magistrate Court did NOT contain any dogs at all at the time of the seizure, but were unoccupied, and awaiting repair and refurbishing by myself. (I was a frame to finish carpenter in GA, and did all building and repairs on my property myself.)

In any breeding or animal keeping operation, there are always things to repair, things to refurbish, and new accommodations to be built—and all of these things were being done as part of the process of care at the time of the seizure of my livestock. Her "evidence" collected after the fact of what she was alleged to be documenting should never have been admitted, for lack of relevance.

In addition, her "worst 10" which Dr. Mary Campbell used for Criminal Court were all long-haired and kenneled on the ground. The comparison chart from Purina she was using to claim "body condition" was of a short-haired dog, showing 4-5 ribs, a definite waist, and a tuck-up-as ideal. (*Plaintiff's Exhibit #7)* and my *(AC# 12) All my dogs were handled when seized, and Dr. Laurie Campbell apparently made NO notations on the seizure pages of any suspected thinness, ill-condition, or disease at all.*

About ½ of my dogs were very short-haired, and yet Dr. Mary Campbell's 10 supposed worst were all long-haired, and several were made further unadoptable by partially shaving them.

Dr. Mary Campbell admitted under oath in Magistrate Court that you could not see body condition on a long-haired dog by just looking at it, or even a casual exam. *(from the Mag. Ct. audio)* HOWEVER, If ALL my dogs, as claimed in those TV spots, were so "emaciated, dehydrated, and constipated"-then why were NONE of the short-haired ones (which could be visually evaluated even well before the seizure) on the list of so-called "criminally" poor body condition or health?

I allege that this was just another effort to make their case in order to be able to keep and hurriedly ship out to sell my dogs before I had any chance to fight for them or get them back. The original "complainant", the Unwarranted search to get "evidence" photos, the two unlawful warrants, and the

follow-up by Dr. Mary Campbell to ostensibly "assess the conditions they were living in" were all aimed at this one outcome: They would (and did) take and sell my small breed, rare color, Champion pedigreed dogs before I had the time to fight effectively to have them returned.

Much of Dr. Mary Campbell's testimony involved speculation, overt conclusions based on an unclear understanding of the actual facts involved, and much so-called "evidence" which had absolutely no relevance to the "conditions the dogs were living in" as she claimed she was appraising. Her "expertise" had no bearing on this part of her testimony.

WEDNESDAY, MAY 18, 20162-Approximately 1:45 PM : I again came out of my trailer, drove my car to my gate, and was again confronted with a large number of various types of vehicles and people both in uniform and civilian clothes; including a large van, several police vehicles, unmarked POV's, Animal shelter vehicles, etc. All were again sprawled across my gate, right-of-way, and the ditches on both sides of my driveway and the other side of the road, blue lights flashing, and blocking my ability to leave and medicate my son.

PLEASE NOTE: a small doe deer had been hit and killed on the road early that morning, and her carcass had been by my side of the road about 50 feet east of my gate. By the time I tried to go out that afternoon, buzzards had reduced her to a leg or two and a backbone. I don't know where her skull went, but I do know that her carcass was driven over, ignored, parked on, and totally unnoticed —because they were focusing so strongly on my BURIED animals that had died and been placed in my burial pit over the last 23 years!

In testimony in Magistrate Court, Ms. Taylor stated that she had *"found"?* A total of 107 partial carcasses?—including any skeletons she ACTUALLY found in the woods surrounding my burial pit and especially those she dug up out of the pit. She admitted that they were of several species, ages, and conditions. *(per the Mag. Ct. audio)*

Also, in the Magistrate Court hearing as to whether I would have to appear in front of the Grand Jury to determine if there was enough "evidence" to prosecute—Ms. Taylor stated she'd "found over a 100 remains—and then we "STOPPED DIGGING"--further proving my point that they were digging up my perfectly legal burial pit for the "evidence" they were trying to obtain.

Even if they had all been my domestic animals, and even if they did not make any mistakes and count

any of them more than once from partials—that would still have been fewer than 5 per year...even including newborns who didn't make it, old age deaths, etc. This is far from a large annual number, considering the usual number of my breeding animals in residence. How many of mine are still alive?

ANSWER to Common Pleas Court: Page 16, starting on line 4: Ms. Taylor was *"concerned"* by the finding of *"5 or 6"* skeletons? in the same bag in my burial pit, and speculated *"indicated"* that they *"may have died at the same time"*. There is no indication at all of size, apparent ages of the carcasses?, possible breed or species, or any other factors; so this comment is, again, simply an apparent attempt to put me in a possibly bad light. IN FACT, She probably simply mis-counted.

I also find the comment about the "baby food" to be redundant...Ms. Taylor asked me what I was using the jarred baby food for, and I replied that it was baby MEAT—and that I was feeding it to supplement my weaning babies. Dogs are carnivores, and no dry dog food is nutritionally complete.

Before I left the first time on that 2nd seizure day, I had requested that officer Taylor leave the "seizure list" on the seat of my old truck sitting in my yard—and she did, as I discovered the next morning. It did not "specifically" list virtually anything taken—leaving categories like "bucket of meds" and "box of bones" as being apparently adequate for their uses—but leaving me with many questions and much damage to my premises and to my memories of my animals they had dug back up and taken away.

FRIDAY, MAY 20, 2016: I received a phone call from Mr. McNeil, who told me that he was at the Hilton Head Shelter, and asked: "Look here, what are you gonna do about these dogs—are you gonna give them up?" Of course, I told him NO—they had been illegally taken, and I wanted them ALL back—and again reiterated that they HAD to run blood titers in order to not damage their breeding ability with over-vaccination. *(Defendant's Exhibits #32 and #33 and (AC# 10) Articles about over-vaccination by Veterinarians and a pet owner)*

When Ms. Trice got on (This was all done with speaker phone) she informed me that the Vet bills were "already up to $15,000!" *(The Louisville Kennel Club, Inc. et al v. Louisville/Jefferson County Metro Government, No. 3:2007cv 00230 - Document 57 (W.D. Ky. 2009) "Recognizing that animals are property, and the government cannot seize the property and force the owner to pay a caretaker's fee in advance of court and/or to kill them, since they must be able to return the property in the same condition as they seized it, if the defendant is found not guilty. If seized, however, they must be*

maintained in a "humane manner without altering" until a conclusion is reached in court."

After I asked how in the world it could have gotten that high when they had not been authorized by me, the owner, to do anything to them yet—she quickly changed the subject and exclaimed that "we haven't even gotten to all of them to "clean them up" yet—but did you know that several have already tested positive for heartworm?" I told Ms. Trice that I found that very hard to believe—since all of them got Ivermectin preventative at the recommended dose every month. I further asked if she meant that some had heartworm LARVAE in their bloodstream, (which is what the Ivermectin every month kills if they are present from mosquito bites) or if they actually had heartworms? She didn't answer that question, clearly because none of mine did, and it had simply been a fear tactic in case I was ignorant of the life cycle of the heartworm.

I again told her that I did not want any of them vaccinated or altered—because I was going to fight to get ALL of my breeding stock back. Ms. Trice then proceeded to tell me that if I refused to surrender any of them voluntarily, and they wound up being given up involuntarily—that I'd be sued? by them to get all the money they had spent? on them, and I was likely to "lose your house and everything!"

However, if I gave up "all but just the 24 that you can TRY to get back" that the "charges" for the Vet bills would be waived except for those 24 (if I got them back,) and I wouldn't be sued? for those many thousands of dollars for the others. *(Murdock v. Pennsylvania, 319 U.S. 105, at 113(1943) "A State may not impose a charge for the enjoyment of a right granted by the Federal Constitution."*

Out of curiosity, and because I really wanted to get a handle on what she was thinking—I asked her, if I took that route, would I be allowed to choose WHICH 24—and she instantly said: "oh, no—just the 24 "healthiest" ones" and that the rest would be altered and "adopted out" immediately. *(City of Cuyahoga Falls V. Buckeye Community Hope Foundation, 538 US. 188 (2003) "The right of ownership of property includes the inherent right to use one's property."* My *"use"* of my property was by breeding my adults and selling their offspring. This suggestion by Ms. Trice certainly would not have served my needs in retaining my bloodlines or the specific breed characteristics I was trying to salvage; so at that point, I told Ms. Trice that we apparently had nothing else to say to each other, and we said goodbye and hung up.

Answer to Common Pleas court: Page 13, line 11: Amazingly—Mr. McNeil denied under oath any memory of this conversation at all—despite his having traveled to Hilton Head to make the call in the first place, and it having been made from the shelter's phone.

The newspapers and TV had also been summoned to the Hilton Head animal shelter (to await the arrival of my dogs) earlier, and I'd not been made aware of that either. AP wire photo had been alerted, and blurbs about the "rescue" appeared as far away as San Francisco and Seattle, thereby sullying my long-standing good reputation nationally. (SC 16-7-150) "Any person who shall with malicious intent originate, utter, circulate, or publish any false statement or matter concerning another the effect of which shall tend to injure such person in his character or reputation" is subject to fine, imprisonment, or both."

All this precise information "leaked" to all these information outlets appears suspiciously like an attempt to ruin me before I had any chance to defend myself or avail myself of due process of law. (I mention here that in less than an hour after my arrest on the criminal charges, my mug shot that was taken at the jail in Walterboro was broadcast on Charleston Channel five news. My disabled son happened to see this before I could get out of the bond hearing and reassure him that I was not going to stay in jail, and had a severe Grand Mal seizure as a result. There could also be claim laid for damages for this.) The Savannah TV station picked this up within the hour, as well, I'm not sure about any others.

(Plaintiff's Exhibit #5-2 pages: 47-1-120 and 47-1-140); care of dogs if owner has been arrested, etc. and owner paying for the care, which had no relevance to my case and I objected to this.
My dogs were seized and kept almost 2 weeks before my arrest and bonding out.

(Plaintiff's Exhibit #9)—IMPORTANT: These are the initial Vet exam results on the seized dogs and cats, clearly showing that any arbitrary "body condition" number assigned bore little or no relationship to the actual animal. For example—Miniature Pinschers weigh 7-13 lbs. in good condition, Chihuahuas weigh an average of 4-7 lbs.—all of my adults weighed at least that, many more than that, and the weights were perfectly normal and in range for the other breeds as well, and yet some were listed as in poor body condition! Other results, like temperature, respiration, heart rhythm, etc. showed normal as well. Weights across the board were average to heavy for the breed being weighed. There were NO "emaciated, dehydrated, and constipated" animals at all.

Please note carefully the chart I developed FROM THEIR EXAM REPORT, which lists all the dogs seized by breed, weight, vital signs, and age. ALL my dogs were at least well within range of the ideal as noted with the breed standards and pictures attached to this exhibit, (AC# 4) and many (mostly the short-haired ones) were actually somewhat overweight. I tried to keep the long-haired ones at breed standard weights because summer in the deep South is brutal on long-haired dogs. *(AC # 3).*

I have also included in this Appeal three photos of dogs used for advertising by well-known companies- which clearly show very obese dogs as a supposed "healthy" dog! (AC#13). It is costing the poor animals much of their lives to be kept at these weights. (A toy breed dog used to live around 20 years, now they are listed as an average of 10 years lifespan.)

It should be noted that in the one hearing I did not attend; once Judge Duffie told them that the dogs were ALL to be kept by the shelter, and cared for by the County, until the July Hearing —the *(Mag. Ct. Audio)* has a woman saying: "Well, can we start neutering and spaying them now?" Of course, Judge Duffie said NO —but by the next day, Mr. Sapp claimed authority to surrender all of them to the shelter anyway, and they started altering my dogs and cats immediately. IF they had not been in good shape, they could not have had major surgery immediately! (less than 2 weeks after seizure.)

I have included several articles aimed at exposing the facts about many animal shelters, so-called rescue organizations, and especially HSUS and ASPCA. (both of which are listed as involved in this) These organizations firmly believe that we should not have pets, we should not eat meat, and we should never breed any animal. The Press and Standard article (Defendant's Exhibit #16) clearly states the association with the ASPCA in my case, and that they were "investigating", plus the Spay neuter clinic of Hilton Head's Nancy Foard weighed in with slanderous comments, as well as the director of the Humane Society of Hilton Head, on major TV stations.

These are very upsetting, but have a direct relationship to what happened to me—because of the many known animal activists employed or contracted by the County to assist, and the fact that they did not follow the law ...just like the animal control and shelter activists in these five articles.

(AC#14, AC#15, AC#16, AC#17, AC# 18)

(ARGUMENT NO. 2)
BACKGROUND AND CITATIONS OF LAW

*This Motion was forced because of my lack of attendance at the first Hearing on May 31, about whether the seizure of my property and the warrants that caused it were "proper."

I was told by the Magistrate Court clerk that there was no transcript available—although I did obtain a *thumb drive of the audio.* I have added in the actual wording of the testimony in Magistrate Court in many cases for clarity (with quotation marks) from that audio recording where notated by this source, listed as *(Mag. Ct. audio)*

TUESDAY, MAY 17, 2016: I went into town to see Mr. Sapp about another matter, but as soon as I stepped into his office, he rushed out of his inner office and said: "Lynne, what the H*ll happened?" I asked what he meant, and he said: "With the dogs." I asked how he knew anything about it, and he stated that it was "all over the TV—haven't you seen it?" (I do not watch TV—so I had no idea that all the Statewide large TV stations had been invited to the Hilton Head shelter to film their arrival.)

I've since found segments about the "rescue" on Greenville, Charleston, Florence, Columbia, and Savannah TV stations—and there may be more—all of them gave my name and address, and said that all the dogs were in "deplorable" condition, and either Spay Neuter Animal Clinic (SNAC) Director Nancy Foard, or Hilton Head Humane Association Director Franny Gerhoffer can be heard saying in some of the clips that "they are all emaciated, dehydrated, and constipated!" They panned my dogs at the shelter—(several in MY crates which they picked up and used without my permission) All were obviously healthy, if very frightened and dirty because they had repeatedly urinated and defecated on themselves from fright during transport. IF the sound was turned off, and the dogs just looked at—it became even more obvious that there was nothing visually wrong with my dogs, and they were not "dehydrated, emaciated, and constipated" as was so boldly claimed. Even my Doctor took the time to do this—and she said she could see no animals in poor shape, just "scared."

Mr. Sapp hurried me into his inner office, and brought up the Charleston 5 segment on his computer—

As I described above, I saw that the video and the audio descriptions didn't match, and pointed this out—Mr. Sapp and the women in his office agreed with my statement at that time. At this point he told me that I'd need to ask for a hearing—and I asked for particulars. His statement that *"I want to help you with this"* seemed a Godsend at the time, so I agreed to get him some money for his help in getting ALL my dogs back, before they were altered or damaged by all the various things that might be done to them by the people at the shelter. Mr. Sapp always fully understood that I wanted ALL my dogs back, and that he was hired to do this for me. (I managed to get him $500 a few days later. (AC# 36) I was deeply aimed at retaining all those irreplaceable bloodlines that had been snatched so suddenly, and without any warning, and was anxious for him to start working on it immediately. He said he would, and to relax, he'd "handle it." Instead, he did the opposite of what he knew I wanted. *(Lanier v. State, 486 P.2d 981 Alas.1971) "Attorney's waivers of the client's Constitutional rights without consent will not bind the client if the waiver occurs before or after trial or results from a decision during the pre-trial period."*

MONDAY, MAY 23, 2016: I was called by Mr. Sapp and told that there was to be a hearing on May 31—to determine if the County had "legally" seized my personal property. Naturally, I immediately told him that I wanted them all back—and wanted him to especially concentrate on the Constitutional aspects of my defense and reasoning—particularly the 4th Amendment. Mr. Sapp claimed to both me and a friend that I had asked him to call (who is well versed on many Constitutional issues) that he had *"no intention of defending (her) Constitutional rights."* I will supply this man's phone number if this needs to be verified. *(Miranda v. Arizona, 384 US 436 (1966) "Where rights secured by the Constitution are involved, there can be no legislation or rule-making which would abrogate them" (Marbury v. Madison, 5th US 137,180 (1803) "All laws which are repugnant to the Constitution are null and void." Davis v. Wechsler, 263 US 22, at 2 (1923) "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice.")(Cooper V. Aaron 358 U.S. 1 (1958) "The State cannot nullify Federal Court decisions"*

Mr. Sapp insisted that I not attend this hearing, as there were "lots of women out for your blood, and lots of TV cameras and reporters, and all..." and insisted that I stay in his office, and let him "take care

of it for you". His final argument which eventually caused me to not attend was: "Don't you trust me?" Of course, there was nothing of the sort present at that hearing, as proven by the *(Mag. Ct. audio)* when I finally listened to it. When he got back, he told me that he'd *been "scared" by "at least"* 20 women *all "screaming for your blood"*—and he was very glad I had not gone with him. I still thought he was on "*my side*" in trying to get my dogs back at that point. *(King Construction Co. v. Mary Helen Coal Company, 194 Ky. 435, 239 S.W. 799 (1922)) "The court said that it is a universal rule that a client is not bound by his attorney without ratification where the attorney has a personal interest in the subject matter involved or where there is a conflict of interest between the attorney and the client."* *(As verified by the (Mag. Ct. audio.)*

I had also prepared a statement that it had been my intention to read before the Judge, (see narrative titled *"My defense at the seizure hearing" (AC Exhibit # 21)* and I sent it WITH Mr. Sapp to the hearing, with his promise that he would read it into the record and discuss it in front of the County Officers of the Court, the shelter workers who attended, and Judge Duffie. He did NOT do so.

In fact, Mr. Sapp did not follow virtually ANY of the specific instructions I gave him to carry out during this ONLY hearing that I missed at his insistence.

I did not know until I received the *(thumb drive of the Mag. Ct. audio)* of all the hearing dates, particularly the one I missed, that he had actually worked FOR the County's interests in taking my dogs away from me permanently—instead of getting them back, as I'd hired him to do. *(United States v. Beebe, 180 US. At 352 (1901) "A judgement entered upon such a compromise is subject to be set aside on the ground of the lack of authority of the attorney to make the compromise upon which the judgement rests...entering or permitting to be entered such judgement is valid because it's assumed the attorney acted with special authority; but when it is proved he had none, the* judgement *will be vacated on that ground."*

**THIS is a point at which I allege that Judge Duffie could have vacated the Order, demanded the immediate return of the animals that were still alive and unaltered, and authorized restitution for*

the balance of my personal property as we could agree on, thereby not ruining 55 years of my life. Mr. Sapp's and the County's moral objections as to how I kept my breeding livestock, (outdoors in wire pens and using wooden nesting boxes, as opposed to them being house pets) should never have entered into this decision—he should have recused himself as soon as he realized that he did not agree with how my animals were being kept, but did not. *(Kristi M. Perry/San Francisco v. CA Governor A. Schwarzenegger, Opinion 10-16696 9th Cir. (2011) "Moral disapproval is not an adequate basis To deprive men and women of their Constitutional rights" (Montgomery v. Goldstein, 109 Or. 497,220 P.565, 567 (1923) "An attorney at law...is a special agent limited in duty and authority to the vigilant... defense of the rights of his client...Because the attorney serves as a special agent, the scope of his authority is confined to only those actions necessary to accomplish the specific purpose for which he is employed."* I hired him to get my animals returned, not surrendered. *(Davis v. Wechsler, 263 US 22, at 24 (1923) "The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice."* Instead, Mr. Sapp began arguing nearly daily that *"all I'm trying to do is keep you out of prison"* and that I just needed to *"surrender them all"* at this hearing—and *"try to get on with your life"*. He then further asserted that if I *"pled guilty"* that I'd *"only have to pay a small fine of a few hundred dollars and take some courses—and you probably would be "allowed" to keep a few pets in the future"* just as though that would serve me just fine to lose my life's work, and the enormous inherent value in them, in this sudden and irrevocable way!

I had committed no crime, but he expected me to plead guilty and pay a fine! *(Sherar v. Cullen, 481, F2d.945 (1973) "For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights."* A "party" is a human—animals are property, by law. An animal has no rights (or responsibilities) under the law, so there cannot be an injured party (victim). If there is no victim, and no probable victim—then any "animal rights/activism" is simply a moral disapproval or objection to methods.

I was stunned, and this cavalier attitude toward my life's work scared me—so I specifically asked him if he intended to try to get all my dogs back—and he said he would try; but that I needed to *"accept that they probably won't be coming back." (from the Mag. Ct. audio) (City of Cuyahoga Falls v. Buckeye Community Hope Foundation, 538 US.188 (2003) Reinforcing in fact on appeal that "The right of ownership of property includes the inherent right to use one's property."* I started lobbying repeatedly (almost daily) for him to put in a Motion to the court to get them back, and couldn't seem to get him to do so—plus I kept asking why they had been deemed to have been legally seized in the first place, and why they hadn't been given back on May 31st, at least until the June 21 hearing to see if they were to be involuntarily surrendered? I had given him my statement to be read into the record at the Hearing, in my absence.(AC# 21) *(Eldridge v. Melcher 226 Pa. Super. Ct 381, 313 A.2d750 (1973)) "The attorney, merely because of his employment as counsel…cannot affect his client by out of court admissions of fact which were not made, in order to dispense with formal proof."* This was never done, *(as evidenced by the Mag. Ct. audio)* of that hearing. *(Kristi M. Perry/San Francisco v. CA Governor Schwarzenegger. Opinion 10-16696 (9thCircuit, (2011) "Moral disapproval is not an adequate basis to deprive men and women of their Constitutional rights."* Instead of answering my questions; Mr. Sapp started to comment about the *"horrible" conditions* (NOT Ill looking dogs) he had *"seen"* on pictures that were supposedly taken on that Friday (unwarranted) search. *(He claimed to have seen pictures (which I have never seen) during the initial hearing on May 31 as to whether it was a legal seizure.)* I have little defense against something I've never seen—and find it likely that much of any "evidence" was not even taken on or from my property. I have seen no chain of evidence, and if it was so terrible to them—why not let me see it to indicate why they were upset?

I finally became suspicious that Mr. Sapp was NOT really making any effort to get my animals back to me as he had been hired to do—so I wrote a letter to Judge Duffie articulating my many concerns about this whole procedure and the fact that Mr. Sapp was probably not working in my best interest

or asking for the hearing about getting them back. I had never before had any connection to the justice system—so I did not know anything about procedure; but Judge Duffie kindly accepted my letter as a Motion for a hearing about keeping "some" of my dogs. Again, this appears to have been because Mr. Sapp was paying only lip service to actually getting any of them back to me, and whether the wording was "some" or "all" made no real difference, since it was his clear intention, with hindsight, to see that NONE of them came back to me. *(Hall v. Benefit Association of Railroad Employees, 164 S.C. 80, (1932) "Attorneys …without express authority, have no right to compromise or settle their client's rights." (Strickland v. Washington, 466 US 668 (1984)) "The court held that where defense council's conflict was "actual" as opposed to "potential," a "fairly rigid" presumption of prejudice applies."*

The day Mr. Sapp got notice of this hearing—I walked into his office about another matter, again—and he rushed out of his inner office white as a sheet, sweating, and running his hands through his hair and rubbing them on his pants. His first words to me were: "Lynne, what the H*LL have you done?" After I finally understood what he was so upset about, I explained that since we'd only had until the 15th to file the motion to get my dogs back—and he hadn't done it—that I had. He was very angry and terrifically upset, and told me that I hadn't "appreciated" what he was trying to do—so I asked him exactly what it was that he was trying to do—and he said *"keep you out of prison."* I then told him that I thought he was no longer working for my best interests, and he agreed that he needed to *"resign"* because I wasn't doing what *"I told you to do." (Massachusetts Casualty Ins. Co v. Forman 469 F.2d 259 (5th Circuit 1972); (Milewski v. Rolfan Co, 195 F. Supp. 68 (D. Mass. 1961); (Manning v. Wymer), 273 Cal. App. 2D 519, 78 Cal. Rptr. 600 (1969); (City of Des Plaines v. Scientific Mach. Movers, 9 Ill. App. 3D 438, 292 NE,2d 154 (1972); (Gailbraith v. Monarch Gold Dredging Co. 160 Or. 282, 84 P.2d 1110 (1938) "According to the great weight of American Authority, only after acquiring express authority in the form of his client's consent may the attorney compromise his client's claim or*

cause of action." He was only allowed to do this with my EXPRESS consent, which he did not have. *(Montgomery v. Goldstein, 109 Or. 497,220 P. 565, 567 (1923) "An attorney at law…is a special agent limited in duty and authority to the vigilant… defense of the rights of his client." "Because the attorney serves as a special agent, the scope of his authority is confined to only those actions necessary to accomplish the specific purpose for* which *he is employed."*

When the hearing date of June 21 arrived, Mr. Sapp showed up, excused himself as my counsel—and left. I was asked if I wanted to have time to get another attorney, and I said I had no more money—so I'd go pro se from then on out of sheer necessity. The hearings to determine if I could get any of my dogs back began, and proceeded much as Judge Duffie's Answer to my Common Pleas Court Appeal states it—with a few notable exceptions and important points left out; primarily full questions and answers instead of phrases—which occasionally sheds a different light on the remarks that Judge Duffie lists as important points. I will attempt to follow his narrative closely, but add to or clarify by page and line.

ANSWER to Common Pleas Court: Page 1 line 6: states "Attorney Benjamin C.P. Sapp appeared on behalf of Lynne Lucille Van House. Mr. Sapp advised the court that Van House waived her appearance at the hearing, and he would be speaking on her behalf." Now that I finally have the actual testimony *(Mag. Ct. audio)* of that hearing which he INSISTED I NOT attend—it's clear to me exactly why I wasn't supposed to show up! Mr. Sapp clearly had no intention of actually defending my right to get my dogs back—even temporarily—and fully intended to make sure that the County got at least temporary custody of all of them; to make it easier in the future to make sure they got them permanently, which they did. If I had been there, I would have continued my argument that I needed them ALL brought back to me—and Mr. Sapp clearly didn't want to do this, despite the fact that he claimed to speak on MY behalf. *(Montgomery v. Goldstein, 109 Or. 497,220 P. 565, 567 (1923) "An attorney at law…is a special agent limited in duty and authority to the vigilant… defense of the rights*

of his client." "Because the attorney serves as a special agent, the scope of his authority is confined *to only those actions necessary to accomplish the specific purpose for which he is employed."*

ANSWER to Common Pleas Court: Page 1 beginning on line 14: Mr. Sapp claimed that I agreed that there was "probable cause" for the dogs to be removed from my property. That was NEVER the case, as my timeline clearly shows. Mr. Sapp continued with his testimony that he (and myself) *"had seen photographs and spoken with Deputy Taylor."* Again, I actually saw about 12 photos all together of the ones on Ms. Taylor's laptop, and this was at the interrogation I was in at the time—with Miranda Rights having been read to me, and in an interrogation room at the jail. In testimony later under oath, I asked Ms. Taylor how many pictures, of those taken on my property, I ever actually saw—at first, she said she didn't know. When I pressed, with *"a dozen, two dozen, a hundred?"* She finally said she'd probably shown me *"about a dozen."* (from the Mag. Ct. audio)

Out of those "dozen" photos—at least 2 were "staged;" one by taking a photo of an un-inhabitable pen which was not being used, as a supposed "example" of typical housing--and another picture showing, for the photo, a dog in another unused pen—Sandy had been moved into that pen from another, in order to show the "conditions" she was supposedly living in. I allege that many of the "evidence" photos that were taken on my property are similar to these, and that this is one reason that the County continues to ignore my requests to possess copies of them through Discovery. *(Wilson v. Eddy, 2 Cal. App. 3d 613, 82 Cal. Rptr.826 (1969) (Miller v. Meuller, 28 Md. App.141,343 A.2d 922 (1975) Thornton v. Kelly, 11 R.I. at 202(2010) "It is well established that absent some expressed authority, the attorney has no implied plenary power to make, enter into, or alter a contract on behalf of his client." (Sherar v. Cullen, 481, F2d.945 (1973) "For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights." An animal has no rights (or responsibilities) under the law, so there cannot be an injured party (victim). If there is no (human) victim, and no probable victim—then any "animal rights/activism" is simply a moral disapproval or objection to methods.* I was only engaged in harvesting my livestock by raising and selling their puppies.

ANSWER-Page 1, starting on line 17 Mr. Sapp stated that it was a *"horrible situation"* and that since it was his *"understanding"* that I could only have 24 animals on my property, (this designation is for hoarders of companion animals, (CC ordinance 6-24-10 (1) and (2), (not livestock animals bred for sale,—and I was a hobby breeder of my personal livestock—they were NOT pets or my companions) but Mr. Sapp went on to say that I was in violation of the County Code--And that I *"waived my rights"* to the other 49 animals—that I had consented to a *"probable cause"* to have had them" *removed from her property"*, and that I *"consented"* to the animals remaining in the custody of the County. *(From the Mag. Ct. audio) (Wilson v. Eddy, 2 Cal. App. 3d 613, 82 Cal. Rptr.826 (1969) (Miller v. Meuller, 28 Md. App.141,343 A.2d 922 (1975) Thornton v. Kelly, 11 R.I. at 202(2010) "It is well established that absent some expressed authority, the attorney has no implied plenary power to make, enter into, or alter a contract on behalf of his client." (Sherar v. Cullen, 481, F2d.945 (1973) "For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights." An animal has no rights (or responsibilities) under the law, so there cannot be an injured party (victim). If there is no (human) victim, and no probable victim—then any "animal rights/activism" is simply a moral disapproval or objection to methods.* I was only engaged in harvesting my livestock by raising and selling their puppies.

I did not agree, at any time, to any of those waivers or supposed violations, nor did I know about them. Mr. Sapp was NOT my General Agent. I would have vigorously refused to accept those statements—and defended my own position-- IF he had said them within my hearing. There was no expressed authority to do what he did. The whole point of my hiring a DEFENSE attorney was for him to DEFEND me and my Constitutional rights, not act on behalf of the County to persecute me and assist them to take my property/life's work and sell it. *(Brinegar v. United States, supra, at 17 (1949) "guilt in a criminal case must be proved beyond a reasonable doubt and by evidence confined to that which long experience in the common law tradition, to some extent embodied in the Constitution, has crystalized into rules of evidence consistent with that standard. " These rules are historically grounded rights of our system, developed to safeguard men from dubious and unjust convictions, with resulting forfeitures of life, liberty, and property."(Winters v. Cook, 489 F.2d 174, 178 (5th circuit, 1973) "(W)here an inherently personal right of fundamental importance is involved...Both counsel and the Judge would have to make certain that the client had been sufficiently informed and made a truly*

intelligent waiver in every situation where an attorney's action or inaction might involve any possible constitutional rights."

ANSWER to Common Pleas Court: Page 2, starting on line 8: "Attorney Sapp said he had "discussed" the issue with Trice and that "costs" were approximately $15,000. Trice confirmed that figure, and said that these costs would be waived if I relinquished all the animals—as she also said during the phone call from the shelter with Mr. McNeil. Mr. Sapp then stated in Court that he wished to "preserve" my rights to request return of "up to 24 of the dogs" to me, so we could "discuss" trying to get the 24, or whether to relinquish all of them in order to have the "care" costs removed." *(SC 16-5-10) (Regarding two or more persons banding together to "hinder, prevent, or obstruct a citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws...of the US or this State.") Ms. Trice, Ms. Taylor, and Mr. Sapp banded together to give them to the County for re-sale the next day)*

ANSWER to Common Pleas Court: Page 2, starting line 29: Mr. Sapp claims to have talked to me after the hearing of May 31, and that I agreed to the terms he had set up. He NEVER told me what was said (or agreed to) in that hearing, and never indicated that he would arrange for them to take the dogs the next day, regardless of what I said when we spoke—but only that he'd "gotten" me until June 15 to "decide" about giving up all of the dogs. I had to listen to the audio of it before I ever found out what was actually said. I most certainly never agreed to those terms.

**From testimony under oath, Plaintiff's argument: (Mag. Ct. audio)* Lynne: *"Mr. Sapp, do you recall at what point you determined to make my decision for me against my wishes?"*Mr. Sapp: *"Lynne, we discussed that after the Court Order; and whether or not that's what you wanted, that's what I did, and I thought it was in your best interests."* IN FACT, the very next day, June 1--he began the 3 day process of the e-mails and phone calls, which I never knew about until much later—to surrender all my dogs to the County, in "exchange" for dropping the misdemeanor charges which I'd already shown were false—and told me he was "sure" he'd be would able to avoid any "criminal" charges. He NEVER told me what was said (or agreed to) in that hearing, and never indicated that he would arrange for them to take the dogs the next day, regardless of what I said when we spoke—but only that he'd "gotten" me until June 15 to "decide" about giving up all of the dogs. I had to listen to the audio of it before I ever found out what was actually said. I most certainly never agreed to those terms.

ANSWER to Common Pleas Court: Page 12, starting on line 25: "He (Mr. Sapp) was having preliminary discussions with Deputy Taylor and was close to working something out when Sapp and Vanhouse had their falling out."

ANSWER to Common Pleas Court: Page 15, starting on line 6: "In an e-mail to Sapp, (AC# 35) Taylor...reserved her right to file the General Sessions charges which were not part of the agreement."

AGAIN—I never held any stance except that my dogs were illegally removed from my Grandfathered Private property—and I wanted them all back. Mr. Sapp advised the court and Trice that he'd "get back" to Trice after talking to me, and later claimed that "all parties" agreed to these terms. *(Hayes v. Eagle-Picher Industries, Inc., 513 F,2d 892, 894 (10th Cir. 1945) "So long as the client unequivocally repudiates an unauthorized agreement immediately after learning of it,...there will have been no ratification."* I immediately disclaimed all of this—as soon as I heard of it in court. Mr. McNeil, Ms. Taylor, & Ms. Trice, plus a couple of other deputies AND Mr. Sapp's office personnel—ALL had my phone number AND my e-mail address by that time, and none of them let me know what they were doing—clearly because they knew that I'd never go along with it. ANY of them could have called or e-mailed to try to verify the surrender with ME, who had the most to lose—and they did not. *(SC 16-5-10) "Conspiracy against civil rights.")* This indicates that Mr. Sapp understood immediately after the May 31 hearing that Ms. Taylor intended to proceed with the "criminal" charges, but told me differently. (*Defendant's Exhibit #8—"Excessive bail shall not be required")* I submit that $50,000 bond (with the admonition that if I was arrested for anything, I'd go to jail and be liable for the bond) is excessive. This has went nowhere so far, and I don't know what the limitations are for them to ever let me off the hook—or actually even put me before the Grand Jury—which they have not done. I understand that criminal cases have no statute of limitations in SC—so they have purposely ruined me for good in this way as well, unless it is shown that this never should have happened in the first place. I also feel that I could invoke *(Rule 41-2(b)(3) SCRCP "when it appears that there is a failure of the plaintiff to prosecute, the court may on it's own, or on a motion of a defendant, order the action or any claim dismissed for lack of prosecution."* The 10 "criminal" charges are a "first offense" and should be (and are listed under my background check) as misdemeanors, which have never been heard.

By June 2, 2016 I was informed I was to report to the jail for arraignment and arrest on "torture" charges, apparently because I continued to insist I was innocent of any charges, and I refused to "*just*

stop fighting" as they kept telling me to do. They just kept piling more charges on me, apparently hoping I'd quit and just give in to their taking all my personal property livestock & 55 years of my life. I drove myself to the jail, I was NOT "taken into custody" at home, as several articles claimed. *(SC 16-5-60) "Suits against county for damages to person or property resulting from violation of person's civil rights.")* On June 8, 2016; Ms. Taylor actually had the newspaper print an article asserting that she had "spoken" to me, and that I'd "recently agreed" to relinquish the animals to avoid the high costs of "treating the animals and nursing them back to health." *(AC#19)* NONE of this was ever done, NONE of my animals were sick, I did NOT speak to her except in court after my arrest on June 3, and she went out of her way to claim poor health of animals that were not unhealthy. *(AC# 3 & 4)* Her statements were both slanderous and libelous, and I literally never even knew anything about this article or her claims until months after her assertions of having "spoken" to me! (SC Const. Art.7, Sect.6)

AGAIN—I never held any stance except that my dogs were illegally removed from my Grandfathered Private property—and I wanted them all back. Mr. Sapp advised the court and Trice that he'd "get back" to Trice after talking to me, and later claimed that "all parties" agreed to these terms. *(Hayes v. Eagle-Picher Industries, Inc., 513 F,2d 892, 894 (10th Cir. 1945)) "So long as the client unequivocally repudiates an unauthorized agreement immediately after learning of it,...there will have been no ratification."* I immediately disclaimed all of this—as soon as I heard of it in court .Mr. McNeil, Ms. Taylor, & Ms. Trice, plus a couple of other deputies AND Mr. Sapp's office—ALL had my phone number AND my e-mail address by that time, and none of them let me know what they were doing—clearly because they knew that I'd never go along with it. ANY of them could have called or e-mailed to try to verify the surrender with ME, who had the most to lose—and they did not. *(SC*

16-5-10) "It is unlawful for two or more persons to band or conspire together or go in disguise upon the public highway or upon the premises of another with the intent to injure, oppress, or violate the person or property of a citizen because of his political opinion or his expression or exercise of the same or attempt by any means, measures, or acts to hinder, prevent, or obstruct a citizen in the free exercise and enjoyment of any right or privilege secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State. A person who violates the provisions of this section is guilty of a felony..."

JUNE 30, 2016: In a copy of an undated letter (AC# 20) to Judge Duffie, County Attorney Sean Thornton said that Judge Duffie's requirement to maintain possession of all seized animals pending a hearing in July could not be met, because Mr. Sapp had informed Mr. McNeil on June 1 that his *then* client *"would relinquish all the animals to the County."* *(Gran v. City of St. Paul, 274 Minn.220, 143 NW 2d 246 (1966) (Thornton v. Kelly, at 211, 161 SE at 868,(2010) It is the well settled law of this state that the authority of an attorney of record to settle claims is limited to the claims presented by the pleadings in a given case and that any settlement that goes beyond these matters must be expressly agreed to by the client,* the general rule is that compromises based solely on the *attorney's implied authority are voidable and not binding on the client."*

It was at that point with the receipt of that letter copy that I became aware that most of my animals were already gone; because Mr. Thornton went on to say that only 22 animals were still being held in Ridgeland. His next statement was: *"The County will maintain custody of those animals pending your July ruling." (AC# 20)* This was not done—by the time of THAT hearing, I was informed by Mr. Bennett that all the animals were *"adopted out or disposed of."* (Mag. Ct. audio) In addition, it was notated in that letter that copies of the e-mails were attached, but they were not included with the

letter copy to ME.

(SC 16-5-10) "It is unlawful for two or more persons to band or conspire together or go...upon the public highway or upon the premises of another with the intent to injure, oppress, or violate the person or property of a citizen...or attempt by any means, measures, or acts to hinder, obstruct, or prevent a citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitution and laws of the United States or by the constitution and laws of this state." (Bess v. Bracken County Fiscal Court 210 S.W. 3d 177, 180 Ky (2006) "Recognizing that dogs are personal property...the government is not permitted to deprive an animal owner of his property without due process of law. The risk of erroneous deprivation of the property interest is significant."

ANSWER to Common Pleas Court: Page 4, beginning line 15: "there is a 20 acre field to the side of her property and she is allowed to capture or kill any wild animal, which then becomes her personal property". This entire sentence has been totally misconstrued from actual testimony, as on the (*Mag Ct. audio.*) What I *actually* said was that this law (*SC 16-11-510)* also says that any wild animal that comes onto my property is considered to be my personal property, the same as my breeding livestock, and that Ms. Taylor had spent some time during my interrogation trying to get me to "admit" to killing wild animals on my property, and disposing of them there, perhaps to try to cover the number of wild? animal bones they *"found"?* I pointed out, with this illustration, that although I was allowed by law to kill and bury any wild animal that came on my property—I usually live-trapped them, and turned them loose into that 20 acre field, scaring them away from my property in the hope that they would not wander back. I believe I mentioned raccoons and possums in the (*Mag Ct. audio).*

ANSWER to Common Pleas Court: Page 9, beginning line 1: My animals are my personal property, (per *SC 16-11-510*). Since animals cannot be held legally responsible for anything they do (they cannot commit a crime)—they therefore cannot have "rights" nor can they be victims. Continuing that line of reasoning, they can't also then be "victims of a crime." It is not a crime to keep and use (breed and sell) your own personal property. (*Sherar VS Cullen, 481, F2d.945 (1973)) "For a crime to exist, there must be an injured party. There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights."* A "party" is a PERSON, not property.

Although my animals were given food, water, shelter, individual affection and attention, and medical

care, as required by SC law, they were not my pets; they were my breeding livestock. I sold exceptional quality puppies that became beloved household pets—because that is what I strove to produce. (Defendant's Exhibit #21)—a great number of unsolicited, glowing, seller reviews from all over the country and locally.) Livestock is solely possessed by the owner, and only the owner can use them (harvest them) as is normally done for that species. Veal calves are butchered; chickens are raised to be eaten or lay eggs; cows are milked; sheep and goats are eaten, milked, and wool harvested; dogs and cats are used for breeding, for service, and to sell their progeny. THIS is what I did right there for 23 years. (City of Cuyahoga Falls v. Buckeye Community Hope Foundation, 538 US 188 (2003) "The right of ownership of property includes the inherent right to use one's property."

PLEASE NOTE: one of the dogs taken out of my back yard was a SERVICE DOG, thus violating my civil rights and disability rights as well, and depriving me of her service and companionship. *(SC 16-11-510) "It is unlawful for a person to willfully and maliciously cut, shoot, maim, wound, or otherwise injure or destroy any horse, mule, cattle, hog, sheep, goat, or any other kind, class, article, or description of personal property or the goods or chattels of another" Violation is a felony and a fine at the discretion of the court if convicted. (§47-3-940.(A) "It is unlawful for a person with reckless disregard to injure, disable, or cause the death of a guide dog or service animal." (§ 47-3-950.(A) "It is unlawful for a person to wrongfully obtain or exert unauthorized control over a guide dog or service animal with the intent to deprive the guide dog or service animal user of his guide dog or service animal."*

ANSWER to Common Pleas Court: Page 9, beginning line 19 Animals, since they are personal property (see paragraph above) only have as many "rights" as their owner gives them. The statement that "*animals have just as many rights as a suitcase*"—was not said. What I DID say is that animals have only as many inherent rights as any owned property, but are often given more by their owners, because they are living. People tend to imbue their pets with human characteristics (think Mickey, Donald, and Goofy) but that does not mean they actually have them. I think the word I used was jewelry, not suitcase—but the audio is very garbled and low toned in that area. *(Mag. Ct. audio)* A

PARTY is a PERSON, not property. *I included a comment here in the (Mag. Ct. audio) testimony regarding my 2006 Relay van. Lynne: IF my van had been observed by a neighbor (who came onto my posted private property in my absence) as being overdue for an oil change—should he rightfully be allowed to call the Sheriff and demand that a search warrant be obtained to seize my van because it "wasn't being taken care of"? Should my van then be impounded, lots of unnecessary work done to it to raise the repair bill well beyond my ability to pay—and then sold to the "highest bidder" because I couldn't "buy it back" from the County? Should I then potentially be sued for the difference in price for the "care"?*

Common sense dictates that this scenario is absurd—yet this is very representative of what I have endured. (Frost, et al. v. Railroad Commission, 271 US 583 46 S Ct. 605, 70 L.5d. 110 (1926) "The State has no authority to unreasonably burden the exercise of fundamental rights such that the burden compels the relinquishment of such rights in exchange for privileges" (Yick Vo v. Hopkins, Sheriff: 118 US 356 (1886) "Sovereignty itself is not subject to the law; for it is the author and source of law...sovereignty...remains with the people, by whom and for whom all government exists and acts...for the very idea that one man may be compelled to hold his life or the means of his living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails..."

The main difference is that my van can be replaced in kind—my breeding animals, and those 55 years of outstanding bloodlines that they represented—are lost forever. (SC 16-5-60) "Any citizen who shall be hindered, prevented, or obstructed in the exercise of the rights and privileges secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State or shall be injured in his person or property because of his exercise of the same may claim and prosecute the county in which the offense shall be committed for any damages he shall sustain thereby, and the county shall be responsible for the payment of such damages as the court may award, which shall be paid by the county treasurer of such county on a warrant drawn by the governing body thereof. Such warrant shall be drawn by the governing body as soon as a certified copy of the judgement roll is

delivered to them for filing in their office."

Shortly after this statement, Mr. McNeil asked me a couple of questions, in his capacity as representing the County. His main question was if it was "safe" to have buried animals housed? "close" to my living ones. I asked him what did he mean? Safe for what? safe for who? Safe against what? He said "just SAFE". I told him that inasmuch as my dead animals had been in a 6-foot deep burial pit—and humans are buried 6 feet deep (and they have chemicals in them) that, YES—I thought it was safe. Mr. McNeil then threw up his hands, (observed) and said: "no more questions!"(Mag. Ct. audio)

On July 20, the hearing was re-convened with Mr. Bennett suddenly having been hired to represent the County, with no explanation of why the switch to an attorney for the County instead of Mr. McNeil. At that point, I became the true "underdog" here—and the County got an experienced attorney for their representation, while I remained pro se by necessity.

PLEASE NOTE: Interestingly, Mr. Bennett had the total case and all the "evidence" that the County had amassed (all of it that I'd asked for in Discovery twice already) in front of him in just a few days. Mr. Bennett stood and asked for a hearing as to whether there was an "enforceable settlement Agreement" between the parties. It turns out he meant, upon further questioning and comment—was Mr. Sapp representing me for ALL aspects of my case during the short time he was representing me, and therefore was he legally able to decide FOR me that my dogs needed to be surrendered to the County without any input from me given to any of the involved parties; just his word that he "understood" me to mean yes? *(Southern Pacific Transportation Co. v. Public Utilities Commission, 18 Cal, 3d 309 (1976) "Obviously, administrative agencies, like police officers, must obey the Constitution and not deprive persons of their constitutional rights."* I allege that this extends to all officers of the court, including attorneys. The agreement that Mr. Sapp and the County had reached was outlined, and that Mr. Sapp agreed FOR me without my knowledge or input, to relinquish all the animals, and the 10 misdemeanor charges were dropped. (I'd already proven, with pictures and purchase statements—that my animals WERE fed, watered, medicated, and sheltered as required by SC law and some of Dr. Mary Campbell's testimony verified this as well—so this was actually a moot point by this time.

The e-mails that were the sum of the "agreements" between Mr. Sapp and the County, along with the telephone conversations that were said to have taken place were finally revealed to me. I had never seen the e-mails, and was never told they existed (except for that cryptic

notation in the one letter copy from Mr. Thornton) and would have most certainly refused the so-called "agreement" had I known what Mr. Sapp was doing. My Motion to rescind the first search warrant was denied because it was deemed "not appropriate" but this appears to be only because of the "agreement" reached by Mr. Sapp and the County surrendering my animals without my knowledge or consent. AGENCY is the key word here—and Mr. Sapp was NOT my General Agent, nor was he allowed to make this decision without my express permission—which he never had.

My Motion that the Friday unwarranted search evidence collected when I wasn't there be excluded because of that illegal search--was held pending hearing my other Motions, but was almost immediately denied when the "enforceable agreement" Motion was Ordered as valid. *This search was done well before my hiring of Mr. Sapp, and the evidence garnered at that time should have been excluded because the evidence was seized before he represented me.* My Motion that evidence seized that was not included on the seizure list should be excluded also, and that items that were seized that were not listed on the search warrant be returned to me were all held in abeyance as well, but then denied as well, as soon as the "enforceable agreement" Motion was Ordered.

PLEASE NOTE: Since most the evidence was not listed with specificity on the seizure list, there is *no chain of evidence* that it came from my premises at all, and should be excluded because of a lack of definite validity and provable relation to the case. In that same light, any evidence related to this case not on those Selfsame seizure lists (that is in the County's possession,) that I can identify, name, describe, or assert is mine, should be immediately returned to me or suitable restitution made for same.

In essence, the claim was that if Mr. Sapp's actions were to be deemed to have been those of a GENERAL Attorney, instead of the SPECIAL Attorney as he was hired to be—ALL of my Motions would be denied, since Mr. Sapp did all those things against my best interest BEFORE we parted company in our agreement of representation for cause; *Regardless of the fact that the first, Unwarranted search AND the seizure of my animals* was done *prior to his hiring.* My animals became evidence as soon as they were seized.

Mr. Bennett had been instructed by Judge Duffie to write up a preliminary Order ordering, most Particularly, the "Enforceable Agreement." When this Order finally got to me in it's nearly complete form in Court (Mr. Bennett claimed he'd e-mailed me a copy, but it was soon determined that he had not)—that it contained only 4 Citations, all from SC Supreme Court rulings. I discovered, after

research, that all four of these were intertwined, each one referring to the other 3 as further proof and as a Citation in and of itself. One of them was even clearly listed when further researched as NOT being usable as a Citation. After I pointed out the above irregularities in the citations he'd used, Mr. Bennett found a few others to ADD to his list, but they were not to point either. My "proposed Order" clearly lists my objections on these grounds by refuting citations of law as arguments. (see attached) I firmly initially refuted all of these 4 in Court after a quick reading of each—because they did not have relevance as to whether Mr. Sapp had been hired by me as a General Power of Attorney to act on my behalf in any decision, or as a Special Power Of Attorney specifically to get my dogs back, which was clearly the issue.

I was told I could "tweak" this proposed Order, and I made a Motion to allow me to write up my OWN version of what happened-with Case law for whether or not Mr. Sapp was my General P.O.A. I was told that I could, and I wrote up a very clear and concise Preliminary Order of my own—with citations from US Supreme Court rulings, SC Supreme Court rulings, and State and US Codes of Law clearly indicating that Mr. Sapp had been hired as a Special Attorney, and his adverse actions in my case had no legal basis. (see attached in the format presented to Magistrate Court)

MY proposed Order was ignored—and Mr. Bennett's/Judge Duffie's version of the Order denying All my Motions was Ordered intact with no apparent attempt to consider any of my case law or arguments presented, nor to justify those that were used against me, although I allege that I'd already shown conclusively that they had no relevance to my case. When Mr. Sapp was called as a witness for the County in reference to the above conflict of interest, I asked him several questions, one about whether he had been hired to make decisions for me; he answered: *"Lynne, as I said before, I was just trying to help you out...I considered that I was doing the best job that I possibly could in light of the many facts and circumstances surrounding this, and there were many—I was trying to help you out."* He did not give me a yes or no answer at all.

A second question was more specific: *"Mr. Sapp, did I ever, even once, at any time—tell you that you could give away any of my dogs? Mr. Sapp prevaricated for a time, then replied that " I understood that it was in your best interests."* *(Mag. Ct. audio)*

At no time would he say that I told him to or agreed to surrender any or all of them. In other words, there was never any agreement between us as to his course of action, he simply decided for me to

surrender my animals without my knowledge or consent. *(King Construction Co. v. Mary Helen Coal Corp., 194 Ky. 435, 239 S.W. 799 (1922) "The court said that it is a universal rule that a client is not bound by acts of his attorney without ratification, where the attorney has a personal interest in the subject matter involved or where there is a conflict of interest between the attorney and the client." (United States v. Cravero, 530F.2d 666 (5th circuit 1976); (United States v. Adams, 422 F.2d 575 (10th circuit 1970); State v. Hughes, 22 Ariz. App. 19, 522 P.2d 780 (1974) "Counsel's implied authority to make admissions and stipulations affecting his client's rights and interests must comply with the general limitation that the attorney's actions based on implied authority relate to procedure and remedies and not disrupt substantive rights or the* cause *of action." (Hayes v. Eagle-Picher Industries, Inc., 513 F,2d 892, 894 (10th Cir. 1945)) "So long as the client unequivocally repudiates an unauthorized agreement immediately after learning of it, ...there will have been no ratification."*

From testimony under oath, Mr. Sapp: Plaintiff's argument: Mr Bennett: "Your understanding was that she had authorized you to enter into the agreement? Mr. Sapp: "She was very upset?, I don't know if she was in her right mind or not?, but it was my understanding that she would relinquish the dogs in exchange for dropping the charges and eliminating the restitution and that it would be in her best interests." *(Massachusetts Casualty Insurance Co v. Forman* 469 F.2d 259 5th Circuit (1972*); (Milewski v. Rolfan Co* 195 F. Supp. 68 D. Mass. (1961)*); (Manning v. Wymer);* 273 Cal. App. 2D 519, 78 Cal. Rptr. 600 (1969) *(City of Des Plaines v. Scientific Mach. Movers;* 9 Ill. App. 3D 438, 292 NE,2d 154 (1972) *(Gailbraith v. Monarch Gold Dredging Co* 160 Or. 282, 84 P.2d 1110 (1938) *"According to the great weight of American Authority, only after acquiring express authority in the form of his client's consent may the attorney compromise his client's claim or cause of action."*

Again, at no time did I ever give Mr. Sapp permission to do anything but fight for my right to get them all back intact. This was discussed at very little depth, not great depth as claimed in his testimony, since there isn't much of any place to go from "NO—I will not" which was my answer to his arguments to give them all up. Mr. Sapp's statement that I'd said "let bygones be bygones" was absolutely never said by myself—although it may have been uttered by Mr. Sapp as part of his arguments to me. Of course, I never felt that to be the case; my intention was to continue to fight for my rights and my

animals, because I was not "guilty" of anything except quietly living my life in the privacy of my property, bothering no one. I asked little of the people around me but simply to be left alone.

ANSWER-Page 17, beginning line 23: I DID object to Dr. Mary Campbell being "qualified" because I questioned what she was an expert OF. (I was never told) Being a Veterinarian, having been an "expert" witness in the past, or testifying in cases—did not qualify her for what she did on my property; which was to attempt to assess "the conditions the animals were living in" AFTER they were no longer there! In addition, I said I would have no further objections against her as an expert—as long as I was also qualified as an "expert" based on my 55 years of breeding, raising, selling, and caring for many species of animals—and especially as an expert on MY animals, many generations of which I'd cared for from birth to demise. THAT garnered me a look at each other from the others in the court, and a "...well..." but no definitive answer.

I don't know what date she actually came onto my property—she claimed both May 18 and the day after the (second) seizure which would have been the 19th...but I was not on my property then either. Almost none of Dr. Campbell's exhibit photos taken as "conditions the dogs were living in" have any relevance to my care of the dogs, but are simply a severe intrusion on my personal privacy, since they are of my yard, my vehicles, and my out buildings. Her comments about my "junk" vehicles per the (*Mag. Ct. audio,*) (at the time, 4 were running, and 3 of those were licensed and insured); building materials, (boards, tools, and yes, a used toilet which was to go into my outbuilding); piles of empty dog food bags (that the County's representatives piled up); bags of potting soil; and other personal items in my private backyard are a particular intrusion, having absolutely nothing to do with the dogs, as verified by the (*Mag. Ct. audio)* of her stating that" nothing but maybe the wire" had anything to do with them at all. (*Mag. Ct. audio)* This is my PRIVATE secluded property, nothing of mine can be seen from the road or from anywhere surrounding my property, and therefore cannot be of any consequence or concern to anybody nor have any impact on them at all, unless they trespass.

ANSWER to Common Pleas Court: Page 18, Line 10: Her comments about water buckets being *"scattered about"* containing *"dirty water, no water, and some contained clean water."* Are very redundant—since she did not state if any of them were actually IN any of the pens or runs she was supposed to "assess". I did have buckets sitting around outside the pens and runs—for easy access in

my daily care of the dogs, and to be sure that nobody ever went thirsty if running loose to play, but some had been kicked over, emptied, and possibly contaminated by this time--by the people who did the seizures! Her pictures of so-called "fencing materials" are actually thousands of dollar's worth of chain link dog run panels, and a huge number of exercise pens, wire dog crates, and rolls of wire; and were definitely a plus in regard to my on-going care of my dogs—but were shown in court in an apparent attempt to show my private yard (500 feet from my main kenneling area) as being too junky to take proper care of animals in?. THAT was none of her business to "assess".

Her Photo (6)17? was of the burial pit—with old dog food bags piled up (dug up) out of it. This photo was taken, again, AFTER it had already been dug up, torn apart, scattered, and ransacked by the County and their contracted representatives.

ANSWER: Page 18, Line 30: The comment that *"it did not appear to me there were any attempts to Bury? the animals"* is patently inflammatory—inasmuch as she only saw the pit AFTER the remains were DUG UP by the County representatives, and contents were scattered. NOTHING she had photos of that pertained to my personal property or my private life or space had any place in this invasion of my privacy. In South Carolina, especially—privacy is deeply valued, and should be guarded—and mine was not. I feel that my evidence as here presented is legally and factually unassailable, and clearly shows that the County, their representatives, contracted helpers, and animal activists charges and insinuations are false and misleading—and that they have perpetrated many crimes against me to cover up their errors in judgement and law enforcement. I would specifically ask this Court to find that this entire "raid" operation was an unlawful undertaking by the County, and ask the Court to demand that all "evidence"(excluding that which is still alive, if any) be destroyed, expungement be initiated, and restitution be made for the crimes perpetrated against me. *(SC 16-5-60) "Any citizen who shall be hindered, prevented, or obstructed in the exercise of the rights and privileges secured to him by the Constitution and laws of the United States or by the Constitution and laws of this State or shall be injured in his person or property because of his exercise of the same may claim and prosecute the county in which the offense shall be* committed *for any damages he shall sustain thereby, and the county shall be responsible for the payment of such damages as the court may award, which shall be paid by the county treasurer of such county on a warrant drawn by the governing body thereof. Such warrant shall be drawn by the governing body as soon as a certified copy of the judgement roll is delivered to them for filing in their office."*

(ARGUMENT NO. 3)
BACKGROUND AND CITATIONS OF LAW

I made an oral motion to write up and submit an alternative motion to the one Mr. Bennett had been told to submit, referring to the " Enforceable Agreement", and Judge Duffie granted my request. I did forward this entire proposed Order to Judge Duffie well within the time allotted. Mr. Bennett, however, waited until ONE MINUTE before the required deadline (during the night) to submit HIS motion to the Court by e-mail, and failed to e-mail a copy to me, as was ordered.

When court next convened, and I revealed that I had NOT received a copy, as ordered—Mr. Bennett immediately first claimed I was mistaken, and inferred that I didn't know how to check my e-mail; then claimed that I'd given him my e-mail address wrong at the last hearing, and lastly that his "girls at the office" must have made a mistake. When Judge Duffie pointed out that HE had also given Mr. Bennett my e-mail address, when he was ordered to send a copy to me--Mr. Bennett then blandly apologized, and gave me a copy; too late, of course, to adequately argue at that time.

I had no choice but to make a formal motion to deny this order, because my motion, arguments, and citations of law were apparently never addressed. The order written by Mr. Bennett never made it to my inbox for my perusal, and the so-called "enforceable agreement" was simply Ordered at that hearing, intact. Appellant alleges that this is not an "enforceable agreement" as the Amendment made in 2009 to Rule 43(k) clearly states: *(k) Agreements of Counsel. No agreement between counsel affecting the proceedings in an action shall be binding unless reduced to the form of a consent order or written stipulation signed by counsel and entered in the record, or unless made in open court and noted upon the record, or reduced to writing and signed by the parties and their counsel. Settlement agreements shall be handled in accordance with (Rule 41.1, SCRCP.) None of these options were instituted, as neither myself nor Judge Duffie was aware of this surrender until the next hearing.*

Also during this hearing—Mr. Bennett went out of his way to make a number of snide, belittling, and accusatory remarks to me while I was on the stand, & testifying in my defense. Initially his remarks

were aimed at whether I had actually agreed to the surrender of my animals, with comments like: "Just because she agreed to this and then decided to change her mind..." and "then she asks for all her animals—you can't eat your candy and have it too!" "They (the County) have a lot of money in this case, a lot of time...if she's gonna play games on this, the tickets can be re-instated!" and "she apparently has several so-called addresses there, ...so she can hide something" Also, Mr. Sapp stated at this point "I made the decision." on the *(Mag. Ct. Audio)* in referance to the surrender of my animals.

Judge Duffie had asked me who I thought might have been the person who made the original trespass and complaint; and I answered that strong circumstantial evidence indicated that it may have been a former sister-in-law, who was very opposed to my marriage to and request for a portion of her brother's estate. Mr. Bennett had been HER attorney in THAT case in Probate Court, and Mr. Sapp had been MINE, as well.

At first, Mr. Bennett's statements were confined to generally smearing comments, but after my statement about the circumstantial evidence, Mr. Bennett jumped up and actually NAMED Gloria Smoak, and said he "guaranteed" that she was "NOT the person who complained"—and then went on to say how "poor" conditions and "sick dogs" could have made anybody complain. (But he still would not name the complainant) As if that weren't enough, he then went on to inform me that I "couldn't even get to be declared Tommy Catterton's wife—and we didn't even oppose that!" When I corrected him by saying I'd appealed, and WON the common-law wife title—he then shouted "it's perjury to claim something like that in Court, that isn't true!" I quietly informed him that it WAS true, and that I resented his shouting at me in the courtroom.

Judge Duffie then intervened and said that this had nothing to do with the matter at hand, and we needed to get back on track. *(Mag. Ct. audio)* Court was adjourned.

When we convened next, I asked Judge Duffie to either excuse him as counsel for the County, or at least sanction him in some way for his loudly voiced, snide & abusive outbursts. Judge Duffie said he

did not have that power, but that Mr. Bennett was to stop with the outbursts and comments—and if he did it again, I could complain again.

However, by the next time in court, Mr. Thornton had been named the County's attorney, and I did not see Mr. Bennett at all anymore.

**I have attached the narrative and citations that I submitted as a refutation of the "Enforceable Agreement" and although they WERE submitted to Judge Duffie as agreed, I did not see this in the records from Magistrate Court that were sent over (as the entire record from there), with Judge Duffie's Answer to my Appeal to Common Pleas Court—and I submit that they do have a large bearing on my case. Def. Exh. #37 ~~(AG#7)~~. *Specific objections and citations to both Mr. Bennett's Order and Mr. Sapp's supposed appointment as my General Agent.*

(ARGUMENT NO 4)

BACKGROUND AND CITATIONS OF LAW

This Appeal to Common Pleas Court was done properly and submitted timely; However, I allege that the Answer from Judge Duffie and the Magistrate Court, and the methods by which it and supportive documentation were handled, were often outside of the Judiciary Rules, and the Clerk's handbook:

(SCRCP Rule 5: "...papers shall be served upon each of the parties of record "

and 2005 Amendment:: " ...all major documents and papers, including, but not limited to, pleadings and amended pleadings, discovery requests and responses, motions and similar papers are to be served on every party of record.")

**Specifically, My Motion for Reversal of all Orders was submitted because:

Judge Duffie, despite being both a Judge and an attorney—never made certain that his clerk served a copy of his Answer to my Appeal to Common Pleas Court to me, and I never received a copy until I went to the Common Pleas clerk and bought one for myself.

Judge Duffie's clerk actually filed his Answer to my Appeal by the final extension date of November 15 afforded by Judge Buckner, but the Common Pleas clerk only date stamped the LETTER requesting an extension into Common Pleas Court on November 16, 2016.

In addition, although Judge Buckner's letter extending the date allowable to serve his Answer stated that Judge Duffie was responsible for letting me, the Appellant, know that the extension had been granted at all—I was never notified.

Judge Duffie's clerk claimed that she had "served" the Common Pleas clerk with his Answer via a "sticky note" on the front page of the Answer, but this note claimed that it had been handed to the Common Pleas clerk on November 10—NOT the 14th as stamped in.

Although the request for a "Compel to Produce" was listed on this motion, referring to the actual 3rd formal "motion of Discovery" as submitted along with my Appeal to Common Pleas Court; This was neither addressed nor complied with in any way either.

In *(Brady v. Maryland, 373 U.S. 83 (1963)* the United States Supreme Court established that the prosecution must turn over all evidence that might exonerate the defendant (exculpatory evidence) to the defense. It is a violation of constitutional due process for prosecution to withhold

evidence. (*Giglio v. United States, 405 U.S. 150 (1972),* is a United States Supreme Court case in which the Court held that the prosecution's failure to inform the jury of certain agreements was a failure to fulfill the duty to present all material evidence to the jury *(UNITED STATES v. AGURS, (1976) No. 75-491 (d)* The proper standard of materiality of undisclosed evidence, and the standard applied by the trial judge in this case, is that if the omitted evidence creates a reasonable doubt of guilt that did not otherwise exist, constitutional error has been committed. Pp. 112-114. The prosecution's duty to disclose (under Brady) does not require a request by the defense.*(Kyles v. Whitley 514 US 419 (1995)*-- shows that the Brady Rule is not limited to evidence known only to the prosecutor—but applies to evidence known to other agents on the persecution team, E.G. the police, etc.

In addition, If photos of my animals and their body condition (as taken on the unwarranted search on Friday, May 13, 2016) had been presented to the Magistrate Judge; even with Mr. McNeil's Affirmation, they would have clearly shown that none of my animals were actually emaciated, malnourished, or diseased as claimed in the complaint—and no warrant would likely have been issued. The photos of my short-haired dogs, in particular, would have shown beyond a reasonable doubt that no warrant or seizure was necessary because of the assertion that my animals weren't "being taken care of".

CONCLUSIONS AND REQUESTS FOR RELIEF

Inasmuch as Appellant believes that all the forgoing evidence shows conclusively and without reasonable doubt that Colleton County officers of the court and several contracted animal activists (collectively known as Colleton County for the purpose of this case) DID, on several occasions and on many levels—disrupt and destroy her former quiet, peaceful, and fruitful life and retirement without valid reason and against current law; the following relief and restitution is requested of this Court:

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1) Full monetary restitution for the value of both her breeding livestock actually seized, kept, and disposed of beyond the Appellant's reach; and those animals that would reasonably have been produced, and sold by on-going breeding activity for the next 10 years only, as per the Appellant's Exhibit (AC # 7) Such information was derived from her records and the records of the County at the time of seizure. (The extra hands-on assistance in the form of Appellant's "daughter of the heart" Kim and her daughter Aliesha to make this much larger breeding output happen was already mostly in place, but never utilized because of the seizure and disposal of Appellant's animals.) Namely, the sum of $5,147,150.00 is requested, (five million, one hundred forty seven thousand, one hundred fifty dollars) as documented in *(AC# 7)* to be ordered by this Court to be paid to Appellant by Colleton County.

This could serve as punitive damages as well, in regard to Appellant's suddenly destroyed health, income, reputation, peace of mind, and general well-being; as well as her standing in the community in which she will spend the rest of her life, and incidentally, also spend her income. However, If the Court feels that a further sum in penalty would be appropriate, Appellant would beg your consideration in this as well.

2) A re-affirmation by this Court of Appellant's on-going right of Grandfathering of her property,

inasmuch as she did not willingly remove her animals from the premises which she (and they) had occupied continuously for nearly a quarter of a century, until they were seized; and a right of complete privacy and protection against trespass in the future as was not afforded her during this disputed action.

**Although the following quote may be deemed somewhat impolitic, Jefferson Davis, president of the Confederacy, put my fondest desire quite adroitly in a message before the Confederate Congress in 1861: "All we ask is to be let alone."

3) A public retraction of the scurrilous claims in print and on TV (to as many of the national outlets as the story went to) of the so-called "deplorable" physical condition of the animals in my care, as fully repudiated by *(AC# 3 & 4)* which was composed entirely from the records of the County on their *Magistrate Court Exhibit #9.* This would need to be issued by the six people who made the most verifiable, damaging, and erroneous remarks; namely former Animal Control Director Reggie McNeil; Former Lead Case Detective Jodi Taylor; the director of the Hilton Head Animal Shelter, Tallulah Trice, Colleton County Sheriff Andy Strickland, Spay Neuter Animal Clinic (SNAC) Director Nancy Foard, and Hilton Head Humane Association Director Franny Gerthoffer. This will not change the minds of everyone who read, watched, and listened to the initial releases —but it would go far toward the deep pain Appellant feels whenever she runs across some of these reports online, and hopefully at least, change the minds of the many residents in this County to whom the Appellant has sold puppies in the past nearly quarter century.

4) A full Expungement of the legal records of the Appellant in this State, in regard to this entire search and seizure operation—at both the misdemeanor and criminal levels, and destruction of all of the purported evidence collected by the county, pertaining to this action.

For the reasons stated, this Court should reverse the judgments of the circuit court, and Appellant would plead with this Court for these and any other reliefs you see fit to bestow.

November 17, 2017

s/s Lynne Van House

cc: Sean P. Thornton,

County Attorney-Respondent

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Walterboro, SC 29488

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CERTIFICATE OF COUNSEL IN INITIAL BRIEF

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2017-001017

Colleton County,
Sean P. Thornton, Attorney — Respondent

v.

Lynne Van House — Appellant

CERTIFICATE OF COUNSEL

The undersigned certifies that this Initial Brief complies with Rule 211 (b) SCACR

November 17, 2017

/s/ Lynne Van House

Lynne Van House
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Appellant Acting pro se

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM COLLETON COUNTY

Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

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SC Court of Appeals

Case No. 2017-001017

Colleton County, et. al.

Sean P. Thornton, Attorney of Record — Respondent

v.

Lynne Van House — Appellant

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appeal on Colleton County, et. al. by personally placing a copy in Attorney Sean P. Thornton's Inbox at the Colleton County Clerk's Office in Walterboro, SC 29488 on November 16, 2017.

November 16, 2017

Sincerely,

s/ Lynne Van House

Lynne Van House

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Appellant

FROM:

Lynne Van House
19897 Augusta Hwy
Ridgeway, SC 29474

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