

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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

Carlton E. Cantrell, Appellant,

v.

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

Appellate Case No. 2016-002275

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

Unpublished Opinion No. 2018-UP-269
Submitted June 1, 2018 – Filed June 27, 2018

AFFIRMED

Carlton E. Cantrell, pro se, of Aiken.

Daniel Clifton Plyler, of Davidson & Lindemann, PA, of
Columbia, for Respondents.

PER CURIAM: Affirmed pursuant to Rule 220(b), SCACR, and the following
authorities: Rule 12(b)(6), SCRCP (stating a defendant may move to dismiss a
complaint on the basis that the plaintiff failed to allege facts sufficient to constitute

a cause of action); *Bergstrom v. Palmetto Health Alliance*, 358 S.C. 388, 395, 596 S.E.2d 42, 45 (2004) ("In considering such a motion, the [circuit] court must base its ruling solely on allegations set forth in the complaint."); *Flateau v. Harrelson*, 355 S.C. 197, 202, 584 S.E.2d 413, 416 (Ct. App. 2003) (noting this court will affirm a dismissal under Rule 12(b)(6) "if the facts alleged in the complaint do not support relief under any theory of law"); Rule 8(f), SCRCP ("All pleadings shall be so construed as to do substantial justice to all parties."); *Unisun Ins. v. Hawkins*, 342 S.C. 537, 541-42, 537 S.E.2d 559, 561 (Ct. App. 2000) ("[This court] will not, however, write into the pleadings allegations and defenses that are not presented."); *McBride v. Sch. Dist. of Greenville Cty.*, 389 S.C. 546, 565, 698 S.E.2d 845, 855 (Ct. App. 2010) ("The elements of malicious prosecution are (1) the institution or continuation of original judicial proceedings; (2) by or at the instance of the defendant; (3) *termination of such proceedings in plaintiff's favor*; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) resulting injury or damage." (emphasis added)).

AFFIRMED.¹

HUFF, GEATHERS, and MCDONALD, JJ., concur.

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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2016-002275

RECEIVED
JUL 11 2018
SC Court of Appeals

Carlton E. Cantrell,

.....Appellant

VS


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

.....Respondents

PETITION FOR REHEARING

I Carlton E. Cantrell request that the Court of Appeals rehear and reconsider it's opinion of June 27 2018 affirming the trial court's Order of Summary Judgement in favor of the defendants listed above. This petition for Rehearing is based on the grounds set forth in the attached Memorandum in Support of Petition for Rehearing.

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


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

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

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Appellate Case No. 2016-002275

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.....Appellant

VS

Aiken County, Aiken County Animal Control / Code
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.....Respondents

MEMORANDUM IN SUPPORT
OF PETITION FOR REHEARING

The Appellant respectfully request that the Honorable Court of Appeals reconsider its decision of June 27 2018, affirming the trial court. Appellant avers that the Court of Appeals did not adequately consider the following issues.

1. It was Officer Cooper who came to my house in the spring of 2015, and got all of the stray dogs.
2. Approximately three weeks went by and Animal Control dumped the same dogs in My neighbours yard, Marie Fox, and she fed the dogs and they staid in her yard for approxmately 10 weeks, and then she ran them out of her yard with a pistol, and

several people were throwing food in the road in front of my property as to keep the strays in the road.

3. On July 2, 2015 it was Officer Cooper who issued me several citations for these dogs that they had dumped out and had my neighbour Marie Fox feeding.
4. In Williamson Court room in Wagner S.C., on August 26, 2015 Marie Fox said that she had been feeding 10-15 dogs and that they were staying in her yard.
5. I talked with my neighbour Marie Fox at her mailbox on Oct. 30, 2017, and she told me that Animal Control was the ones that was dumping out the dogs, and that there was a lot of corruption involved. I immediately did an Affidative to Judge Carroll in Aiken and told her what Marie Fox had told me.
6. Now we are back in the lower court over these dogs, Judge ordered animal control to come and get these dogs.
7. Officer Muller came to my house and said that he would be getting the strays and was setting traps in Marie Foxes yard.
8. several weeks went by and i was walking across the road on March 13, 2018 and I herd a noise and seen Officer miller , jump in back of another animal Control truck leaving from my yard, and I could see that he had let out my billy goats from where I was keeping them seperated from the nannies because they were in heat, and I ran immediately and locked up the billies, and filed another Affidative with Judge Carrolls court explaining what they did.
9. Now they are poisoning the stray dogs and they are dying all over the place, I am doing another Affidative to Judge

Carroll Court, and they are also poisoning the goats and I have taken several to my veterernarian Lisa Handy..

It was the Defendants that requested a jury trial while we were still in the lower court over these dogs. They sent me lots of paper work to fill out and gave only 30 days and the matter hadn't even been settled yet and even took me to the Pleas Court with a Motion to Compell while I was trying to get the rabies shots. And Bobbie Authors had Officer Ashe Pull me over in April 2016, while Judge Carroll was on vacation and serched my van without a warent, and went to my house and tried to get a warrent to come onto my property for some false complaint that someone had made up. I did an Affidative to Judge Carroll and they contacted her while she was on vacation. I did get 30 more days out of the deal for the rabie shots.

The defendants never intended for ^{us} to successfully get the rabies shots, and I was 80% finished with the Continuing Interrogatories and the Continuing Request for Production, when the defendants filed a Motion to Dismiss my Complaint. and of course they always use Judge Earley.

Aiken County went to far when they abducted my legal aid Jean B. Smith on July 13, 2015. and I turned in a report to the FBI office in Columbia S.C., before the hearing date in Judge Willams Court Room, this took away a lot of their power.

I would rather that the Appeals Court reconsider their decision of June 27, 2018, and grant me the right for jury trial, which is what the defendants asked for, no matter what, this is going to end in a jury trial sooner or later, to match evidence against Aiken County is building up, every move that they make is a mistake.

July-9-2018



Carlton E. Cantrell

223 Muddy Branch Rd. 29805
Aiken S.C. 29805
(803) 215-4747

AFFIDAVIT of CARLTON E CANTRELL

To
JUDGE TRACEY CARROLL

On October 30 2017, I Carlton E. Cantrell was talking with my neighbour Marie Fox at her mail box around 2PM, about the stray dogs and she told me that Animal Control was the ones that were throwing out the stray dogs and she didn't understand why but that there was a lot of corruption involved, and I told her that Judge Tracey Carroll had told Animal Control to get the stray dogs and that Bobby Arthurs told me that I would half to pay 15 dollars a dog for them to pick them up, there is no doubt that Aiken Country is using these dogs for the purpose of setting me in their traps, all because I am fighting Aiken County's drug trafficking efforts.

There are still some sick dogs from the pesticide spraying which I had explained in my last affidavit I estimate over 12 dogs and seven goats have died but more dogs keep showing up so the numbers are still increasing.

However it is always at this time of the year when Aiken County attacks me in whatever way possible because I am on disability and it is now time for my evaluation which is required to keep my disability, and every year there are forces working to take my disability away from me, my appointment is on November 7, 2017, and it will not be until December when I find out if my disability will be approved for another year, and there is no way that I can afford these rabie shots much less feed these dogs if my disability is denied for another year, If this is the case then all the dogs must go.

I have talked with my Chapter 13 attorney about paying property taxes, she said that I could file, if I weren't able to pay my property taxes, this will protect my property for the next 5 years.

There is a large Blue and White Helicopter that clips the top of my house at least once a week, the drug, air and vehicle traffic has increased 100 fold in the last two weeks, but just because I may not smell pesticides don't mean they aren't spraying something else that is odorless.

November 2, 2017



Carlton E. Cantrell
223 Muddy Branch Road
Aiken S.C. 29805

AFFIDAVIT of CARLTON E CANTRELL

To
JUDGE TRACEY CARROLL

On January 11th 2018, Officer Miller of Animal Control stopped in front of my house and asked about the dogs in the road, I told him that I would do an Affidative to Judge Carroll, and he left, Animal Control has changed their name again to get around my Civil Complaint once again like on July 2, 2015, they changed their name to Code Enforcement to get around my original Civil Complaint, this time it is Enforcement Officer. I knew that they were fixing to start playing games again.

Nick Cribb, and David Christmas was feeding the dogs from their vehicles, and some were dying and some were acting crazy. Officer Miller would set a trap in my neighbours yard, Marie Fox and he would bring the dog by where I could see it,

On Febuary 6th My garage was burnt down intentionally, I had my Office and all my paperwork in the office and clothing a bead, washing machine, clothes, hotwater heater, stove and all my food that i was saving up, also another vehicle that i was working on. I havent been able to pay my property taxes yet I still am trying to recover it is costing me a lot of money.

After this Officer Miller started bringing another Officer with him every time he stoped to show me a dog.

On March 13, 2018. I was walking across the road from where, the animals were, behind the garage that was burned down to see what the dogs were barking at in the woods, and I heard some other dogs barking in the road so I ran and I could see a Animal Control truck start backing up towards the other house no one was in the back of the truck at this time, and as I walked I could see Officer Miller's truck in front of my gate but I didn't see officer Miller as I approached his truck the other Officer was backing up his truck and I seen Officer Miller standing in the back of his truck, he was acting very odd breathing hard and his face was really red looking and he started pointing towards the goats and some one had let the billy goats out from where I had them locked up, and I ran to put them back in there pen. I noticed that some one had released the rope that was holding them in and I later found that the fence was bent at the top in front of the house right about the area that Officer Miller would have ran and jumped into the back of the other Officers truck from the fence. Judging by all the evidence that I have found it was Officer Miller that entered my property while I was across the road and the other Officer was watching out for me so that I wouldn't catch Officer Miller trespassing and entering my house and letting the billy goats loose and filming the event. This was a dirty trick by Aiken County.

On April 12, 2018, they started poisoning my goats with draino, again, I tried to contact my veterinarian Lisa Handy and the phone recording said that Lisa would be out of town from April 9th until April 13th 2018.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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June 27, 2018

Carlton E. Cantrell
223 Muddy Branch Road
Aiken SC 29805

Mr. Daniel Clifton Plyler, Esquire
PO Box 8568
Columbia SC 29202-8568

Re: Carlton Cantrell v. Aiken County
Appellate Case No. 2016-002275

Dear Mr. Cantrell and Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: The Honorable Doyet A. Early, III

The South Carolina Court of Appeals

Carlton E. Cantrell, Appellant,

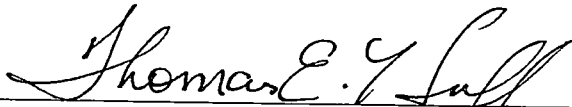
v.

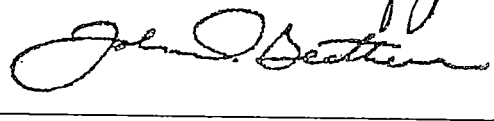
Aiken County, Aiken County Animal Control/Code Enforcement Director Bobby Arthurs, Aiken County Animal Control/Code Enforcement Officer Ron Cooper, Judge Donna L. Williamson, Respondents.


Appellate Case No. 2016-002275

ORDER

After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.


_____ J.


_____ J.


_____ J.

Columbia, South Carolina

cc:

FILED

Aug. 16, 2018

23349

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

Doyet A. Early, III, Circuit Court Judge

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Carlton E. Cantrell,

.....Appellant

v.

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

.....Respondents

RECORD ON APPEAL

Davidson & Lindermann
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Carlton E. Cantrell, Appellant
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**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County**

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2016-002275

Carlton E. Cantrell,

.....Appellant

v

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

.....Respondents

RECORD ON APPEAL

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

INDEX TO RECORD ON APPEAL

1. **Summons and Complaint, 2015-CP-02241, filed September 22, 2015.** **Page. 1-16**

2. **Motion for judgement on the pleadings, or, in the Alternative for Summary Judgement, filed September 26, 2016.** **Page. 17-18**

3. **Order of Judge Doyet A. Earley, III.** **Page. 19-25**

4. **Complete Transcript from the hearing conducted on October 10, 2016.** **Page. 26-34**

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF: AIKEN

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SUMMONS

Carlton E. Cantrell, Plaintiff,

)

FILE NO.

vs.

)

)

2015-CP-02-02241

Aiken County,

Aiken County Animal Control/Code Enforcement Director Bobby Arthurs,

Aiken County Animal Control/Code Enforcement Officer Ron cooper,

Judge Donna L willamson, Detendants

TO THE DEFENDANT(S) ABOVE-NAMED:

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

Aiken, South Carolina

Plaintiff/Attorney for Plaintiff

Dated:

Address: 223 Muddy Branch Road, Aiken, SC 29805

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF: AIKEN

)
)
)
)

SUMMONS

Carlton E. Cantrell, Plaintiff,

vs.

)
)
)

FILE NO.

Aiken County,

Aiken County Animal Control/Code Enforcement Director Bobby Arthurs,
Aiken County Animal Control/Code Enforcement Officer Ron cooper,
Judge Donna L willamson, Defendants

On July 2 2015, at 8 a.m. I Carlton E. Cantrell left to go get supplies in batesburg, Ryan Gunter came over and was watching my house approximately 100 feet from the front gate. Junior Enlow was coming over at 9 a.m. but i decided that i didn't need him because Ryan said that he could stay till 12 a.m. I tried for a whole hour to call Junior but he wouldn't answer his phone.

At 9 a.m. Junior Enlow shows up at the front gate and Ryan Gunter calls me and says theirs a white car setting at your gate and i told him it was Junior then i get a call from Junior Enlow and he says that ryan is watching your house. I told him that i had been calling him for the last hour to tell him not to comeover because i didn't need you today and that I was already on my way back home and Junior says that ill wait at the gate for you.

Approximately 15 minutes later, Ryan Gunter calls me and says that three animal Control trucks are sitting in the road in front of your drive they were parked behind Juniors car and I told Ryan that I would be there in about 20 minutes.

When I arrived the Animal Control/Code enforcement trucks were sitting in the middle of the road and the Officers were standing around with their cameras but there were no dogs around so I parked on the other side of the road on my property and got out of my vehicle and asked Officer Cooper what was going on, and Officer Cooper said that they were responding to a complaint from my neighbour about dogs in her yard then seven dogs came down to be with me and officer Cooper started writing a citation for dogs at large and he asked me how many dogs are in the road while the other Officer was taking pictures. Then he proceeded to write me another citation for failure to vaccinate, I asked Officer Cooper what about my neighbours complaint and he said that were not concerned about that right now were more concerned about dogs in the road.

I asked Officer Cooper about my dogs crossing from one side of the property to the other since the road goes through my property and he said so long as you're with the dogs that it was all right. Then Mr. Cooper handed me the citations and told me that I had better not come to court without these dogs rabby shots. He also told me that they may come back and write me up again before the court day.

After Officer Cooper and the other two Officers left Junior Enlow told me that they are going to lock you up and take everything you own away from you.

On the day of court July 23 2015 in Monetta I requested a jury trial and we picked Jurors I used up all my strikes on the 6 primary and officer Cooper picked the 6 secondary. I requested filled out a subpoena for Junior Enlow and my neighbour Marie Fox for the trial which was scheduled on August 26 2015.

On the way out to my vehicle officer Colin Ashe approached me and asked me how many dogs did I have and told me that I had better have at least half of them vaccinated within 5 days or he was going to write me another citation. Which he never did show up at my property.

On the day of court August 26 2015 I had a friend name Don watch my house and Ryan Gunter drove me to Wagner Court house the Trial was scheduled for 9:30 a.m. I was going to defend myself without a lawyer.

Just before the trial began I herd officer Cooper tell Officer Colin Ashe that they had another jury trial scheduled within an hour.

The Judge Williamson came into the court room and said that we should be able to do this whole trial from start to finish within 35 minutes. Judge Williamson had dismissed 5 of the primaries that I had picked and replaced them with the other jurors that Cooper had picked.

Officer Cooper took the stand and said that they were going down Muddy branch road and seen dogs in the road and stoped and waited for the owner and issued him citations for dogs at large and failure to vaccinate. I told Officer Cooper that you said that the reason for stoping was a complaint from my neighbour and he said that this has nothing to do with this and Judge Williamson said the same thing.

Officer Cooper showed the Jurors pictures of the dogs in the road and then handed them to me for the first time and every picture taken was of me with dogs in the road and I told the jurors that Officer Cooper had said that my dogs could be in the road so long as I was with them and the pictures depicted exactly that.

Junior Enlow took the stand and had changed his story from what he had told me and he said that the dogs were in the road the whole time.

My neighbour which I had supioned was not thair so I told the Judge that this trial must be rescheduled because one of my witnesses was not thair and Judge Williamson said all right with an angry voice and left the courtroom and came back and said that she was on her way and would be thair in 45 min.

Junior Enlow requested to leave because he had scheduled a trip to montana, I told the Judge, Williamson that I might want to ask him some more questions on the stand but she released him and he left.

Judge Williamson said that lets continue on with this trial while we are waiting for Marie Fox. Since Junior Enlow had lied about the dogs being in the road I said I have another witness Ryan Gunter and that he was in his truck in the parking lot so Judge Williamson sent Officer Cooper to get him.

Ryne Gunter took the stand and told that the dogs were with him the whole time and they didn't go down to the road until I got out of my vehicle and was talking with animal control Officer Cooper, and that there were no dogs in the road the whole time that I was gone.

Marie Fox took the stand and I asked her if she had been feeding these dogs and she said that she had been feeding between 10 to 15 dogs and that they were staying in her yard and Officer Cooper said to Judge Williamson that this has nothing to do with this and the judge agreed and I said that this has everything to do with this because Judge Gibson Fallaw told me if you feed a dog that dog belongs to you and I said that she was reeding these dogs, and that Officer Cooper said she called the complaint on me, and Marie Fox said that she had never called in a complaint.

The jurors that Officer Cooper had picked found me guilty, and Judge Williamson fined me $478.99 \times 2 = 957.98$ and she said if you dont pay it today I will lock up for 30 days and had already called in an arresting officer because they knew that I didn't have that kind of money in my account but First Citizens honored the request.

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Why did Junior Enlow refuse to answer his phone for an hour and then call me and tell me that Ryan Gunter is at your house. and after I told him that I didn't need him why did he say that he would wait on me anyway.

Why did Officer Cooper and the two other officers talk to Junior for 20 minutes before I showed up and there weren't any dogs in the road the whole time according to Ryan Gunter.

Why did Junior Enlow tell me that Officer Cooper and they were going to lock you up and take everything that you own away from me, after they left.

Why did Junior Enlow lie about the dogs being in the road the whole time when Ryan Gunter said the opposite.

Information; Junior Enlow is related to Bobby Arthurs in that his now deceased son was married to Bobby Arthurs sister and she bore three of his grandsons which one is now deceased.

I turned in a report to the FBI on Junior Enlow and his grandson Enn Enlow because the evidence that I found razor blades on the ground where their vehicle was parked and dogs bleeding out the ass and spitting up razor blades after they left my house and I called Junior right after they left and asked was Enn feeding my dogs razor blades and Junior said that I won't bring him over anymore. I believe that Bobby Arthurs was behind this, to make my dogs sick so that they could write me citations for sick animals.

Officer Cooper and the other two Officers stopped in front of my house deliberately while I was gone as to block my drive so that when I arrived home I couldn't go onto my property this was an attempt to get dogs into the road so that they could write citations on me.

When I arrived back home I had to park on the other side of my property and walk across the road there wasn't any dogs around so I asked Officer Cooper what was going on and he said that my neighbour pointing towards Marie Fox house had filed a complaint about dogs in her yard and then the dogs that were with Ryan Gunter came running down to meet with me. and Officer Cooper started writing me citations.

I asked Officer Cooper aren't you supposed to write warnings first and the other Officer said in your case we don't have to.

I was never told that I had to vaccinate my dogs I have had two dog bite incidents in the past nine years and the department of health would come out and quarantine the dog for ten days and tell me to get it vaccinated for rabies and then he would come back and get the paper work and I asked him are rabie shots required and he said only in bite cases. How could I be given a citation for failure to vaccinate when no one told me so. I should have been given a warning and time to get the shots.

I asked Officer Cooper how are the dogs supposed to cross from one side of the road to the other since the road goes through my property and he said so long as you accompany them then it's alright and that's just what their pictures depict.

Why did Officer Colin Ashe threaten to write me up if I didn't get half of my dogs rabie shots within five days when I had just got through picking jurors for a trial scheduled for August 26 2015.

Why did I have to spend the whole time between the Jury strike and the trial picking food out of the road in front of my house from passing vehicles and then they would drive back by with their cellphone cameras pressed against the windshield.

Why did Aiken County stop their vehicles in front of my house several times and sit there for a while then move on.

It appears that Aiken County is trying to get dogs in the road because they lied about dogs in the road from the beginning.

Why were their two trials scheduled that morning of August 26 2015, an hour after my trial began.

Why did Judge Williamson state that we should be able to do this whole trial from start to finish in about 35 min.

Why did Judge Williamson let five of the primary jurors be excused the ones that I had picked with my strikes and fill them with the ones that Officer Cooper had picked with his strikes.

Why wasn't My neighbour Marie Fox issued the subpoena that I had filled out and finally I had to demand that my witness be brought in or this trial rescheduled.

Why did Officer Cooper tell the jurors that they were riding down Muddy Branch Road and seen dogs in the road and stoped and waited on the owner and issued him citations, and when I said that officer cooper told me that they were responding to a complaint from my neighbour officer Cooper said that that had nothing to do with this and so did Judge willamson.

Why did Officer Cooper and Judge willamson say that Marie Fox testimony had nothing to do with this when she admitted to feeding these dogs and they were staying in her yard and she said that she never called animal control. Information; This is the second time that Marie Fox has done this in the last three years the last time Officer Cooper came to my nouse about my neighbour complaining about the dogs that she was reeding and I told Officer Cooper that Judge Fellow told me that if you feed a dog it belongs to you and officer cooper left and then the dogs dissapeared but came back several weeks later.

It Appears that animal control is also working with my neighbour Marie Fox in having her feed the dogs to use has a stepping stone to attack me.

Why was I fined a total of 957.98 dollars for these false charges that were brought up against me, if rabie shots are required then why didn't the tell me in a nice way or issue a warning and I could have used this money to vaccinate them with.

Judge Williamson had an arresting Officer come in and told me if I didn't pay this fine today she was going to lock me up for 30 days. I didn't have enough in my account but First Citizens honored the request.

After I got home I thought over the trial and decided to call Judge Williamsons Office and request a copy of the transcript and the clerk said that we dont do transcripts anymore and I herd her ask Judge Williamson and then she hung the phone up.

CONCLUSION

Animal Control/Code enforcement had my neighbour Marie Fox to feed these dogs so that they would stay in her yard so that this could be used as an excuse to stop in front of my house and Junior Enlow was used to block my gate as an attempt to get dogs into the road in order to write me citations just like Junior Enlow said so they can lock you up and take everything away from you. If I hadn't turned in a report to the FBI a day before the Court they were going to lock me up they never expected it to go as far as a Jury Trial, so they rigged the Jurors by excusing five of the primary jurors that I had picked and replacing them with five of the jurors that Officer Cooper picked, and everything I said in the Court Room Officer Cooper said that this has nothing to do with this and Judge Williamson agreed with Officer Cooper on everything. This is the same as the attack on me back in 2005 when Bobby Arthurs made false statements and Judge Terry Carter signed warrants and took my animals and did terrible things to them and I never got all of them back. My veterinarian Lisa Handy said that they had broke every rule their must first always be a veterinarian involved and their wasn't and secondly their must be given warning first and time to correct any problems which nither was done. This Civil Suit is still alive and in the Court of Appeals. The primary reason for these attacks is because Aiken County is bringing in Millions of dollars of cocaine by Aircraft all around my dwelling place and because I am not a team player like my neighbours they are trying to get rid of me any way they can.

By copy of this Affidavit I hereby indicate my intention to sue Aiken County, and the other named defendants for all damages brought on by these false charges, for damages I suffered personally from this attack as well as mistreatments and other such financial awards deemed appropriate by the Court.



Carlton E. Cantrell. Pro. Se
223 muddy Branch Road
Aiken SC 29805
803-215-4141
Plaintiff/Appellant

September 13 2015

County of Aiken
UNIFORM SUMMONS TICKET

COUNTY OF AIKEN VERSUS
 FIRST NAME Carlton MIDDLE NAME Eugene LAST NAME Curtrell
 STREET AND NO. m, ddx Branch Rd CITY Aiken STATE SC
 STATE LICENSED SC DRIVER CLASS D
 VEHICLE NO. _____ STATE MAKE OF VEH. YEAR _____ COM. VEH. AUTO TRUCK MOBILE
 HAZ. MAT. MOPED TRAILER OTHER _____

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER William S. Williams STREET AND NO. 5697 Columbia Hwy N
 CITY Monetta STATE SC ZIP CODE 29105
 DATE OF TRIAL 7/23/15 TIME OF TRIAL 11:00
 COURT APPEARANCE REQUIRED YES NO _____ CLAT ON SECTION NO. 4-64
 NAME OF VEHICLE/ANIMAL w/m Dog DATE OF ARREST 7/2/15
 ADDRESS OF OWNER Hwy 5' 1/4 wgt 175 lbs DATE OF VIOLATION 7/2/15
 NAME OF ARRESTING OFFICER Capt. J.C. RANK ICFO

101 Domestic at Large	200 Littering	D S M T W T F S 1 2 3 4 5 6 7 TYPE OF VIOLATION WEATHER 935 Clear LOCATION OF VIOLATION 225 Muddy Branch Rd MILES N E S W 1 2 3 4 OFFENSE CODE 112
102 Bite	201 Misuse of Container	
103 Dangerous Animal	202 Scavenging	
104 Nuisance	203 Fail to Display Sucker	
107 Cruelty	204 Fail to Cover	
108 Abandonment	205 Commercial Misuse of Recycling Center	
110 Damaging Property	206 Projecting Loads	
112 Unvaccinated Animal	207 Attempting to Avoid Users Fees	
113 Animal Confined in Vehicle	208 Damaging Hwy	
114 Interference with Animal Control Officer	209 Spilling Load	
115 Unsanitary Conditions	210 Illegal Dumping out-of-County Waste	
	211 Unlawful Burning	

SEE IMPORTANT INFORMATION ON THE REVERSE SIDE OF THIS TICKET **ACS N. 00270**

AMT. BOND REQUEST: 262.50

Blue - Defendants White - Audit Yellow - Officer Pink - Court

County of Aiken
UNIFORM SUMMONS TICKET

COUNTY OF AIKEN VERSUS
 FIRST NAME Carlton MIDDLE NAME Eugene LAST NAME Curtrell
 STREET AND NO. muddy Branch Rd CITY Aiken STATE SC
 STATE LICENSED SC DRIVER CLASS D
 VEHICLE NO. _____ STATE MAKE OF VEH. YEAR _____ COM. VEH. AUTO TRUCK MOBILE
 HAZ. MAT. MOPED TRAILER OTHER _____

YOU ARE SUMMONED TO APPEAR BEFORE THE TRIAL OFFICER

NAME OF TRIAL OFFICER William S. Williams STREET AND NO. 5697 Columbia Hwy N
 CITY Monetta STATE SC ZIP CODE 29105
 DATE OF TRIAL 7/23/15 TIME OF TRIAL 11:00
 COURT APPEARANCE REQUIRED YES NO _____ CLAT ON SECTION NO. Domestic at Large 4-64
 NAME OF VEHICLE/ANIMAL w/m Dog DATE OF ARREST 7/2/15
 ADDRESS OF OWNER Hwy 5' 1/4 wgt 175 lbs DATE OF VIOLATION 7/2/15
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101 Domestic at Large	200 Littering
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115 Unsanitary Conditions	210 Illegal Dumping out-of-County Waste
	211 Unlawful Burning

TYPE OF ANIMAL Dogs x 7

D	S	M	T	W	T	F	S
A	1	2	3	4	5	6	7

TIME OF VIOLATION 9:35 WEATHER Clear

LOCATION OF VIOLATION muddy Branch Rd

MILES 1 N | E | S | W
 1 | 2 | 3 | 4

OFFENSE CODE 100

SEE IMPORTANT INFORMATION ON THE REVERSE SIDE OF THIS TICKET **ACS N. 00270**

AMT. BOND REQUEST: 262.50

Blue - Defendants White - Audit Yellow - Officer Pink - Court

Wagener-Salley Summary Court

Judge : Donna Hutto Williamson
108 Main Street N
Wagener, SC 29164
(803) 564-5989

Received From: Cantrell, Carlton Eugene
 223 Muddy Branch Rd
 Aiken, SC 29805-8366

Date: 8/26/2015
Receipt #: 5395
Clerk: c02tkey

Paying for: Self
Transaction Type: Payment

Reference #:

Payment Type: Credit Card \$470.00
 Convenience Fee \$7.99
 SC.gov Portal Fee \$1.00
Total Paid: \$478.99

Comment:

Case #	Caption	Previous Balance	Amount Paid	Balance Due
ACS03270	The State of South Carolina VS Carlton Eugene Cantrell	\$470.00	\$470.00	\$0.00

Total Cases: 1

	\$470.00	\$470.00	\$0.00
	Convenience Fee:	\$7.99	
	SC.gov Portal Fee:	\$1.00	
	Total Paid:	\$478.99	

Wagener-Salley Summary Court

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Reference #:
 Comment:

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ACS03270	The State of South Carolina VS Carlton Eugene Cantrell	\$470.00	\$470.00	\$0.00

Total Cases: 1

	\$470.00	\$470.00	\$0.00
Convenience Fee:		\$7.99	
SC.gov Portal Fee:		\$1.00	
Total Paid:		\$478.99	

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Carlton E. Cantrell,

Plaintiff,

v.

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

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action Number: 2015-CP-02-02241

NOTICE OF MOTION AND MOTION FOR JUDGMENT ON THE PLEADINGS OR, IN THE ALTERNATIVE, SUMMARY JUDGMENT ON BEHALF OF THE DEFENDANTS

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

YOU WILL PLEASE TAKE NOTICE that the undersigned attorney for the Defendants will move before the Presiding Judge of the Second Judicial Circuit at the Aiken County Courthouse, Aiken, South Carolina ten (10) days after the service hereof at 10 a.m. or as soon thereafter as counsel may be heard or at such time and place as may be set by the Court for an Order, pursuant to Rules 12 and 56 of the South Carolina Rules of Civil Procedure, granting judgment on the pleadings or summary judgment in favor of the above named Defendants on the following grounds:

1. The Plaintiff's Complaint fails to allege facts sufficient to state a cause of action upon which relief can be granted;
2. The Defendants are immune from suit pursuant to various provisions of the South Carolina Tort Claims Act, S.C. Code Ann. §§ 15-78-10, *et seq.*, including but not limited to, §§ 15-78-60(1), (2), (3), (4), (5), (7), and (23);

1
[Handwritten signature]

3. The Defendants Donna L. Williamson, Bobby Arthurs, and Ron Cooper are entitled to absolute employee immunity pursuant to the South Carolina Tort Claims Act, § 15-78-70(a);
4. The Defendants Donna L. Williamson, Bobby Arthurs, and Ron Cooper are not proper parties to this suit pursuant to the South Carolina Tort Claims Act, § 15-8-70(c);
5. The Defendant Donna L. Williamson is immune from suit pursuant to common law judicial immunity; and
6. The Plaintiff's action is barred by the preclusion Doctrine of Collateral Estoppel.

This Motion is based upon the pleadings, applicable law, rules of civil procedure, and other such matters that may be properly presented to the Court at the time of the hearing.

DAVIDSON & LINDEMANN, P.A.



DANIEL C. PLYLER
JASMINE D. WYMAN
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Post Office Box 8568
Columbia, South Carolina 29202-8568
dplyler@dml-law.com
jwyman@dml-law.com
T: 803-806-8222
F: 803-806-8855

Counsel for Defendants

Columbia, South Carolina

September 21, 2016

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

Carlton E. Cantrell,

Plaintiff,

v.

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

Defendants.

IN THE COURT OF COMMON PLEAS

Civil Action Number: 2015-CP-02-02241

ORDER GRANTING DEFENDANTS' MOTION FOR JUDGMENT ON THE PLEADINGS, OR IN THE ALTERNATIVE, SUMMARY JUDGMENT

FILED 11-3-20 10:00 SP [Signature] P.C.P. S.C. [Signature] Deputy Clerk

This matter came before the Court on October 10, 2016 upon motion of the Defendants. Specifically, the Defendants filed a Motion for Judgment on the Pleadings, or, in the alternative, for Summary Judgment. At the hearing Defendants were represented by Daniel C. Plyler, Esquire and Jasmine Wyman, Esquire of Davidson & Lindemann, PA. The Plaintiff appeared pro se.

Having considered the oral arguments presented and the entirety of the record before this Court, including all filings made by all parties, the Court finds that summary judgment must be granted to the Defendants, as is set out in detail herein, and that the pending motion must be, and hereby is, GRANTED.

Plaintiff filed this matter on, or about September 22, 2015. In his Complaint Plaintiff alleges he was wrongfully convicted on two Animal Control citations. The two citations in question were issued to the Plaintiff on, or about, July 2, 2015 by Aiken County Animal Control.

Specifically, Plaintiff was cited for Domestic Animals at Large and Failure to Vaccinate

STATE OF SOUTH CAROLINA COUNTY OF AIKEN I, Lisa Grubbs, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this 3rd day of NOV 2016 [Signature]

19 [Signature]

domestic animals. Plaintiff requested a jury trial on those citations, and on August 26, 2015 the Plaintiff was tried, by jury, in the Monetta Summary Court. Aiken County Magistrate Judge Donna Williamson presided over the trial. At the close of the trial, the jury convicted Plaintiff on both citations.

Plaintiff did not appeal the convictions. Instead Plaintiff filed the above-captioned lawsuit, alleging that he should not have been convicted. Defendants subsequently moved for judgment on the pleadings, or, in the alternative, for summary judgment.

STANDARD

The Defendants' motion is for judgment on the pleadings, or, in the alternative, for summary judgment. "Judgment upon the pleadings is a drastic procedure but it will be granted in proper cases." *Wooten v. Standard. Life & Cas. Ins. Co.*, 239 S.C. 243, 248, 122 S.E.2d 637, 638 (1961). "It is appropriate, where the pleading is fatally deficient in substance, that is where the complaint fails to state a good cause of action in favor of the plaintiff and against the defendant." *Id.*

Summary judgment is appropriate when it is clear there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. *Baird v. Charleston County*, 333 S.C. 519, 511 S.E.2d 69 (1999); Rule 56(c), SCRPC. In ruling on a motion for summary judgment, the Court considers the pleadings, depositions, interrogatory answers, admissions, and affidavits in determining whether there is a genuine issue of fact for trial. *Thomas v. Waters*, 315 S.C. 524, 445 S.E.2d 659 (Ct. App. 1994). In determining whether any triable issue of fact exists, as will preclude summary judgment, the evidence and all inferences which can be reasonably drawn therefrom must be viewed in the light most favorable to the nonmoving party. *Pye v. Aycock*, 325 S.C. 426, 480 S.E.2d 455 (Ct.App. 1997).



“Although summary judgment is a drastic remedy which should be cautiously invoked, where a verdict is not reasonably possible under the facts presented, summary judgment is proper.” *Evans v. Stewart*, 370 S.C. 522, 526, 636 S.E.2d 632, 635 (Ct. App. 2006) (citing *Bloom v. Ravoira*, 339 S.C. 417, 425, 529 S.E.2d 710, 714 (2000)). A party opposing summary judgment may not rest upon the mere allegations of the pleadings but must instead set forth or point to specific facts in the record showing that there is a genuine issue of material fact. *Bravis v. Dunbar*, 449 S.E.2d 495 (S.C. App. 1994).

DISCUSSION

The Court is mindful that “[a]ll pleadings shall be so construed as to do substantial justice to all parties.” Rule 8(f), SCRPC. However, the Court finds, even after liberally construing his allegations, that Plaintiff has failed to state a claim upon which relief could be granted, and therefore the Defendants’ motion must be, and hereby is, **GRANTED**.

Plaintiff does not specify in his Complaint the exact nature of his allegations against the Defendants, except to make it clear that he does not believe he should have been convicted on the two citations at issue. Such allegations could be construed in numerous ways, but regardless of the construction, Plaintiff’s allegations fail as a matter of law.

To the extent Plaintiff’s claims are construed to be a claim for Malicious Prosecution, he has not established the elements required to support such a cause of action.

In order to recover on a claim of malicious prosecution, the Plaintiff must establish the following elements: “(1) the institution or continuation of original judicial proceedings; (2) by or at the instance of the defendant; (3) termination of such proceedings in the plaintiff’s favor; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) resulting injury or damage.” *McBride v. Sch. Dist. Of Greenville County*, 389 S.C. 546, 566, 698 S.E.2d 845, 855

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(Ct. App. 2010). "In an action for malicious prosecution, the plaintiff must establish that the criminal proceeding was terminated in his or her favor." *McKenney v. Jack Eckerd Co.*, 304 S.C. 21, 22, 402 S.E.2d 887, 887 (1991).

Plaintiff has admitted in his Complaint that he was convicted, by a jury, on the two criminal citations at issue. As his convictions remain in place, he cannot establish the elements necessary to sufficiently allege a Malicious Prosecution cause of action.

Similarly, were this Court to construe Plaintiff's allegations as an appeal of the Magistrate Court convictions, Plaintiff's claims would still fail as a matter of law.

This Court's jurisdiction over a Magistrate Court conviction is appellate in nature. *DeWitt v. S.C. Dep't of Highways and Pub. Transp.*, 274 S.C. 184, 185, 262 S.E.2d 28, 29 (1980). Under S.C. Code Ann. § 18-3-30, a person convicted, in Magistrate Court, of a criminal offense must file a proper notice of appeal of that conviction within ten (10) days. Furthermore, "it has been the established rule that a circuit judge cannot reverse a magistrate's judgment when the appellant has failed to serve the magistrate the proper notice and grounds of appeal within the prescribed time limits. *Id.*"

In this case the Plaintiff was convicted on August 26, 2015. To the extent that his Complaint in this case were to be considered a notice of appeal, it was not filed within the ten (10) day time limit set forth by statute, nor was it properly drafted as a notice of appeal. As such, even if this Court were to construe his Complaint as an Appeal, the matter would have to be dismissed as a matter of law.

With regards to Plaintiff's allegations against Judge Williamson, no matter how construed, it is clear that the allegations are barred by the doctrine of Judicial Immunity.

Judicial immunity "is one of the basic common law tenets upon which the modern system of justice was built." *O'Laughlin v. Windham*, 330 S.C. 379, 384, 498 S.E.2d 689, 692 (Ct. App. 1998). Absolute judicial immunity "is vital for the continuation of an independent judiciary and for the preservation of judicial integrity." *Id.*

Presiding over a criminal trial is a judicial function. When liberally reading Plaintiff's Complaint it becomes apparent that he is attempting to sue Judge Williamson simply because he is unhappy with her judicial decisions during his criminal trial. Therefore, pursuant to the common law doctrine of judicial immunity, the claims of the Plaintiff against Judge Williams are dismissed as a matter of law.

Similarly, notwithstanding common law judicial immunity, the South Carolina Tort Claims Act ("SCTCA") bars Plaintiff's allegations with respects to Judge Williamson.¹ *O'Laughlin, supra*, 330 S.C. at 385, 498 S.E.2d at 692 (holding that common law judicial immunity survived the enactment of the SCTCA and is distinct from the form of immunity incorporated in that Act). The SCTCA provides that a governmental entity is not liable for a loss resulting from judicial or quasi-judicial action or inaction. S.C. Code Ann. § 15-78-60(1) and (2).

As set forth in the SCTCA, the provisions of the Act are to be liberally construed in favor of limiting the government's liability. S.C. Code Ann. § 15-78-20(e); *see also, Bakers v. Sanders*, 301 S.C. 170, 391 S.E.2d 229 (1990); *Strother v. Lexington County Recreation Commission*, 332 S.C. 54, 504 S.E.2d 117 (1998). This rule of construction is also in accord with the well-established principles that any law in derogation of common law must be strictly construed. *Watson v. Sellers*, 299 S.C. 426, 385 S.E.2d 369 (Ct. App. 1989).

¹ The South Carolina Tort Claims Act is the sole and exclusive remedy for any tort committed by an employee of a governmental entity acting in the course and scope of his or her employment. S.C. Code Ann. § 15-78-70(a).

Accordingly, Plaintiff's purported allegations against Judge Williamson, even liberally construed, must be dismissed as a matter of law.

In addition to the reasons for dismissal addressed above, the Plaintiff's allegations are clearly barred by S.C. Code Ann. §§15-78-60(4) and (23).

S.C. Code Ann. §15-78-60(4) provides, in pertinent part, that a governmental entity is not liable for a loss resulting from the enforcement of any law and/or ordinance. A liberal reading of the Plaintiff's Complaint makes it clear that he is suing Defendants Aiken County, Arthurs, and Cooper for their roles in enforcing the animal control ordinances of the county of Aiken. Therefore, with the admission that he was convicted by a jury, Plaintiff's allegations are clearly barred and must be dismissed.

Likewise, S.C. Code Ann. §15-78-60(23) states that a governmental entity is not liable for a loss resulting from the "institution or prosecution of any judicial or administrative proceeding." In this case it seems clear that Plaintiff is attempting to sue Defendants Aiken County, Arthurs, and Cooper for that very reason.

Therefore, Plaintiff's allegations must be, and hereby are, dismissed as a matter of law.

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

The Plaintiff attempts to sue these Defendants for their roles as Animal Control Officers who brought criminal charges against him for violations of various animal control

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ordinances/law in the County of Aiken. Therefore, even if Plaintiff's allegations were not subject to dismissal *in toto*, which they clearly are, Defendants Arthurs and Cooper would be improper parties to this lawsuit pursuant to the SCTCA and are, therefore, dismissed as a matter of law.

Finally, the Court finds that Plaintiff's allegations must be dismissed pursuant to the doctrine of *res judicata* and/or collateral estoppel.

The doctrine of collateral estoppel provides that "once a final judgment on the merits has been reached in a prior claim, the relitigation of those issues actually and necessarily litigated and determined in the first suit are precluded as to the parties and their privies in any subsequent action based upon a different claim. *Richburg v. Baughman*, 290 S.C. 431, 434, 351 S.E.2d 164, 166 (1986). The doctrine of *res judicata*, on the other hand, "bars a litigant from raising any issues which were adjudicated in the former suit and any issues which *might* have been raised in the former suit." *Pye*, 325 S.C. at 433, 480 S.E.2d at 458 (emphasis added). See also, *Johnson v. Greenwood Mills, Inc.*, 317 S.C. 248, 452 S.E.2d 838 (1994) (res judicata bars subsequent action by the same parties on the same issues). "Res judicata also bars subsequent actions by the same parties when the claims arise out of the *same transaction or occurrence* that was the subject of a prior action between those parties." *Pye*, 325 S.C. at 432, 480 S.E.2d at 458 (emphasis added).

Specifically relevant in the analysis of the instant motion is the fact that the South Carolina Supreme Court has found that "once a person has been criminally convicted, the person is bound by that adjudication in a subsequent civil proceeding based on the same facts underlying the criminal conviction." *Doe v. Doe*, 346 S.C. 145, 148, 551 S.E.2d 257, 258 (2001); see also, *Zurcher v. Bilton*, 379 S.C. 132, 135-136, 666 S.E.2d 224, 226 (2008).




Even a liberal reading of Plaintiff's Complaint shows that he is attempting to collaterally attack his magistrate level convictions. Those convictions have not been overturned and remain un-appealed. Therefore, such an attack is improper. *See generally, Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364 (1994).

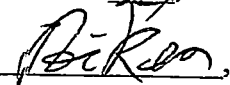
Therefore, in addition to the reasons set forth above, the Court finds that Plaintiff's allegations are barred by the doctrines of collateral estoppel and/or *res judicata*. Consequently, they must be, and hereby are, dismissed as a matter of law.

Plaintiff simply cannot successfully maintain a cause of action based on any of his allegations in this case, and therefore the Court finds that Defendants motion must be, and hereby is, **GRANTED**, and this matter is hereby **DISMISSED**.

AND IT IS SO ORDERED.


The Honorable Doyet A. Early, III
Chief Administrative Judge
2nd Judicial Circuit

October 27, 2016

, South Carolina

State of South Carolina
County of Aiken

Court of Common Pleas

Carlton E. Cantrell)
)
 Plaintiff,)
 v.)
 Aiken County, et al)
)
 Defendant.)

Transcript of Record
2015-CP-02-02241

October 10, 2016
Aiken, South Carolina

B E F O R E:

The Honorable Doyet A. Early, III, Judge.

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

Carlton E. Cantrell, pro se
On behalf of the Plaintiff

Daniel Plyler, Esquire
Attorney for the Defendants

Bethanie K. Creppon
Circuit Court Reporter

P R O C E E D I N G S

* * *

1
2
3 THE COURT: All right. I have a motion for
4 summary judgment on Carlton Cantrell vs. Aiken
5 County, et al.

6 MR. PLYLER: Good afternoon, Judge. Daniel
7 Plyler here on behalf of the defendants. It's our
8 motion for summary judgment and/or judgment on the
9 pleadings.

10 THE COURT: Are you going to argue it or you
11 going to let your associate argue it?

12 MR. PLYLER: I asked her if she wanted to her.

13 THE COURT: She can argue it.

14 MR. PLYLER: I don't think she's prepared.

15 THE COURT: You can have a seat, Mr. Cantrell,
16 if you'd like.

17 MR. PLYLER: This particular civil action was
18 filed by Mr. Cantrell on September 22nd, 2015.
19 Essentially, it is a complaint regarding exceptions
20 Mr. Cantrell takes to the way a magistrate court
21 criminal proceedings were undertaken against him and
22 an eventual jury conviction. That trial happened on
23 August 26th of 2015. He was found guilty of two
24 animal control citations; one for domestic animals
25 at large and one for a failure to vaccinate domestic

1 animals.

2 His entire complaint is essentially what we
3 consider to be an improper collateral attack on
4 those criminal convictions. To the extent that he
5 tries to say this is an appeal of these convictions,
6 which we adamantly deny it is, it would be untimely.
7 So we've considered it a civil action against the
8 named defendants.

9 One of the named defendants, Your Honor, is the
10 magistrate judge that oversaw the criminal
11 proceedings against Mr. Cantrell, and that's Judge
12 Donna Williamson. Our first ground for summary
13 judgment would be she's clearly entitled to judicial
14 immunity under the common law and under the Tort
15 Claims Act. All she did is preside over the
16 criminal proceedings in magistrate court jury trial
17 that proceeded against Mr. Cantrell in August of
18 2015.

19 His allegations in the complaint have to do
20 with evidentiary rulings she made, rulings she made
21 regarding the selection of the jury, and the fine
22 that she imposed after the jury found him guilty, so
23 nothing that would support a claim against her
24 outside of judicial immunity.

25 The second argument we'd make, Your Honor, has

1 to do with Officers Arthurs and Cooper under the
2 Tort Claims Act to the extent that this is a tort
3 claim act that he's brought. They would be entitled
4 to absolute employee immunity. The Tort Claims Act
5 clearly says you got to name the entity, not the
6 individual officers.

7 Basically, he's saying they shouldn't have
8 issued citations against him. These are the same
9 citations that he was later convicted on. And
10 Officer Cooper did prosecute it on behalf of Aiken
11 County during the jury trial. All of that was
12 within his official duties as an animal control
13 officer.

14 Third argument, Your Honor, would be that the
15 entire case should be dismissed due to it being a
16 collateral attack on a valid jury conviction.
17 Mr. Cantrell has not had that jury conviction set
18 aside.

19 Under the Doe v. Doe case and Zurcher v. Bilton
20 case, he's bound by the conviction. He can't argue
21 against -- or argue facts that would go against that
22 conviction in this proceeding. In many ways, Your
23 Honor, this is similar to the Heck v. Humphries
24 United States Supreme Court case, which basically
25 likens these sort of claims to a malicious

1 prosecution action.

2 And, at best, giving it a reading, that may be
3 what Mr. Cantrell is trying to bring is some sort of
4 malicious prosecution claim. The criminal
5 conviction itself does away with one of the key
6 elements that he would have to prove. So even if we
7 consider this a malicious prosecution claim, we're
8 entitled to summary judgment because he can't show
9 the proceedings terminated in his favor.

10 The last argument we have, Your Honor, goes
11 along those same lines and comes out of the Tort
12 Claims Act. One of the exceptions to the waiver of
13 sovereign immunity that provides -- or retains
14 immunity for the governmental entity is 15-78-60
15 Subpart 23.

16 Subpart 23 specifically makes governmental
17 entities immune for losses resulting from -- and I'm
18 quoting the institution or prosecution of any
19 judicial or administrative proceedings.

20 Mr. Cantrell's entire complaint is about the
21 institution and prosecution of the magistrate-level
22 charges against him; therefore, under the Tort
23 Claims Act, we'd be immune.

24 I think that's our argument in a nutshell, Your
25 Honor. I'm happy to answer any questions the Court

1 has.

2 THE COURT: Mr. Cantrell, I'll be glad to hear
3 from you. Anything you want to tell me?

4 MR. CANTRELL: Well, the charges were brought
5 up against me for dogs that don't belong to me.
6 That's the beginning. And the way the Court was
7 handled was very malicious for what the Judge did.
8 There was no witnesses there, I didn't have a
9 lawyer, I represented myself. Everything that I
10 said was wrong.

11 She got rid of the first five that I picked for
12 the jurors, she let them go. There's a lot of
13 things that just wasn't done right. I had a witness
14 there, and basically everything that I said and was
15 said in there had nothing to do with -- the dogs
16 weren't even fine. And we wound up in Judge
17 Carroll's court. And to this day, them dogs are
18 still there and they haven't come and gotten them.
19 And they're not my dogs. These are the dogs that
20 they wrote up -- wrote me up for.

21 Now Aiken County is playing games with me about
22 these rabies shots. Now, they told me -- a guy got
23 bit by a dog and they told me that rabies shots are
24 not required, only if the dog bites someone. I
25 said, all right.

1 Well, they come and write me up for failure to
2 vaccinate. So now Aiken County lied to me and they
3 set me up in a trap and they used these officers to
4 do that. And then it was a staged courtroom, it was
5 a staged trial, everything was staged. I wasn't
6 given a fair opportunity for trial.

7 Now, Judge Carroll is different; she does her
8 court right. And it was very fair in her court and
9 I had a jury trial transcript of her court. And I
10 got all the rabies shots, the strays were still
11 there, animal control refuses to come get them. The
12 same dogs they wrote me up for, they refuse to come
13 get them, so the dogs are still there.

14 I figure what they're going to do is they're
15 going to get this thrown out and they're going to
16 come out and start writing me up again and they're
17 going to use Judge Williamson and get me in her
18 court and start playing this game again where
19 they're going to fine me. And that's what we're
20 looking at. That's what's going on.

21 It's just a vicious circle that's going on in
22 Aiken County, and it's wrong. And I got the right
23 to defend myself, but I can't afford a lawyer, so I
24 got to do this on my own.

25 And there's no correspondence. I sent them

1 stuff. We had already had the jury trial scheduled.
2 We were doing the paperwork, they don't correspond
3 with me. There's no correspondence whatsoever. And
4 all I get from them is motions. I don't know how to
5 do that. You know, I'm not a lawyer. I'm just
6 trying to protect and defend myself from the way I'm
7 being treated, which is wrong. And these officers
8 are wrong for what they did.

9 THE COURT: All right, sir. Anything else?

10 MR. CANTRELL: I'm sure there is, but I can't
11 think of it right now.

12 THE COURT: I understand. Sometimes I'm like
13 that. All right. I'll take it under advisement and
14 get a ruling out within about 15 days. Thank you
15 very much.

16 MR. PLYLER: Thank you, Your Honor.

17 .. -- END OF TRANSCRIPT OF RECORD --
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21
22
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STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

I, the undersigned, Bethanie K. Creppon, Circuit Court Reporter for the Second Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal in the Circuit Court for Aiken County, South Carolina, on the 10th of October, 2016.

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

February 3, 2017


Bethanie K. Creppon
Circuit Court Reporter

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2016-002275

Carlton E. Cantrell,

.....Appellant

VS

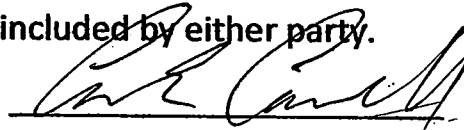
Aiken County, Aiken County Animal Control / Code
Enforcement Director Bobby Arthurs, Aiken County
Animal Control / Code Enforcement Officer Ron Cooper,
Judge Donna L. Willamson

.....Respondents

CERTIFICATE OF CONTENTS RULE 210(g)

The undersigned Plaintiff/Appellant hereby certifies that the Record on
Appeal contains all the matter proposed to be included by either party.

MAY 31, 2017



Carlton E. Cantrell/Appellant

223 Muddy Branch Road

Aiken, South Carolina 29805

(803) 215-4747

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v

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

.....Respondents

AMENDED FINAL BRIEF OF APPELLANT

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Table of Authorities

1. South Carolina Code Sections 15-78-60(5) and 15-78-70(b).

Statement of Issues on Appeal

1. The Appellant Mr. Cantrell was told by the Aiken County Department of Health and Human Resources that rabies shots were only required if a dog bit someone. Mr. Cantrell has never been told otherwise or ever issued a warning for rabies shots by Aiken County.
2. Mr. Cantrell was issued two citations animals at large and failure to vaccinate on dogs that didn't even belong to him, they were strays that his neighbor Marie Fox was feeding. (R. p. 14)
3. Mr. Cantrell's friend Jean B. Smith a legal assistant was kidnaped by Aiken County on July 13, 2015 because she had been working with him on this case.
4. Mr. Cantrell turned in a report to the FBI on Jean Smith missing, and Bobby Arthurs Director of Animal Control who had Junior, and Enn Enlow feeding his dogs razorblades that were inside a fenced in area. (R. p. 7, lines 18-26)
5. The defendants asserts in their defense that they are shielded from liability from their actions on the basis of South Carolina Code Sections 15-78-60(5) and 15-78-70(b), which bar liability on the part of a judicial authority where the act constitutes an exercise of

judicial discretion or judgement, where such act does not involve fraud, actual malice, intent to harm, or crime involving moral turpitude.

6. Officer Cooper just driving down the road and makes statements that are false about dogs in the road, and then writes Mr. Cantrell two Citations for Dogs that don't belong to him is not protected this does not constitute the reasonable exercise of discretion or judgement, where such act does not involve fraud, actual malice.
7. Judge Williamson was out to get Mr. Cantrell from the beginning the way she conducted the trial and the things she said and her actions towards Mr. Cantrell does not constitute the reasonable exercise of discretion or judgement, where such act does not involve fraud, actual malice, intent to harm, or a crime involving moral turpitude.
8. The trial Court's alternative basis for dismissal of the complaint, was its finding that there was no allegation of wrongdoing on the part of Officer Cooper and the Magistrate Williamson. This finding is without basis, and the Court of Appeals should find that there is in fact a jury issue.

Statement Of The Case

It all Began in the summer of 2011, the Appellant Mr. Cantrell had a friend named Junior Enlow watching his house with his grandson Enn Enlow, and Mr. Cantrell left to go to town to get some supplies and when he got back one of his dogs had bitten Junior Enlow on the hand he told Mr. Cantrell that Enn his grandson was picking at the dogs and his hand was on the fence at the time and the dog bit his hand, and he left and went to the emergency room, to get it checked out, Junior was a diabetic.

Mr. Cantrell had another friend Alonzo Willams who help him for a while and he was their the day Aiken County Department of health and Human Resources showed up and requested to see the dog that had bitten Junior, and quarantine the dog for 10 days and told Mr. Cantrell that he had within 10 days to get the dog a rabies vaccination, and Mr. Cantrell asked him about the other dogs needing vaccinations and he said that it wasn't necessary only the dog that hade bitten Junior. Alonzo watched Mr. Cantrell's house while he took the dog to get a rabies shot and he took another dog to keep it company and got both dogs rabies shots Mr. Cantrell had about 25 dogs at this time.

In the Summer of 2012, Junor Enlow was watching Mr. Cantrell's house again with Enn his grandson, he left to go to town to get supplies and after he came back, Junior and his grandson Enn left, just after they left one of his dogs spat up a razor blade, and he found another razor blade where Junior had parked his vehicle, Mr. Cantrell immediately called Junior and asked him if he had been letting Enn feed his dogs razor blades, and he said I won't

bring Enn over thair anymore. Mr. Cantrell Called his veterinarian Lisa Handy and told her what was going on and she said that she would document it.

Jean B. Smith was helping Mr. Cantrell has a friend do his legal papers and was keeping records of things that were transpiring and he told her about the razor blade incident and she also said that she would document it.

Mr. Cantrell got a lady by the name of Jan Voight to watch his house after this he met her when she worked for the Sheriff's Department serving legal papers, which she has done for him several times, she no longer worked for the Sheriff's Department she said that they had set her up to drive a vehicle with drugs in the trunk of the car that she knew nothing about and busted her for drug trafficking, but they couldn't prosecute her because it wasn't her vehicle and their was no evidence to support their allegations, but they fired her from the Sheriff's department and she started her own business animal setting service, she had worked for the Aiken Animal Shelter Before and had connections to clients.

Jan Voight told me that rabies shots were required and Mr. Cantrell told her that isn't what the Aiken County Health and Human Resources Department told me, and she said that they are setting you into a trap, and Mr. Cantrell told here that they would half to issue a warning first and then give him time to get the vaccinations.

There were around 15 stray dogs that Mr. Cantrells neighbor Marie Fox had been feeding and they were staying in her yard at this time and they would run back and forth between his house

and Marie Fox's house, Jan loved animals and made friends with some of them.

Several months went by and Aiken County was trying to destroy Jan Voight's husband's business, he had a dumpster business and a truck to haul the dumpsters with but he was using his yard to store the dumpsters and park the truck also, Aiken County had found an old annex law that went into effect a year before he had started his business and was trying to force him to move or shut down his business. Jan Voight was approached by a Federal Officer which told her that he could order a plane to take her out in just a few minutes, she told Mr. Cantrell about this just before she got scared and left.

After Jan Voight left Mr. Cantrell was forced to get Junior Enlow to watch his house again, and it wasn't long that another dog bit Junior worse than the last time, it needed stitches, Mr. Cantrell told him to go to the emergency room because he was diabetic and that he would get the dog a rabies shot, and he said I am not going to go and you don't need to get the dog a rabies shot. Junior has picked at these dogs for years and dogs don't like this kind of behavior, and they don't forget.

It was during this time that Mr. Cantrell's neighbor Marie Fox had quit feeding the dogs that were staying in her yard and people driving by were throwing food into the road in front of his house and keeping the stray dogs in the road. (R. p. 12, lines 1-4)

About this time an old friend name Ryan Gunter came over this was on July 1, 2015 and said that he would watch Mr. Cantrell's house because he needed some extra money, and that would cut loose Junior. Mr. Cantrell told him that he needed to go to town tomorrow and get some supplies, this would be July 2, 2015 and

that Junior was going to come over in the morning, but Mr. Cantrell would call Junior and tell him that you will be watching my house for a while. Mr. Cantrell tried to call Junior several times but he wouldn't answer the phone.

Ryan Gunter came over at 8am and Mr. Cantrell left town and it wasn't long before Ryan called him and told him that someone was in his driveway in a small car. And Junior called Mr. Cantrell right after this, and said he was at his gate, and that Ryan was in his yard and Mr. Cantrell told Junior that he had been trying to call, and told Junior that he could go back home because Ryan was watching his house and Junior said that ill weight hear till you get home, and right after this Ryan Gunter calls Mr. Cantrell back and says that there are three Animal Control Officers setting in the road behind Junior, Mr. Cantrell said that he would be back home in about 20 min. (R. p. 2, line 1-p. 3, lines 1-4)

When Mr. Cantrell arrived Animal Control had his drive way and the road blocked so Mr. Cantrell had to park on the other side of the road on his other property, the Officers were standing around with their cameras but there were no dogs around and Mr. Cantrell walked across the road and Officer Cooper said that they were responding to a complaint from his neighbor about dogs in her yard and Mr. Cantrell told them that those were her dogs that she had been feeding them, then seven of the stray dogs that his neighbor Marie Fox had been feeding came out into the road, and Officer Cooper started writing a citation for dogs at large and asked Mr. Cantrell how many dogs are in the road while the other officer was taking pictures. Then they proceeded to write Mr. Cantrell another citation for failure to vaccinate, Mr. Cantrell asked officer what about his neighbor's complaint he said were

not concerned about that right now were concerned about dogs in the road. (R. p. 3, lines 5-18)

Mr. Cantrell told Officer Cooper that you half to issue a warning before you can issue a citation and one of the other officers said that in your case we don't half to. Mr. Cantrell told the Officer that he already had a civil complaint against Animal Control for violating procedures, and the Officer said that were under a new umbrella now that doesn't matter, they had a symbol of a light house on the door of their trucks that said Code Enforcement.

Mr. Cantrell asked Officer Cooper about dogs crossing the road since the road goes through his property and he said so long as you're with the dogs it's all right. Then Officer Cooper handed Mr. Cantrell the citations and told him that you better not show up in Court without these rabies vaccinations that meant that they were going to lock Mr. Cantrell up and Officer Cooper said that we may come back and wright you up again before the Court date. (R. p. 3, lines 19-25)

After the Officers left Junior Enlow who had been talking with the Officers before Mr. Cantrell arrived said their going to lock you up and take everything that you own away from you. (R. p. 4, lines 1-3)

After Junior Enlow left Ryan Gunter said that there were no dogs in the road the whole time that Animal Control came up and sat their waiting for you to come home until you got out of your vehicle and walked over to them than the dogs ran down where you were.

On July 13, 2015, Mr. Cantrell got a call from Ryan Gunter and he said that Jean Smith had been reported missing from her home.

Mr. Cantrell knew that Aiken County had done something with Jean Smith because they were working together, and they didn't want her to help him so Mr. Cantrell went to the FBI Office in Columbia and talked with an Officer and gave him some papers describing his relationship with Jean B. Smith and what he knew about her and that he was certain Aiken County had done something with her, and also turned in a report on Bobby Arthurs and Junior and Enn Enlow, feeding his dogs razor blades, and bringing up false charges against Mr. Cantrell. That night on the news Sheriff Hunt said that they were going to discontinue their search for Jean Smith.

On the day of the Court hearing their attitude had changed and Mr. Cantrell requested a Jury Trial and picked Jurors, Mr. Cantrell used up all his strikes on the 6 primary Jurors and officer Cooper picked the 6 secondary. Mr. Cantrell requested and filled out two subpoenas one for Junior Enlow and the other for his Neighbor Marie Fox, for the trial which was scheduled on August 26 2015. (R. p. 4, lines 4-8)

On the way out to his vehicle Officer Ashe asked Mr. Cantrell how many dogs did he own and told him that he had better get at least half of them vaccinated within 5 days or he would write him another citation, which he never did show up. (R. p. 4, lines 9-13)

On the day of the trial August 26, 2015 Mr. Cantrell had a friend by the name of Don Tran, who watched his house and Ryan Gunter took him to Wagner South Carolina where the trial was scheduled, for 9:30 am, he was going to do the trial pro sa. (R. p. 4, lines 14-17)

Just before the trial began Mr. Cantrell heard Officer Cooper tell Officer Ashe that Judge Williamson had another Trial scheduled at 10:30 am. (R. p.4 lines 18-20)

Then Judge Williamson came in and said that we should be able to do this whole trial from start to finish within 35 minutes.

Judge Williamson had already dismissed 5 of the primary jurors that Mr. Cantrell had picked, and replaced them with the jurors that Officer Cooper had picked. (R. p. 4, lines 21-25)

Officer Cooper took the stand and said that they three of them were just driving down Muddy Branch Road and seen dogs in the road and they stopped and waited for the owner and issued two citations for dogs at large and failure to vaccinate. (R. p. 5, lines 1-4)

Mr. Cantrell told the Jurors that the resin Officer Cooper said they had stopped was because of a complaint from his neighbor Marie Fox whom he had subpoena to come to court and she wasn't even there, and Officer Cooper said that this has nothing to do with this and Judge Williamson said the same. (R. p. 5, lines 4-7)

Officer Cooper showed the Jurors pictures of the dogs in the road and every picture had Mr. Cantrell in the picture and that Officer Cooper said that the dogs could be in the road so long as he was with them, (if there were dogs in the road all the time than why weren't there any pictures of the dogs in the road taken before he arrived home from town.) (R. p. 5, lines 8-14)

Junior Enlow took the stand and he had changed his story from what he had told Mr. Cantrell and said that there were dogs in the road the whole time. (R. p. 5, lines 15-17)

Mr. Cantrell complained to Judge Willamson about his neighbor Marie Fox which he had subpoena was no their, so he told Judge Willamson that Marie Fox was not here and that this trial must be rescheduled, and Judge Willamson said all right with an angry voice and left the Court Room and for a while and came back and said that she was on her way and would be here in about 45 min. (R. p. 5, lines 18-23)

Junior Enlow requested to leave because he said that he was headed to Montana, Mr. Cantrell told Judge Willamson that he might want to ask him some more questions later, on the stand but Judge Willamson let him and his wife go. (R. p. 5, lines 24-27)

Judge Willamson said that let's continue on with this trial while we are waiting for Marie Fox, (since Junior Enlow had lied about the dogs being in the road the whole time) Mr. Cantrell said that he had another witness, Ryan Gunter and that he was in his truck in the parking lot, Judge Willamson sent Office Cooper to get him.

Ryan Gunter took the stand and said that the dogs were with him the whole time since the Officers pulled up and didn't go down to the road until Mr. Cantrell got out of his vehicle and was talking with the Animal Control Officer. (R. p. 6, 6-10)

Marie Fox came in and took the stand and said that she had been feeding between 10 to 15 dogs, and that they had been staying in her yard. And Officer Cooper said that this had nothing to do with this, and Judge Willamson agreed and Mr. Cantrell said that this has everything to do with this because these dogs were the ones that she had been feeding, and they were staying on her property, and Mr. Cantrell said that Officer Cooper said that she had called in a complaint on him, and Marie Fox said that she had never called in a complaint. (R. p. 6, lines 11-19)

The Jurors that Officer Cooper Picked found Mr. Cantrell guilty and Judge Willamson fined him a total 957.98 in fines, and she said if you don't pay it today I will lock you up for 30 days, and had already called in an arresting officer because they knew that Mr. Cantrell didn't have that kind of money in his bank account but his Bank First Citizens honored that request. (R. p. 6, 20-25)

After Mr. Cantrell got home he called the Wagner Courthouse and requested a copy of the transcript and Judge Willamsons clerk said that we don't do transcripts anymore and they hung up the phone on him. (R. p. 11, lines 5-8)

After this Mr. Cantrell decided to file a Civil Complaint, against Aiken County, Animal Control Director Bobby Arthurs, Officer Cooper, and Judge Donna Willamson.

FACTS

1. Junior Enlow and his grandson Enn Enlow had been picking at the dogs and Junior got bitt and went to the emergency room and they contacted the Aiken County department of Health and Human Resources which said that rabies vaccinations were only required if the dog had bitten someone, and quarantined the dog for 10 days and Mr. Cantrell got a rabies vaccination for that dog and another one.
2. Junior Enlow and his grandson Enn Enlow had been feeding Mr. Cantrell's dogs razor blades for quite some time because they were spitting up blood and squirting blood out the ass and several died, he found the evidence when they left one day and one of the dogs spat up a razor blade in front of him right after they left, and they had dropped one where they were parked. Mr. Cantrell called Junior right away and told him so and Junior said I won't bring Enn over thair anymore. (R. p. 7, lines 18-24)
3. Mr. Cantrell called his veterinarian Lisa Handy about Junior and Enn Enlow feeding his dogs razor blades and he told her that they were related to the Director of Animal Control Bobby Authors and that he had them doing this terrible thing to make his dogs sick and she said that she would document it, and he also called Jean B. Smith and told her she was keep his legal records for him at the time.

4. Jan Voight started watching Mr. Cantrell's house, and she told him that rabies shots were required, and he told her that the Aiken County Department of health and Human Resources told him that they were only required if a dog bites someone, and she said their setting you up in a trap, and he told her that they half to issue a warning and give him time to vaccinate the dogs.
5. After this Jan Voight had been threatened by a federal Officer stating that he could have her taken out by a military aircraft right now, she told me and got scared and then she quit watching Mr. Cantrell's house.
6. Junior came back without Enn and it wasn't long before he had gotten bit by a dog again it needed stitches and he refused to go to the doctor and Mr. Cantrell said that he would get a rabies shot for that dog and Junior said forget the rabies shot. Junior didn't want the Department of Health to tell me to get all the dogs rabies shots because, Bobby Arthurs had planned with Junior to set Mr. Cantrell in a trap.
7. Mr. Cantrell's neighbor Marie Fox had been feeding 10-15 dogs in her yard for several months, and she stopped feeding the dogs and people were throwing food in the road in front of his house as to keep the dogs into the road in front of his house. This was also orchestrated by Aiken County, with his neighbor Marie Fox to set him in a trap by using these stray dogs. (R. p. 6, lines 11-13)

8. Mr. Cantrell was going to town on July 2, 2015 to get supplies and a friend named Ryan Gunter said that he needed some extra money and that he would watch his house, and Mr. Cantrell tried to call Junior to tell him not to come but he wouldn't answer his phone. (R. p. 2, lines 1-11)
9. Junior deliberately didn't answer his phone because he had planned this with Animal Control, and they were going to do this no matter what, so he deliberately came over and blocked the gate where Mr. Cantrell couldn't come into his drive.
10. Three Animal Control Officers with three Trucks showed up right after Junior, and parked right behind Junior, blocking the roadway, which forced Mr. Cantrell to park on the other side of the road.
11. Animal Controls plan was to get dogs in the road by stopping in front of Mr. Cantrell's house in the road and walking around with cameras, and Ryan Gunter said the dogs never went down where they were, and Junior Enlow lied and said that the dogs were in the road the whole time.
12. After Mr. Cantrell got out of his vehicle and walked over to Officer Cooper, and talked with him for a few minutes seven stray dogs came down to the road where he was and then they were taking pictures of the dogs, and Officer Cooper started writing citations. And Officer Cooper even said that the dogs could be in the road so long as you're with them, and every picture that they took of the

- dogs Mr. Cantrell was in the picture with them. (R. p. 3, lines 1-18)
13. After the Officers left Junior Enlow said exactly what their plan was to lock you up and take everything you owned away from you. (R. p. 4, lines 1-3)
 14. The dogs that Officer Cooper wrote the Citations for in the road were the strays that Mare Fox had been feeding and were staying in her yard.
 15. Officer Cooper said don't show up for Court without these rabies shots, that meant they were going to lock me up without a trial. (R. p. 3, lines 22-25)
 16. Mr. Cantrell tried to contact Jean B. Smith, but she wouldn't answer her phone. Ryan Gunter told him several days later that he heard that she was missing, from her home on July 13, 2015. Mr. Cantrell is sure that Aiken County has moved her somewhere and claimed her missing in order to keep her from helping him.
 17. Mr. Cantrell turned in a report to the FBI just before his Court hearing in Monetta SC, of July 23, 2015 on Jean B. Smith missing, and Bobby Arthurs , Director of Animal Control who had Junior Enlow and Enn Enlow feeding his dogs razor Blades, that they were doing this so that they could make the dogs sick so that they could file other citations against him.

18. The next day Sheriff Hunt was on the news stating that they were discontinuing their search for Jean Smith, they were no longer trying to lock Mr. Cantrell up, so he requested a jury trial and picked jurors.
19. On the day of the Jury Trial Mr. Cantrell had a friend named Don Tran, watch his house and Ryan Gunter drove him to the Courthouse in Wagner.
20. Judge Willamson had two Trials scheduled that day Mr. Cantrells was at 9:30 am the other one was at 10:30am this means Judge Willamson expected to do this rilly fast according to what Officer Cooper told Officer Ashe in the Court Room, and when Judge Willamson came into the Court Room she said we should be able to do this whole Trial from start to finish within 35 min. (R. p. 4, lines 18-23)
21. Judge Willamson immediately dismissed 5, of the primary jurors that Mr. Cantrell had picked with his strikes and replaced them with the ones that Officer Cooper had picked. (R. p. 4, lines 25-27)
22. Officer Cooper stated that they just happened to be riding down Muddy Branch Rd. and seen dogs in the road and stopped and waited for the owner. Why would three Animal Control trucks just be riding down Muddy Branch Rd. The only evidence that Officer Cooper had was pictures that they had taken after Mr. Cantrell had arrived back home then the dogs came down to meet him, while he was talking with them, and he was in the pictures. Ryan Gunter was

watching Mr. Cantrells house at the time and said there never were any dogs in the road while he was gone to town. (R. p. 5, lines 1-13)

23. Everything that Mr. Cantrell said and questions that he asked during the trial, Officer Cooper and Judge willamson would say that this has nothing to do with this.
24. The trial was started without Marie Fox being thair and Mr. Cantrell had subpoena her and she was never contacted until he complained about it, and then Judge Willamson called her at home and told her to come. (R. p. 5, lines 17-22)
25. Marie Fox said that she had been feeding 10-15 dogs and that they were staying in her yard, why wasn't she issued these citations for dogs at large and failure to vaccinate. (R. p. 6, lines 13-14)
26. Junior Enlow was in a hurry to get out of their so he asked permission to leave and judge Willamson let him go, Mr. Cantrell said that he had more questions that he wanted to ask him but he didn't want to answer them. (R. p. 5, lines 23-25)
27. Judge Willamson called in an arresting Officer to arrest Mr. Cantrell before he even paid his fine because they knew that he didn't have the money in his account and Judge Willamson told him that she was going to lock him up for 30 days If he didn't pay this fine that day. (R. p. 11, lines 1-4)

28. When Mr. Cantrell got home, he called Judge Willamsons Office and requested a copy of the transcript, and Judge Willamson told the secretary to tell Mr. Cantrell that we don't do transcripts anymore, and then she hung up the phone on Mr. Cantrell. (R. p. 11, lines 6-9)

Arguments

Aiken County was using the Aiken Health and Human Resources Department to mislead Mr. Cantrell about these rabies shots.

Aiken County changed the name of Animal Control to Code Enforcement to get around a Civil Complaint where they violated procedures and took Mr. Cantrell's animals in 2005 and brought damages onto him.

Bobby Arthurs Director of Animal Control had Junior and his grandson Enn Enlow feed Mr. Cantrell's dogs razor blades to make the dogs deathly sick to bring more false citations against him.

Aiken County had Mr. Cantrell's Neighbor Marie Fox too feed stray dogs in her yard for several months and quit feeding them and then had people throw out food in the road in front of his dwelling place to keep the dogs in the road in front of his house.

These stray dogs were being used as a stepping stone to write Mr. Cantrell a citation for the rabies shots without giving him a warning which is required by law.

This was an attempt by Aiken County using this Magistrate Donna Willams to lock Mr. Cantrell up and take everything away from him.

Aiken County removed Jean B. Smith from her premises to make sure there wasn't any one who could help bail him out.

The reason that Aiken County is determined to get rid of Mr. Cantrell is because Aiken County is bringing in millions in Cocaine every day around his dwelling place with the local law enforcement protecting and also distributing it, all his neighbors are involved and are being used to attack Mr. Cantrell, who is not a team player.

Conclusion

It all started in 2011 when Junior was bitten by one of the Appellant Mr. Cantrell's dogs, because Juniors grandson Enn was picking at the dogs and Junior had his hand inside of the fence, while Mr. Cantrell was gone to town to get supplies, and Junior went to the emergency room because he was diabetic. The Aiken Department of Health and Human Resources quarantined the dog for 10 days and told him that he had to get that dog a rabies shot and Mr. Cantrell asked about the others and he said only if a dog is known to bite someone does it need a shot, Alonzo Willams was their has a witness.

The reason Junior was bringing Enn over at the time was because, DSS had given him custody of Enn and his brother JoJo, because of their other brother's death by being shot by their half-brother, Junior says that they were fighting over a woman but Bobby says it was an accident Junior was very angry with Bobby at this time, these boys were Bobbys sisters children she was married to Juniors son but already had a boy by someone else, Junior says that his son the farther of these boys got killed in a work related accident.

Both boys were given custody to Bobby Arthurs mother after this for a while until Enn got caught stealing their neighbor's guns and then DSS gave custody back to Junior and he started bringing Enn Back over again while he was watching Mr. Cantrells house. Enn was getting in fights at school and got expelled from school several times this happened, Mr. Cantrell believes Bobby Authors had him do this so that Junior would bring him over, and that's when they started feeding his dogs razor blades.

This was an attempt by Bobby Arthurs to make Mr. Cantrells dogs sick, and had the Department of Health and Human Resources to mislead him so that they could set him in a trap with the intentions of coming onto his property and fine him and lock him up and take everything away from him, the reasoning behind all this was because Mr. Cantrell already had a pending Civil Complaint in the Appeals Court because Aiken County in 2005 violated procedures and brought up false charges against him, and the only way they could get around this was to changed their name to Code Enforcement to get around his Civil Complaint and were using Junior and his grandson Enn to set him in a trap but Mr. Cantrell caught onto what they were doing when I confronted Junior about the razor blades and Junior quit bringing Enn over and shortly after that Bobbys Mother passed away and that set them back for a while.

And Jan Voight started watching Mr. Cantrells house. he met Jan when she worked for the Sheriff's department, she served legal papers and she served his papers, and shortly after this she was set up to drive a car with drugs in the trunk which she knew nothing about she told him, and they tried to lock her up but it wasn't her vehicle so the charges didn't stick, but they fired her from the Sheriff's department, and she worked at the animal shelter for a while.

Then Jan started her own animal setting business, and Mr. Cantrell needed some papers served so they talked and she said that she could watch his house for a while, Jan told him that rabies shots were required, and Mr. Cantrell told her what the Department of Health and Human Resources in Aiken said that only if a dog bites someone do they need a rabies shot and Jan said that they had set

you into a trap, and he said that they half to give a warning and time to get the rabies shots that's the law.

Jan was getting so many calls from other clients all of the sudden and Mr. Cantrell told her there trying to keep you busy so that, you can't fit me into your schedule she said that wasn't going to happen. he told her that they would try and scare her off and one day there was a lot of gun shooting behind his house and he told her that they were trying to scare her off, then it wasn't long that a Fed man showed her his badge in Aiken one day and told her that he could have her taken out by an aircraft in just minutes, and left and then she got scared.

This is when she left but Mr. Cantrell warned her from the beginning, that they would eventually scare her off and make her leave because they have done the same thing before to other people that he had watching his house.

Aiken County had Mr. Cantrell's neighbor Marie Fox feeding stray dogs that have been around a long time and they were staying in her yard. These dogs where being used has a jumping board to attack him. (R. p. 10, lines 18-20)

After Jan Voight left Junior Enlow came back to watching Mr. Cantrell's house and right away he got bit by another dog these dogs hated Junior because of the way he treated them, and Junior was getting stumble and I was afraid if he ever fell down in front of the dogs they would jump on him. He refused to go to the doctor, that told me that they were planning something, then Mr. Cantrell's neighbor all the sudden quits feeding the dogs and people are throwing food in the road to keep them in the road in front of his house.

Ryan Gunter called Mr. Cantrell and said that he needed some money and that he would watch his house, so Mr. Cantrell tried to call Junior to tell him not to come over the next day July 2, 2015 because Ryan was going to watch his house for a while, but Junior wouldn't answer his phone because Junior had been working with Bobby Arthurs to set him into a trap with these stray dogs, so that they could write him citations and lock him up and take everything away from him, but Ryan Gunter was there that day has a witness to what took place and how they lied about dogs in the road and they violated procedures again by not giving him a warning for the rabies shots and giving him time to get the vaccinations.

They had Mr. Cantrell scheduled for a hearing before Judge Willamson in Monetta Court where they had planned to lock him up but Aiken County went too far when they kidnapped Jean Smith from her home where she couldn't help him in any way so he turned in a report to the FBI and then they were forced to give him a Jury trial which they didn't want. (R. p. 12, lines 7-10)

They were going to make sure that Mr. Cantrell lost the trial and were planning on locking him up for 30 days, by letting 5 of the primary Jurors go and replacing them with the alternate that Officer Cooper had picked, Judge Willamson said we should be able to do this hole trial in about 35 min, every question that Mr. Cantrell asked or statement he made Officer Cooper would say that this has nothing to do with this and so would Judge Willamson. (R. p. 12, 10-15)

Mr. Cantrell had subpoena his neighbor Marie Fox on the day they picked jurors and she had never been contacted, he complained to Judge Willamson until she finally called Marie Fox from the Court and said that she would be hear in about 45mi. Junior Enlow was

let go before Mr. Cantrell was finished asking questions, and Ryan Gunter testified that there were no dogs in the road and they went down to see Mr. Cantrell after he pulled up. (R. p. 6, lines 6-10)

It was planned from the beginning that Mr. Cantrell would be found guilty, and the Judge Williamson said that you better pay this fine today or I am going to lock you up for 30 days, and had an arresting Officer standing their waiting.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2016-002275

Carlton E. Cantrell,

.....Appellant

v

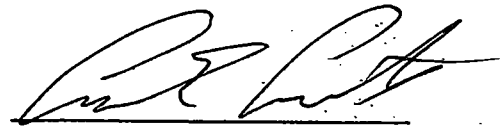
Aiken County, Aiken County Animal Control / Code
Enforcement Director Bobby Arthurs, Aiken County
Animal Control / Code Enforcement Officer Ron Cooper,
Judge Donna L. Williamson

.....Respondents

CERTIFICATE OF CONTENTS RULE 211(b)

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

June 12, 2017



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

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

Case No. 2016-002275

Carlton E. Cantrell, Appellant,

v.

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

BRIEF OF RESPONDENTS

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STATEMENT OF THE CASE

The Appellant filed this action on September 22, 2015. In the Complaint Appellant alleges he was wrongfully convicted on two Animal Control citations. (R. 2-16). The two citations in question were issued to Appellant on, or about, July 2, 2015 by Aiken County Animal Control. (R. 14). Specifically, Appellant was cited for Domestic Animals at Large and Failure to Vaccinate domestic animals. (R. 14). Appellant requested a jury trial on those citations, and on August 26, 2015 Appellant was tried, by jury, in the Monetta Summary Court. (R. 4-6). Aiken County Magistrate Judge Donna Williamson presided over the trial. (R. 4-6). At the close of the trial, the jury convicted Appellant on both citations. (R. 4-6). Appellant did not appeal the convictions.

Respondents filed a motion for Judgment on the Pleadings, or, in the alternative, for Summary Judgment, on September 26, 2016. (R. 17-18). That motion was heard by the Honorable Doyet A. Early, III on October 10, 2016. (R. 19 and 27) Judge Early issued an order dated October 27, 2016, which dismissed Appellant's Complaint in its entirety. (R. 19-26). That order, along with the Judgment, was filed on November 3, 2016. (R. 19-26).

Judge Early found that Appellant failed to state a claim upon which relief could be granted, and therefore his Complaint failed to comply with Rule 8(f), SCRPC; that, to the extent Appellant was attempting to assert a claim for

Malicious Prosecution, Appellant had admitted in his own Complaint that he had been convicted by a jury on the charges at issue, and therefore Appellant's purported claim for Malicious Prosecution is barred as a matter of law; that, to the extent Appellant's Complaint was to be construed as an Appeal of the decision of the Monetta Summary Court, any such appeal was time-barred, because it was not properly drafted and filed within the ten (10) day time limit for making such appeals; that no matter how Appellant's purported claims were construed, Judge Williamson is entitled to Judicial Immunity under the Common Law and the South Carolina Tort Claims Act; that the other Respondents were entitled to immunity under the South Carolina Tort Claims Act, specifically S.C. Code Ann. § 15-78-60(4) and (23); that Respondents Williamson, Cooper, and Arthurs would be entitled to Summary Judgment pursuant to absolute employee immunity under the South Carolina Tort Claims Act, specifically S.C. Code Ann. §15-78-70(a); and that the entire action was barred by *Res Judicata* and/or the Collateral Estoppel doctrine.

Appellant did not file a Rule 59(e) Motion. He then filed his Notice of Appeal, which is dated November 9, 2016, and was filed with this Court on November 10, 2016.

STATEMENT OF THE FACTS

In this case Appellant has sued alleging he was wrongfully convicted on August 26, 2015 on two Animal Control citations, which were issued to him on, or about, July 2, 2015. (R. 2-16).

ARGUMENT

In Appellant's Notice of Appeal and Brief, Appellant fails to actually address any of the grounds for dismissal and/or summary judgment listed in Judge Early's Order, and instead attempts to rehash the purported facts that he believes shows he was wrongfully convicted on the two Animal Control citations at issue. The closest Appellant appears to come to actually addressing any of the purported grounds for summary judgment is on page 4-5 of his initial brief where he states the following:

The defendants asserts [sic] in their defense that they are shielded from liability from their actions on the basis of South Carolina Code Sections 15-78-60(5) and 15-78-70(b), which bar liability on the part of a judicial authority where the act constitutes an exercise of judicial discretion [sic] or judgement [sic], where such act does not involve fraud, actual malice, intent to harm, or crime involving moral turpitude.

Initial Brief of Appellant, pg. 4-5, ¶ 5.

However, as is set forth above and is clearly shown by a review of Judge Early's Order at issue, Judge Early's decision to grant Respondents' motion was not based on S.C. Code Ann. § 15-78-60(5) or S.C. Code Ann. § 15-78-70(b)¹.

¹ Judge Early did find as an alternative, sustaining ground for summary judgment for the individual Respondents, that Appellant's allegations clearly showed those individual Respondents were working within the scope of their official duties at all times relevant to the matters alleged in the Complaint, and therefore found that they were entitled to summary judgment pursuant to S.C. Code Ann. § 15-78-70(a). *See*, Order of Judge Early, pg. 6-7.

Furthermore, Appellant has not even mentioned, nor has he attempted to appeal, the actual rulings made by Judge Early in the Order granting summary judgment to Respondents.

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

Therefore, Respondents assert that this Court need go no further in its analysis of Judge Early’s October 27, 2016 Order dismissing the Appellant’s Complaint. However, Respondents assert that Judge Early’s decision was correct, in its entirety, as is set forth in detail below.

I. The Order dismissing the Complaint was appropriate.

Respondents argue that the order issued by Judge Early, dismissing the Appellant’s Complaint and granting summary judgment on behalf of Respondents, was appropriate on all stated grounds. Judge Early found that the Complaint failed

to comply with the requirements of Rule 8(f), SCRPC, and therefore was subject to dismissal.

Judge Early further found that to the extent the Complaint was construed to raise a claim of malicious prosecution, Appellant had failed to plead facts sufficient to establish such a claim. In order to recover on a claim of malicious prosecution, Appellant must establish the following elements: “(1) the institution or continuation of original judicial proceedings; (2) by or at the instance of the defendant; (3) termination of such proceedings in the plaintiff’s favor; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) resulting injury or damage.” *McBride v. Sch. Dist. Of Greenville County*, 389 S.C. 546, 566, 698 S.E.2d 845, 855 (Ct. App. 2010). “In an action for malicious prosecution, the plaintiff must establish that the criminal proceeding was terminated in his or her favor.” *McKenney v. Jack Eckerd Co.*, 304 S.C. 21, 22, 402 S.E.2d 887, 887 (1991).

As Judge Early correctly found, Appellant admitted in his Complaint that he was convicted, by a jury, on the two criminal citations at issue. As a result Appellant cannot establish the elements necessary to sufficiently allege a malicious prosecution cause of action, because he cannot possibly establish that the proceedings had terminated in his favor.

to comply with the requirements of Rule 8(f), SCRPC, and therefore was subject to dismissal.

Judge Early further found that to the extent the Complaint was construed to raise a claim of malicious prosecution, Appellant had failed to plead facts sufficient to establish such a claim. In order to recover on a claim of malicious prosecution, Appellant must establish the following elements: “(1) the institution or continuation of original judicial proceedings; (2) by or at the instance of the defendant; (3) termination of such proceedings in the plaintiff’s favor; (4) malice in instituting such proceedings; (5) lack of probable cause; and (6) resulting injury or damage.” *McBride v. Sch. Dist. Of Greenville County*, 389 S.C. 546, 566, 698 S.E.2d 845, 855 (Ct. App. 2010). “In an action for malicious prosecution, the plaintiff must establish that the criminal proceeding was terminated in his or her favor.” *McKenney v. Jack Eckerd Co.*, 304 S.C. 21, 22, 402 S.E.2d 887, 887 (1991).

As Judge Early correctly found, Appellant admitted in his Complaint that he was convicted, by a jury, on the two criminal citations at issue. As a result Appellant cannot establish the elements necessary to sufficiently allege a malicious prosecution cause of action, because he cannot possibly establish that the proceedings had terminated in his favor.

Additionally, Judge Early correctly found that even if the court was to construe Appellant's Complaint as an attempt to appeal the magistrate court convictions at issue, the Complaint would be subject to dismissal. Specifically, an appeal of a magistrate court conviction must be filed as a notice of appeal within ten (10) days of the date of the conviction. *See*, S.C. Code Ann. § 18-3-30. Appellant admits in his Complaint that he was convicted on August 26, 2015. (R. 4-6). However, his Complaint is dated September 13, 2015, and was not filed until September 22, 2015. (R. 1-13). Therefore, as Judge Early correctly found, even if the Complaint had been properly drafted as a notice of appeal of the magistrate court convictions, it would still be time-barred and must be dismissed.

Judge Early also correctly found that no matter how Appellant's Complaint is construed, it clearly attempts to allege causes of action against Respondent Williamson that deal with Respondent Williamson's actions in presiding over his magistrate court trial. (R. 2-16). As such, Judge Early correctly found that Respondent Williamson, a Magistrate Court Judge, was entitled to Judicial Immunity. This is true under both the common law of South Carolina, as well as certain provisions of the South Carolina Tort Claims Act. *See, O'Laughlin v. Windham*, 330 S.C. 379, 498 S.E.2d 689 (Ct. App. 1998); *see also*, S.C. Code Ann. § 15-78-60(1) and (2).

Furthermore, Judge Early also correctly found that even a liberal construction of Appellant's Complaint would be subject to dismissal pursuant to S.C. Code Ann. § 15-78-60(4) and (23). S.C. Code Ann. § 15-78-60(4) provides, in pertinent part, that a governmental entity is not liable for a loss resulting from the enforcement of any law and/or ordinance. Judge Early reasoned that a liberal reading of Appellant's Complaint makes it clear that he attempting to sue Respondents Aiken County, Arthurs, and Cooper for their roles in enforcing the animal control ordinances of the county of Aiken. Therefore, Judge Early found, with the admission made by Appellant in his own Complaint "that he was convicted by a jury, Appellant's allegations are clearly barred and must be dismissed." (R. 24).

Likewise, S.C. Code Ann. §15-78-60(23) states that a governmental entity is not liable for a loss resulting from the "institution or prosecution of any judicial or administrative proceeding." Judge Early correctly found that Appellant appears to be attempting to sue Respondents Aiken County, Arthurs, and Cooper for that very reason, the "institution or prosecution" of the animal control citations at issue.

Additionally, as is stated above, Judge Early correctly found that Respondents Arthurs and Cooper are entitled to absolute employee immunity under the South Carolina Tort Claims Act, S.C. Code Ann. §§ 15-78-10 *et seq.* The SCTCA "constitutes the exclusive remedy for any tort committed by an employee of a governmental entity." S.C. Code Ann. § 15-78-70(a). An employee

of a governmental entity is immune from liability for tortious acts committed within the scope of his or her official duties. *Flateau v. Harrelson*, 355 S.C. 197, 584 S.E.2d 413 (Ct. App. 2003).

Judge Early correctly found that Appellant's Complaint, at best, makes claims against those Respondents for actions and/or omissions taken in the course of their official duties as employees of the County of Aiken. Therefore, Judge Early was correct in dismissing Appellant's Complaint against those Respondents for that reason.

Lastly, Judge Early found that Appellant's Complaint was subject to dismissal pursuant to the doctrine of *res judicata* and/or collateral estoppel. Judge Early reasoned, correctly so, that "once a person has been criminally convicted, the person is bound by that adjudication in a subsequent civil proceeding based on the same facts underlying the criminal conviction." *Doe v. Doe*, 346 S.C. 145, 148, 551 S.E.2d 257, 258 (2001); *see also, Zurcher v. Bilton*, 379 S.C. 132, 135-136, 666 S.E.2d 224, 226 (2008). As has been stated at length above, Appellant's central claim in his Complaint is that he believes he should not have been found guilty on the two animal control citations at issue, and therefore his Complaint is clearly an attempt at collaterally attacking those convictions. Therefore, Judge Early correctly ruled that Appellant's Complaint must be dismissed.

CONCLUSION

Based on the foregoing discussion and analysis, the Respondents respectfully request that this Court affirm the October 27, 2016 order of the Honorable Doyet A. Early, III, dismissing the Appellant's Complaint and granting summary judgment on behalf of the Respondents.

Respectfully submitted,

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Columbia, South Carolina

June 23, 2017

CERTIFICATE OF COUNSEL

The undersigned counsel for the Respondents certifies that the Final Brief of Respondents complies with Rule 211(b), SCACR.

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June 23, 2017

CERTIFICATE OF COMPLIANCE

The undersigned counsel for the Respondents certifies that the Final Brief of Respondents complies with the Supreme Court's Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings, issued April 15, 2014.

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June 23, 2017

CERTIFICATE OF SERVICE

The undersigned employee of Davidson & Lindemann, P.A., counsel for the Respondents, does hereby certify that service of the **Brief of Respondents** was made upon the *pro se* Appellant by placing a copy in the United States Mail, first class postage prepaid, at the below listed address clearly indicated on said envelope this the 23rd day of June 2017:

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

Shelley E. Stafford

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

**APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County**

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2016-002275

Carlton E. Cantrell,

.....Appellant

VS

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

.....Respondents

AMENDED REPLY BRIEF OF APPELLANT

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Reply

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Attachment A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment A

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

IN THE COURT OF COMMON PLEAS

Civil Action Number: 2015-CP-02-02241

Carlton E. Cantrell,

Plaintiff,

v.

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

Defendants.

ANSWER ON BEHALF OF THE DEFENDANTS

{Jury Trial Demanded}

The Defendants hereby answer the Plaintiff's Complaint as follows:

FOR A FIRST DEFENSE

1. The Plaintiffs' Complaint fails to state a cause of action upon which relief may be granted. The Defendants reserve the right to file a motion pursuant to Rule 12(b)(6), SCRPC.

FOR A SECOND DEFENSE

2. The Defendants assert that they have not been properly served, pursuant to Rule 4, SCRPC, and therefore the Defendants must be dismissed pursuant to Rule 12(b)(2),(4), and (5), SCRPC.

FOR A THIRD DEFENSE

3. Defendants Arthurs, Cooper, and Williamson assert that pursuant to S.C. CODE ANN. § 15-78-70 they are not proper Defendants and must be dismissed.

1
del

FOR A FOURTH DEFENSE

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

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

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

FOR A FIFTH DEFENSE

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

FOR A SIXTH DEFENSE

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

FOR A SEVENTH DEFENSE

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

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

FOR AN EIGHTH DEFENSE

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

FOR A NINTH DEFENSE

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

FOR A TENTH DEFENSE

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

FOR AN ELEVENTH DEFENSE

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

FOR A TWELFTH DEFENSE

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

FOR A THIRTEENTH DEFENSE

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

FOR A FOURTEENTH DEFENSE

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

FOR A FIFTEENTH DEFENSE

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

FOR A SIXTEENTH DEFENSE

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

FOR A SEVENTEENTH DEFENSE

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

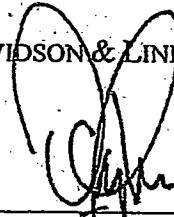
FOR AN EIGHTEENTH DEFENSE

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

{The remainder of this page was intentionally left blank.}

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

DAVIDSON & LINDEMANN, P.A.



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T: 803-806-8222
F: 803-806-8855

Counsel for the Defendants

Columbia, South Carolina

October 22, 2015

STATE OF SOUTH CAROLINA

COUNTY OF AIKEN

) IN THE COURT OF COMMON PLEAS
)
)

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

Carlton E. Cantrell,

Plaintiff,

v.

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

Defendants.

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

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

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

1. Give the names and addresses of persons known to the Plaintiff to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
2. Please provide the social security number, any driver's license numbers, and the month, date, and year of birth for the Plaintiff.
3. Set forth a list of photographs, plats, sketches, or other prepared documents in possession of the party that relate to the claim or defense in this case.
4. Set forth the names and addresses of all physicians or mental health professionals who have treated the Plaintiff and all hospitals to which the Plaintiff has been committed in

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

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

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

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

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

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

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

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

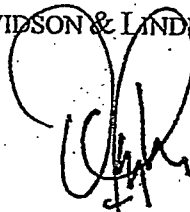
(d) A list of books, treatises, articles, and other works which such person regards as authoritative on the subject matter on which he is expected to testify.

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

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

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

DAVIDSON & LINDEMANN, P.A.



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October 22, 2015

STATE OF SOUTH CAROLINA

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) IN THE COURT OF COMMON PLEAS

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Carlton E. Cantrell,

Plaintiff,

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

Defendants.

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

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

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

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

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

3. Each medical record, report, or opinion that has been made in connection with a medical examination or treatment of the injuries in this action or in preparation of this action.

"Report" includes but is not limited to reports of physical examination or evaluation, results of

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

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

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

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

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

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

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

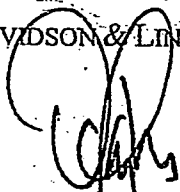
10. Copies of any appeals filed by Plaintiff regarding his conviction by jury on, or about, August 26, 2015 for the charges issued against him on, or about, July 2, 2015.

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

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

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

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Counsel for the Defendants

Columbia, South Carolina

October 22, 2015

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN

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

Carlton E. Cantrell,

Plaintiff,

v.

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

Defendants.

CERTIFICATE OF SERVICE

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

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

[Handwritten signature]

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE COURT OF COMMON PLEAS
Aiken County

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2016-002275

Carlton E. Cantrell,

.....Appellant

v

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

.....Respondents

CERTIFICATE OF CONTENTS RULE 211(b)

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

June 12, 2017



Carlton E Cantrell/Appellate

223 Muddy Branch Road

Aiken, South Carolina 29801