THE STATE OF SOUTH CAROLINA

In the Supreme Court

APPEAL FROM COLLETON COUNTY

Court of Common Pleas

Carman T. Mullen, Circuit Court Judge

Case # 2019-00-1578

Lynne Van House — Petitioner

v.

Colleton County — Respondent

REPLY TO RESPONSE OF

PETITION FOR A WRIT OF CERTIORARI

Lynne Van House

19897 Augusta Hwy.

Round O, SC 29474

(843) 835-8038

Petitioner, Self-Represented

Sean P. Thornton, Esquire

Post Office Box P.O. Box 1880

Bluffton, SC 29910-1880

(843) 255-5880

Attorney for Respondent

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September 7, 2018

David S. Mathews
Fourteenth Circuit Public Defender's Office
319 North Lucas Street
Walterboro, South Carolina 29488

Re: Lynn Vanhouse

Dear David,

I am in receipt of your letter dated September 4. I agree that Judge Cooper did accept Ms. Vanhouse's plea of no contest. However, I respectfully decline to accept your proposal to send the sentencing sheets to the Judge for additions to the record.

First, as you note, there is no portion of the sentencing sheet referring to no contest pleas. Given that Court Administration seems to make edits to the sheets every year or so, I have no doubt that if they considered this issue important enough, they would have added a box already. Perhaps you could address this concern with your colleagues at the upcoming Public Defender's Conference and send a suggestion to Court Administration for their next revision.

Second, the additional indictment numbers were on the lead sentencing sheet when you and your client signed it. You did not raise an objection at the time of the hearing, at which time I would have been happy to comply. In addition, as the extraneous indictments were all *nolle prossed* due to your persuasive, last-minute advocacy on your client's behalf, only the slightest effort is required to determine that the reference in the margin to which you object is inaccurate, and that your client did not in fact plead guilty to the indictments ending in 472, 473, 474, and 681. Ms. Vanhouse can refer anyone with concerns to those public records.

Finally, I do not feel that extra-judicial consequences of a plea are sufficient reason to trouble the judge in the absence of an error of law. The court is not responsible for incomplete reporting on the part of the Colleton County media.

I regret that Ms. Vanhouse feels that she was inaccurately portrayed in the article. However, as I do not believe that the bell can be "un-rung," and do not see any error on the part of the Court, I will not ask him to correct himself.

Respectfully,

Reed A. Evans
Assistant Solicitor

FOURTEENTH CIRCUIT PUBLIC DEFENDER'S OFFICE
COLLETON COUNTY DIVISION
115 BENSON STREET
WALTERBORO, SOUTH CAROLINA 29488

(843)549-1633 (Office)
(843)549-9543 (Fax)

September 21, 2018

Ms. Lynn Vanhouse
19897 Augusta Hwy
Round O, SC 29474

Re: No Contest

Dear Ms. Vanhouse:

The Assistant Solicitor denied my request to ask Judge Cooper to amend the sentencing sheets in your case to have him write in "no contest". He notes that you did not plead guilty, but pled "no contest"; however, because the sentencing sheet does not have a box for "no contest", he does not consent to have the judge amend the sentencing sheet. The legal effect should still be no contest. In the unlikely event that someone attempts to use the plea sheet in an improper manner, you can, I suppose, present a copy of Mr. Evans' letter (a copy of which I enclose).

Very Truly Yours,

David S. Mathews

Enc.

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v.

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--Reply to Response to Petition for a Writ of Certiorari--

Petitioner *first* makes note of the fact that ***Mr. Thornton did not address the basic Questions of violations of Constitutional Law*** by Officers of the Court in Colleton County. I have *continued* to bring these up in *each* Court, in an effort to be heard. Mr. Thornton was not at *any* of the Magistrate Court Hearings, and all his information is **at least third-hand, and often inaccurate.**

Mr. Thornton is representing the Respondent in ***my Civil case against***

Colleton County—His tone and wording in this Response is that of a Prosecutor, and he addresses the case as though I were a Defendant. I take ***great exception*** to the *second* paragraph of this Return, and will address this allegation **first:**

Petitioner *was* actually indicted for 10 **misdemeanors**, (which neither the Public Defender Mr. Matthews *nor* myself were made aware of *until Petitioner* questioned many *months* later why there had never been any hearing about any other charges) . **In fact, it is my understanding that this should *not* have been brought up by the Respondent in this civil case at all, since they *were misdemeanors pled as no contest*.** This *certainly* ***did not show*** that Petitioner *was "admitting the illegal conduct"* as claimed by Mr. Thornton, but *only* that the emotional stress and negative publicity from the Prosecution, as cited below, would be *more damaging* to me, (71 years of age at the time) than paying a small fine and trying to get on with my life. ***(Letters from Asst. DA to Public Defender & PD to Petitioner attached)***

On the advice of Mr. Matthews, Petitioner pled **No Contest** to **6** of the **misdemeanors after a lengthy Hearing with witnesses. I paid the Minimum ($100) fine, and had *no restrictions* of any sort placed on me.** The little

"evidence" supplied *to* Mr. Matthews (*but withheld from Petitioner pursuant to* ***this*** *case*) that was turned over only *after* repeated Demands from Mr. Matthews was demonstrably **"doctored, photo shopped, and spliced"** but contained **no photos** at all of the **animals *when seized,*** although nearly 200 photos *were taken.* ***IF*** they *had been* in poor condition as claimed—these would certainly have been held up as evidence, but they ***were not,*** **as these photos would have shown "demonstrably" that her animals *were* in fact, *healthy.*** The Record also lists many happy customers, healthy pets sold, and ***no complaints at all in 23 years*** at *this* location. ***(R.p.408-412) shows all weights within breed range, and all had normal vital signs-as taken from the County's initial exam after seizure.*** This is a **clear indication** that **none** of the animals were malnourished, sickly, or becoming ill, as **even humans** have *these* taken as soon as they go to a Doctor's appointment as a *basic health indicator.*

The "criminal charges" were laid on *immediately after* the animals had been surrendered to the County *against Court Order, on June 3, 2016.* In fact, the *original* wording of the charges does not even exist in the statute they were using, but sounded horrific. This was apparently another attempt to *force me to "just*

stop fighting" as they so often demanded. **They** (at *least* Ms. Taylor and Mr. Sapp) appeared to realize that sooner or later, I'd ask for proof of the allegations—*if I kept fighting*—and they **knew at that time** that the animals were ***neither** in bad shape* as they claimed, ***nor** available to produce as evidence* anymore. Mr. Sapp *failed* to ask for a Hearing despite *many* requests, and Petitioner alleges that this was *also* aimed at frightening me into stopping the protests, *or* stopping me by not asking for a Hearing. They never expected me to file a Motion *on my own* as I did.

The several Officers of the Court involved, *and* Petitioner's counsel, Mr. Sapp, knew (and orchestrated the surrender) by **June 1, 2016**, that the animals had ***not*** been held intact as Ordered, *but* the Court and Petitioner did *not* know until **July 20, 2016**. In fact, it was ***Mr. Thornton himself,*** who finally **admitted, on June 28, 2016,** that most of the animals **were *no longer available as evidence (R.p.81)***

As to the balance of the Response, Although Respondent *claims* to "dispute the questions *as set forth*;" regarding "probable cause and search questions."

*These were **NOT** the questions this Court was asked to consider. Probable cause to*

search and seize has been well covered elsewhere; there was ***no probable cause*** *to enter* Petitioner's property ***without a warrant.***

Put simply, I assert that Officers may ***not*** *legally enter* posted and gated property without a warrant or permission to enter, when there is *ample* time to secure a warrant. (The original "complaint" was said to have been made on April 18, a *month* earlier) ***(R.p.363)*** is a picture of the gated driveway entrance, with *4 clearly visible no trespass signs.*

(Johnson v. United States 333 U.S. 10, 333 U.S. 13, 14. (1948) "Any *assumption* that evidence sufficient to support a magistrate's disinterested determination to issue a search warrant will *justify* the officers in making a search *without* a warrant will reduce the Amendment to a nullity, and leave the people's homes secure only in the discretion of police officers" ***(Coolidge v. New Hampshire, 403 U.S. 443, 467 (1971)*** "A search *must* be with a warrant, and describe the *specific* place to be searched and *specific* things to be seized, so as to prevent a "general exploratory rummaging" through a person's belongings." ***Colleton County Ordinance 6-04-50 (a) (d) and (g)*** covers the ***unmet*** **requirements** for legal local investigations and searches.

Of those questions that Petitioner requested this Court to consider:

*Mr. Thornton ***did not*** **dispute** that the ***warrantless*** invasion ***did*** **take place on Friday May 13, 2016, *Violating* (SC Const. Art 1 Sects. (U.S. Const. Amend. 4) and (SC Codes Sects. 16-11-600, 640)**

*He ***did not*** **dispute** that the **seizure warrant** 3 days later **on Monday May 16, 2016 was *based* on evidence seized on the first *warrantless* invasion** the prior Friday. ***Violating (SC Const. Art 1 Sects. 13, 14) and (US Const.Amends.5 & 6) and (SC Code Sect. 16-11-650) and (S Code Sect 17-13-140) and (SC Codes Sects 47-3-940, 950)***

*He ***did not*** **dispute** that **several Officers of the Court** *and* petitioner's former counsel ***did*** **Violate Judge Duffie's Order to *maintain them locally and* to *keep all the animals intact* until the next Hearing. *(R.p 175-176.)***

Petitioner asserts that the ***violation* of Constitutional Laws** that ***prompted* the Questions of Error, having taken place before, during, and shortly after the *seizure, is* the case at bar.** *These acts gave Petitioner no meaningful opportunity* to view or assess evidence, attempt to secure counsel, negotiate the terms of

seizure *or* release of her animals, *or* to protest the complete lack of Due Process, and the use of "fruit of the poisonous tree" evidence, during this operation. The *entire* search, seizure, and dispersal process took place *in 3 days, over a weekend.*

Petitioner alleges The **case at bar is *not* the "settlement Agreement"** which was presented in Court (by the County's *first* hired attorney, Mr. Bennett) nearly **6 weeks *after*** the above referenced seizure/dispersal took place. I submit that the *point* of the Appeal process *is* to re-evaluate the decisions of the lower Courts for possible errors, which Petitioner has been asking for all along. ***Were my Constitutional rights severly violated* as alleged? If so, then *restitution* for my life's work, retirement income, health, and reputation *is certainly due.***

Petitioner argues that those **critical questions of Constitutional Law** were likely not *addressed* by the lower Courts simply *because* the several well-known Officers of the Court and their animal "rescue" employees that were *deeply involved* with this were *known* to have ***already* seized the animals, sent them out of my reach** or any hope of having them presented as evidence, ***and* destroyed or altered any media evidence** of *their actual body condition at the time of seizure* **well *before* the Court date of May 31, 2016,** which was held to *address* whether

they *should* have *been seized at all.* Addressing these questions would have required that the actions be admitted to. Because of this, It appears they chose to simply *not comment on* my often-expressed **Questions of Constitutional Law** that I stated (and cited much evidence and case law, to prove) **were violated.**

At the least close cooperation/coordination is evident in the specifics of the raid and seizure. The Lead Investigator, Ms. Taylor, and Petitioner's former Attorney, Mr. Sapp commented to Petitioner when asked, that they had *"done this sort of thing, working together, for over 20 years".* During those many years they got *little resistance* or objection (noted from older newspaper articles posted online) to the raiding, seizing, and selling of personal property animals in the County, apparently to benefit local shelters and "rescue" organizations; I allege they *didn't expect me to continue to fight* the seizing of my life's work *without* an attorney, since I had spent my last savings to hire *Mr. Sapp,* when he offered.

Petitioner agrees with the Respondent's statement that "the only issue properly before the Court is whether the 3 lower courts erred..." The fact that *none* of the lower courts ever *addressed* the **violations of the Constitution** that I kept pointing out and questioning, ***is alleged to be the issue.***

Respondent's quotes and statements *about* ***what Mr. Sapp said*** (already third-hand) in the **May 31, 2016** Hearing; using the words: "informed the Court," "Petitioner consented," "his (Mr. Sapp's) understanding was," "in his (Mr. Sapp's) opinion," "Petitioner authorized him," " he represented that he had authority from the Petitioner" "called Petitioner and told her what had happened" are *totally disproven and* ***belied*** **by Petitioner's "Statement to be Read at the Seizure Hearing"** ***(R.p.331-336)*** dated the *day of* that Hearing.

Mr. Sapp, after *insisting* that I stay *at his office* during the Hearing, ***claimed*** that he **had** ***read this statement into the Court record as I directed him to do.*** The ***(Mag. Ct. Audio-May 31, 2016)*** proves that he not only ***did*** **not** ***do this,*** but actually *made the* ***untrue statements*** that Mr. Thornton quoted, *instead.*

This appears to have been the *basis for their* ***violation of the Court Order*** *the next day, accomplished by surrendering all* the animals to the *County.* I also allege that this is the *probable* <u>*reason*</u> that ***neither the Court nor the Petitioner were told about this action (Mag Ct. Audio July 21, 2016). The several statements following in Mr. Thornton's Response*** *about "bad conditions," "speaking" with Ms. Taylor and Mr. Sapp, commenting about how many animals were "allowed",*

"authorized to enter into a binding agreement" "in relying on Sapp's representation" etc. were simply not true or correct and are ***refuted by:***

(R.p. 227-228) (Hall v. Benefit Assn of Railroad Employees, 64 S.C. 80, 161, S.E. 867,285 S.E.393) *"Attorneys as such,* ***without express authority,*** *have no right to compromise or settle their client's rights...it is the* ***well-settled law*** *of* ***this State*** *that the* ***authority of an attorney of record is limited by the pleadings...*** *and that any settlement that goes beyond these matters* ***must be expressly agreed to by the client."*** And also by South Carolina law, codes, and ordinances listed in Petitioner's Appeal, and in the Petition here. These **statements and actions** were ***not*** *"defending" me,* ***nor*** *attempting to get my animals back* **as hired to do,** *and* ***would have been disputed immediately*** *if I had gone to that Hearing.* ***(R.p.75, 225-228) and (Mag. Ct. Audio July 21, 2016)***

The balance of Mr. Thornton's Return is virtually identical to his Return to the Appeals Court, and I will reply to the citations and comments much as I did then:

Refuting (Arnold v. Yarborough, 281 S.C. 570 at 572, 316 S.E. 2d 416 at 417(312 S.C. 185 Ct. of App. (1984) "The principal of law relied on by Yarborough applies ***only*** where the witness ***not called*** to testify is within the particular control ***against*** whom the principal is invoked." Mr. Sapp *refused* to *allow* me to testify, and *did not dispute* the claims made by the Respondent—in fact, he did the exact opposite. The *internal* citations all quote *fraud* as a reason for **not** *allowing an agreement* made by the attorney, *without the consent* of his client. Although "It is undisputed that *Yarborough's* attorney was representing him and acting on his behalf" *this was not the case here.*

Mr. Sapp **and** *other involved Officers of the Court* **covertly, by actions, emails, and verbiage**, sent the animals out of the County and my reach for retrieval or evidence uses, while *claiming* that they were being held locally. They *made this seizure agreement immediately after* the Hearing and Order ensued, ***violating the terms of both.***

Refuting (Shelton V. Bressant, 439 S.E.2d 833.) Respondent *fails* to quote the portion of that citation that relates to me, inasmuch as I ***did not know*** that this surrender action took place ***until*** **nearly 6 weeks later**: "Shelton and his

attorney appeared in open court and advised the presiding judge that the case had been settled. Moreover, the transcript of the agreement makes manifest ***that it was Shelton himself, not his attorney, who agreed to it's terms."*** He also *fails* to quote the term *fraud* as being a reason to *not* uphold any agreement *without* client consent as it appears here.

Petitioner was given a myriad of *excuses* by Mr. Sapp as to why a Hearing to retrieve any of the animals (as offered in the Order), was *not set up before June 15. I had to ask for one myself,* on the **last day** to do so. Clearly *Mr. Sapp never had any intention of actually asking for a Hearing of retrieval,* since the animals were surrendered *immediately* after the *first* Hearing. **Mr. Sapp never admitted the surrender;** Mr. *Bennett announced* this to the Court and Petitioner nearly *6 weeks later.**(Mag. Ct. Audio-July 20, 2016)***

The "bulk of Petitioner's arguments" as referred to on Mr. Thornton's Response rely on several *fallacies*. Mr. Thornton *says* that the bulk of *my* arguments ***seems to rely*** on the premises that "animals are property, have no "rights" and can be treated any way she deems fit"

Petitioner *does* rely on ***(SC Code Sect. 16-11-510 (a) and (Animal Enterprise Terrorism Act, Pub. L, 109-374, 18 U.S.C. St. 43 (2006)*** *that* **animals are *owned personal property.*** In addition, my animals were ***breeding livestock,*** not pets, bred to **produce puppies *to sell*—**and were to be ***protected,*** **along with their owner,** against acts of *terrorism, coercion, threats, intimidation, damage to property, and attempts to harm or destroy the personal or real property of a business enterprise,* as noted in my Petition. The several Officers of the Court **and** their *employed animal activist rescue groups* **committed many verified acts against both Petitioner and her property** that are **described** and listed as **terrorism** in this Congressional Act.

(R.p. 268)(Sherar v. Cullen, 481, F2d, 945 (1973) "for a crime to exist, there must be an injured *party*". By definition, a "party" is a human, animals are *property.* A property cannot commit a crime, as they can shoulder no responsibility for their actions, and per se, have no "rights" under the law, *except* those their owner gives them. I was well aware that my animals fell under the agricultural breeding livestock code ***(SC Code sect. 47-4-20) and (Colleton County Ordinance 6-24-10)*** as to care and maintenance, and maintained them by *those*

standards. They were not *treated* as pets, although given individual attention, affection, and care—because they were *not* pets. I *never* deprived my animals of adequate care, since they were also producing *income*, and the people who bought them expected a healthy animal for their money. I got much enjoyment in my retirement by maintaining the many generations of superior and irreplaceable bloodlines, as well.

Mr. Thornton's Counter Statement of the Case is essentially the same as mine—with the additional third-hand statements by others, which I have already refuted by references to particular document dates and specific referral to the ***(Mag. Ct. Audio)*** with date.

I tried to get a transcript, but Ms. Pam White, the Clerk of Magistrate Court, *refused* to make me one—she said she didn't have a clerk available to produce it, and "you don't have the money anyway." This is the only **reason for the *thumb drive of the Hearings; which was the only way I have at my disposal to prove the quotes I made from them were correct.***

Mr. Thornton's continued recitation of some aspects of the Magistrate Hearings, starting on Page 10 of his Response—Introduces Dr. Mary Campbell. I DID object to her being classified as an expert, *unless* I was also classified as an expert; inasmuch as ***I had at least twice as long*** as *her* 25 years "in grade," examining, breeding, and caring for *many species* of animals—as *she* had had in examining pets only—and I was especially expert about *my* animals. After confused looks at each other—my objection *was neither, ruled on or addressed.* In addition, she is quoted as having *assisted in the removal of my animals from my property.* **Dr. Mary Campbell never set foot on my property until days *after* the seizure warrant had been put into effect.**

The many *verbal* descriptions of terrible conditions, as quoted by Mr. Thornton, were *entirely devoid of any photographic proof* of *any* of the graphic *descriptions* offered. On page 11 it is asserted that photographs of these "conditions" were admitted. I assert that photos of "junk" cars, bags of potting soil, and a roll of welded wire, are *only* evidence of clutter on my private property—and had *no bearing* on the *condition or health* of my *animals.* The few ***photos*** presented **were** *of only longhaired dogs possibly* ***taken at the Hilton Head shelter—not on my property*** *as they were being loaded, or in the runs they*

were seized from; and cannot be considered evidence of ME being the one contributing to the poor condition they were ***alleged*** *to be in by the time the photos were taken. These were* ***dated several days after the seizure,*** *wherever my* ***terrified animals*** *were dispersed to.* These were "evidence" that I was told they would use at the criminal indictment. **First,** I allege that these had no place in the civil proceedings, especially since I was *Ordered not to try to object to any of the testimony.* ***(Mag. Ct. Audio-July 12, 2016)*** I was told that I could "object to anything" *after* the prosecution had finished. The *next* Hearing saw the "agreement" signed *and* the Order made immediately, denying *all* my Motions before the Court. **Second,** I *never got to object to* **or** attain photographic proof of *any of the scurrilous verbal allegations* made, although *several* on-going Motions for Discovery *were made and not addressed, violating* ***(Brady v. Maryland, 373, U.S. 83, 87 (1963)***

I would ask that this Court consider that ***(R.p.415-417)*** was developed from *my* breeding records and projections from 50 years *past* performance by breed. The number of replacement animals by year was an *ideal*—since there is no guarantee that that number of *breeding* quality animals will be produced every

year. The number of pet puppies produced was *also an ideal* projection, *but the actual value per animal was considerably reduced from probable figures*, because even at the time my animals were seized, I sold them for considerably *less* than most breeders did, for better access to those who had less money, but might love them more. I also *never raised that projected price over the ten years projection*. It *was* an ideal—but the actual potential profit margin over that 10 years was *not nearly* as ridiculous as Mr. Thornton chose to suggest, as the pet industry in this country produces several billion dollars a year in revenue. ***(R.p.341-345) Pet Business Magazine article: "Weathering the Storm."*** The County *took away a large portion of the rest of my life in 3 days and 5 hours*—**vindication and restitution** are only **just and reasonable** under the circumstances.

CONCLUSION

Therefore, I plead with this Court to **affirm** my Petition Writ, and **grant me the relief requested** in view of the statements above.

This REPLY is respectfully submitted on November 4, 2019.

s/s Lynne Van House

Lynne Van House

19897 Augusta Hwy

Round O, SC 29474

(843) 835-8038

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CERTIFICATE OF COUNSEL

This is to certify that the Petitioner, Lynne Van House, is acting as Self-Represented, Pro Se in the above-titled case.

Signed: November / , 2019 s/s Lynne Van House

Lynne Van House

19897 Augusta Hwy.

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Petitioner, Self-Represented

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Proof of Service

I certify that a copy of this REPLY to his Response to my Petition for a Writ of Certiorari was sent to the Respondent's Attorney of Record, Sean P. Thornton, PO Box 1880, Bluffton, SC 29910 by USPS mail, on November 4, 2019.

Signed: November , 2019

s/s Lynne Van House

Lynne Van House

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