

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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

RECEIVED

MAR 25 2013

S.C. Supreme Court

OP. NO. 2012-UP-662
(SC Ct. of Appeals filed December 19th, 2012)

Carlton E. Cantrell,

v.

Aiken County, Aiken County Animal
Control, Shirley Hardin, Aiken
County Animal Control Officer Bobby
Arthurs, and Judge Charles T.
Carter,

~~Appellant~~
Petitioner

~~Respondent~~

PETITION FOR WRIT OF CERTIORARI

Other Counsel of Record:
Daniel C. Plyler, of
Davidson & Lindemann
PA. of Columbia,
Attorney for Respondent


Carlton E. Cantrell
223 Muddy Branch Road
AIKEN, SC 29805
803-215-4747
Plaintiff/Appellant

Petitioner

THE STATE OF SOUTH CAROLINA
In The Supreme Court.

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

OP. NO. 2012-UP-662
(SC Ct. of Appeals filed December 19th, 2012)

Carlton E. Cantrell,

..... Appellant

v.

Petitioner

Aiken County, Aiken County Animal
Control, Shirley Hardin, Aiken
County Animal Control Officer Bobby
Arthurs, and Judge Charles T.
Carter,

..... Respondents

**MEMORANDUM IN SUPPORT OF
PETITION FOR WRIT OF CERTIORARI**

The Appellant respectfully requests that the Honorable Supreme Court of South Carolina grant certiorari to consider the decision of the South Carolina Court of Appeals of December 19th, 2012, affirming the trial court. Appellant avers that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on January 25th 2013.

QUESTIONS PRESENTED

Appellant avers that the Honorable Court of Appeals did not adequately consider the following issues.

1. The Transcript had been ordered from the Court Reporter at least 120 days after the Notice of Appeal had been mailed to the Court of Appeals and opposing Counsel by the appellant's lawyer who was handling the Appeal Michael W. Chesser.

2. The Proposed Order which the lower Court had based its decision on was completely left out of the Record of Appeal by the Appellant's lawyer Michael Chesser.

3. The Appellant never did receive any Correspondence from the Court of Appeals concerning his Complaint about his lawyer Michael Chesser's conduct towards the Appeal which he told to Elizabeth Carter of the Court of Appeals, who was handling his Appeal at the time. Elizabeth Carter said "even though your lawyers name isnt on the Appeal he will still be held responsible for the Appeal" and she said that she would send Mr. Chesser a letter about the matter and would get back with Mr. Cantrell.

4. The Appellant asked his lawyer Michael Chesser if he would help finish the Appeal and he said that powere to be told him that it was not in his best intrest to go any further with this matter and that he could be held responsible for his actions even though his name was not on it.

STATEMENT OF THE CASE

This case arose out of the unlawful seizure of 189 goats from Appellant Cantrell's property in May of 2005. The seizure of the goats by Aiken County Animal Control was effected pursuant to a search warrant authorizing same dated May 19 2005, signed by Aiken County Magistrate Charles Carter, issued pursuant to S.C. Code 47-1-150.

Mr. Cantrell secured a lawyer Mr. Everett K. Chandler on June 15 2005. Everett Chandler requested the venue to be changed from Judge Charles T. Carter's Court in Granitville to Judge Tracy Carroll Court in Aiken. A Jury Strike was scheduled for July 8 2005, and the Jury Trial was to be on August 8 2005.

Two weeks before the Trial Mr. Cantrell tried to contact his lawyer Mr. Chandler and his secretary told Mr. Cantrell that Everett Chandler went to Mirtle beach for a meeting. Two days later Mr. Cantrell called his lawyers office again and this time his secretary told him that he was in Atlanta at a meeting. Mr. Cantrell found out later that his Lawyer Everett Chandler was actually in a meeting in Aiken with Aiken County Animal Control with their Lawyer Lawrence Brown working on a plea Agreement.

Mr. Everett Chandler called Mr. Cantrell into his office a week before the trial and handed Mr. Cantrell a Plea Agreement that Chandler and Lawrence Brown had worked up.

Mr. Cantrell told his lawyer Everett Chandler that he didn't want a Plea Agreement that he wanted a jury trial, then Mr. Chandler slammed his fist down on the desk in front of him and shook his finger in his face and said Im driving this boat Mr. Cantrell and were going to do this my way. Mr. Cantrell said to his lawyer Mr. Chandler what happened to the Jury Trial that you said there was no way we could lose because two of the Aiken County Council members were on our side against what Animal Control had done and you also said that two of the jurors that we had picked went to your church. Then Mr. Everett Chandler said I don't feel comfortable about doing this trial because when we were in those meetings with Animal Control and their lawyer Lawrence Brown, Bobby Arthurs of Animal Control jumped across the table at me and shook his fist at me and threatened to beat me up.

Mr. Cantrell could no longer trust his lawyer Everett Chandler so he agreed that he would sign the plea agreement on the terms that his Veterinarian Lisa Handy would be in charge of his animals the dogs and the goats, Lawrence Brown and Animal Control didn't want to do it but they didn't have a choice.

On the day of the trial Lisa Handy his veterinarian told Mr. Cantrell to go ahead and sign the Plea Agreement and that she had never seen one hold up in court from her experience with them.

At the end of August Dr. Lisa Handy called Mr. Cantrell and informed him that his goats were on their way back. Their was three traylor loads the first looked good but the second and third trailer looked bad and one was dead on the trailer. Over sixty were missing and thats not including the new borns that were born at the Animal shelter where they were kept for a while. Dr. Handy came bye later to see the goats and one died while she was thair and she told Mr. Cantrell to take several of them that have died to Clemson for an autopsy and after looking at their condition she told Mr. Cantrell you need to sue them for what they have done to your goats. Fourty five died within six weeks of their return.

Mr. Cantrell immediately filed a motion in Judge Tracey Carroll's court to bring Animal Control back to answer to damages that they had done to him and his goats.

Back in Judge Carroll's Court on September 12 2005; it was brought to the judges attention that Animal Control did'nt count the number of goats take from Mr. Cantrells residence nor keep any records on how many were born or died at the shelter and they presented a piece of paper with some numbers that they made up off the top of their heads. Shirley harden said that Judge T. Carter said that it wasnt necessary to count them. Judge Carroll said I could'nt even imagine the judge giving that advice, she said this is the craziest thing i ever heard

Judge Carroll said that this is the worst case of record keeping that she had ever seen. Judge Carroll told Mr. Cantrell if he wanted to seek Civil Damages that he could.

After the Court was over later on that day Mr. Cantrell got a call from Judge Carroll's office stating that they asked that SLED Investigate this matter.

The SLED investigation was finished in November of 2005. Director Shirley Harden of Animal Control had been dismissed from her job and charged with perjury and Judge T. Carter had been dismissed as a Magistrate.

Mr. Cantrell secured another lawyer Jeffrey R. Moorehead and requested that he make a motion to take Aiken Animal control back to court to have the Plea Agreement dismissed, in order to seek Civil Damages. Several weeks went by and Mr. Cantrell didn't hear anything from the Court or his lawyer so he called his Lawyer Mr. Moorehead in regards to this matter and Mr. Moorehead said that he had faxed them the request several weeks ago. So Mr. Cantrell called Carroll's Court and talked with the Court Recorder Becky and she said we haven't seen any fax it appears that your lawyer is lying and that you need to fire him and get a new lawyer. Mr. Cantrell called Mr. Moorehead back and told him what the Court had said and Mr. Moorehead said well I will fax them again, this time they did receive the motion.

The fax was received on December 28 2005.

About two weeks before time to appear before Judge Patrick D. Sullivan in New Ellenton Summary Court on February 9 2005 two of Mr. Cantrells neighbours up the road from where he lives a Larry and Lisa Shepard came to his residence and told Mr. Cantrell that Bobby Arthurs had the rest of his goats that were not returned on his property at Kitchens Mill. Mr. Cantrell upon their departure immediately called his lawyer Jeffery Moorehead, and told him that he had two witnesses that he wanted to bring to court, and told him what they had said. Mr. Moorehead told Mr. Cantrell that it was to late to bring them to court now besides you will get another day in court and then you can bring them in.

In Judge Patrick Sullivans Court Mr. Cantrell told Judge Sullivan that he had two witnesses that he wanted to bring to court and Judge Sullevin said where are they and Mr. Cantrell said my Lawyer Jeffery Moorehead told me that I would get another day in court and Judge Patrick Sullevin said that this is the only day you will get in Court.

On October 3, 2007, Judge Sullivan issued a Court Order granting the "release-dismissal" would be set aside in its entirety, and ordered that the moneys paid as restitution to be returned, Judge Sullivan told Mr. Cantrell that he had three years to file a Civil suit.

On May 19, 2008, Mr. Cantrell filed a Civil Complaint at the Aiken Court house against Aiken County, Aiken County Animal Control Director Shirley Harden, Aiken County Animal Control Officer Bobby Arthurs and Judge Charles T. Carter.

On December 8, 2008, it was heard before Judge Early. Judge Early completely dismissed the complaint against Judge Carter, and gave Mr. Cantrell a period of 10 days in which to fully comply with all written discovery requests and then reinstate the matter.

Mr. Cantrell went to see his lawyer Michael Chesser and requested his help with the outstanding discovery and the Appeal against Judge T. Carter. Mr. Chesser said that he would help with the discovery and reinstate the matter and help get the Appeal started on Judge T. Carter but he wouldnt help do the Appeal.

Mr. Cantrell brought all the outstanding discovery he had to his lawyer Michael Chesser's office. Mr. Chesser picked through the discovery and said that this is enough and Mr. Cantrell said that I thought we were suppose to turn all the discovery to the defendants, and Mr. Chesser said you dont want to overload them with too many items just the most important stuff. Mr. Cantrell left it with his lawyer to turn in to the defendants and reinstate the matter.

Mr Cantrell sent in the Notice of Appeal to the Appeals Court against Judge Early's Decision to dismiss on behalf of Judge Charles Carter.

Shortly after the beginning of Mr. Cantrells Appeal of the defendant Charles T. Carter, Mr. Cantrell received a letter from the other defendants dated March 27, 2009 stating that the discovery was found to be deficient. Mr. Cantrell took the letter to his lawyer Michael Chesser and showed it to him and he said I guess that I was wrong maybe we should have sent the rest of the discovery. Michael Chesser said that he would send them the rest of the discovery.

After receiving a letter from the defendant Charles T Carter lawyer dated May 13, 2009, stating that the other defendants complaint against them by Mr. Cantrell had been placed in a miscellaneous inactive status at the Aiken County Court House. Mr. Cantrell took the letter to his lawyer Mr. Chesser and asked him what happened to reinstating the Case and he said I guess that I forgott but he said we can try and restart it if you want.

Mr. Cantrell took the letter to the Court of Appeals to see what he could get done about it and he talked to Elizabeth Carter who was handling his Appeal against Judge T. Carter. Elizabeth Carter told Mr. Cantrell were not concerned with these defendants right now only Judge Charles T. Carter is our main concern right now.

After the Appeals Court decided in favor of the Defendant Charles T. Carter Mr. Cantrell asked his lawyer Michael Chesser if he would help him do a petition for WRIT of Certiorari to the Supreme Court and he said sure I will help you.

Just before the WRIT was due Mr. Cantrell went to see his lawyer Michael Chesser and he said that he had lost all of the paper work including the Briefs from the Court of Appeals so Mr. Cantrell started looking around his office and found them hid behinde his book shelf and he said I didn't know that was where they were. Mr. Chesser finished the WRIT just in time and Mr. Cantrell took it to the Supreme Court and handed it in.

After the Supreme Court went in Favor of the defendant Charles T. Carter, Mr. Cantrell filed another Complaint at the Aiken County Court House against the Defendants. Aiken County, Aiken County Director Shirley Harden, Aiken County Animal Control Officer Bobby Arthurs and Judge Charles T. Carter. This time Mr. Cantrell filed the Complaint under Conspiracy and focused on how the lawyers had misbehaved and comitted perjury during his defence.

Mr. Cantrell took the Civil Complaint number: 11-CP-02-01480 to his Lawyer to look at and Michael Chesser said the old guy that taught me to be a lawyer in this office told me to keep a revolver in my top desk drawyer in case of cliants like you and Mr. Chesser reached into his drawyer and pulled out his hand and made it into of a shape of a revolver and pointed at my head and said its time for you to leave.

Mr. Cantrell received through the mail at the end of July 2011 a Notice of Motion to dismiss the Civil Complaint on behalf of the Defendants. On August 5, 2011 Mr. Cantrell received a notice from the Defendants lawyer stating that

The Motion to Dismiss has been set to be heard at the August 8, 2011 Aiken County Motions Roster this all happend within less than two weeks time.

On August 8 2011 Mr. Cantrell and the Defendants lawyer Mr. Daniel C. Plyler were next to the last ones to be presented before Judge Early and judge Early requested that Mr. Cantrell and the Defendants lawyer do a proposed order within two weeks and he would base his decision on that.

Mr. Cantrell went to his Lawyer Mr. Chesser and asked him if he would help with the proposed order and Mr. Chesser said that you should be locked up for coming agains my friends and that he was to busy to help Mr. Cantrell.

Mr. Cantrell did the Proposed Order himself and turned it into the Aiken Court House. Within two weeks Mr. Cantrell received Judge Earlys decision by mail in favour of the defendants.

Mr. Cantrell went to his lawyer Mr. Chesser and asked him if he would help with the Appeal of Judge Early's decision and he said that he would do the whole thing for cash and he didn't want his name on it. This was on September 31 2011.

Mr. Michael Chesser started the Appeal on October 3, 2011.

Mr. Cantrell received a Letter dated October 18, 2011 from the Court of Appeals stating that they had received the Notice of Appeal in this matter.

The letter also stated that pursuant to Rule 207 of the South Carolina Appellate Court Ruled, the transcript must be ordered within ten(10) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript.

Mr. Cantrell received a letter from the Court of appeals dated November 8, 2011, stating that a copy of the letter addressed to the Court Reporter must be provided showing the date that the transcript was requested please provide a copy of this letter with in ten days. Mr. Cantrell took the letter to his lawyer Mr. Chesser and showed it to him and he said that he would handle it.

Mr. Cantrell received a letter from the opposing council dated November 14, 2011, it was a Motion to Dismiss the Appeal stating that the Appellant has failed to provide notice that the transcript had been ordered from the Court reporter. Mr. Cantrell took the letter to his lawyer Mr. Chesser and he said that they were nothing but a bunch of crybabies, and that he would handle it.

Mr. Cantrell received a letter from the Court of Appeals dated December 22, 2011 stating that Respondents motion to dismiss the Appeal is denied because Appellant has provided this Court with proof that he ordered the transcript.

Mr. Cantrell didn't receive anything from his lawyer to prove that he had indeed ordered the transcript.

Mr. Cantrell received a letter dated January 9, 2012, from the defendants stating that it had come to their attention that you have sent several documents to the South Carolina Court of Appeals, and neglected to provide me with copies of same. Mr. Cantrell took the letter to his lawyer Mr. Chesser and showed it to him and he said that the defendants were a bunch of trouble makers.

On February 12 2012, Mr. Cantrell received a letter dated February 10, 2012, from the Court of Appeals asking for a written update regarding the status of the transcript within ten days. Mr. Cantrell took the letter and showed it to his lawyer Michael Chesser, and asked him if he could see the Transcript and Mr. Chesser said I haven't ordered it from the court Reporter as of yet but don't worry I personally know the Court Reporter and it will be alright.

Mr. Cantrell went to the Court of Appeals and talked with Elizabeth Carter who was handling his Appeal and told her that Mr. Chesser had been handling his Appeal since the beginning back in September 31, 2011, and that he didn't want his name on this Appeal and that he hadn't even ordered the transcript as of yet. Mrs. Carter said even though your lawyer's name isn't on this Appeal he will still be held responsible for this Appeal, and that she would send him a letter about the matter and get back with Mr. Cantrell.

Mr. Cantrell never heard anything more from the court of Appeals about this matter.

After the Court of Appeals ruled in favor of the defendants on December 19, 2012 affirming the trial Court. Mr. Cantrell called his lawyer Michael Chesser and asked him if he would do the Petition for Rehearing for him, Mr. Chesser said that you don't need to take this matter any further or you will suffer the consequence.

Mr. Cantrell did the Petition for Rehearing himself. and the Court of Appeals Ruled on January 25, 2013 in favour of the Trial Court.

ARGUMENT

The Defendants asserts that the two year statute of limitations for filing a claim for tortious injury Section 15-78-110 has been breached. The original claim was filed on May 19 2008, and was heard before Judge Early on December 8 2008. Judge Early gave Mr. Cantrell a period of 10 days in which to fully comply with all written discovery requests and then reinstate the matter. Mr. Cantrell went to his lawyer Michael Chesser and requested his help in this matter Michael Chesser said that he would help with the discovery request and reinstating the matter but not with the Appeal itself. Mr. Cantrell took all the outstanding discovery to Michael Chesser and he went through the outstanding discovery and picked out a few items and said that this will be enough and Mr. Cantrell said i thought that we had to give all of it to the defendants and Mr. Chesser said only the most important not all of it. Mr. Cantrell left it with his lawyer to do. After receiving a letter dated March 27 2009 regarding the discovery diffency Mr. Cantrell went to see his lawyer Michael Chesser and showed him the letter from davidson & Lindemann Mr. Chesser said I guess i was wrong about the discovery and that he would send them the rest of the discovery. Then Mr. Cantrell Received a letter from the other defendant lawyer dated May 13 2009 stating that the Clerk of Court for Aiken County has listed the entire action has dismissed and placed in an inactive status. Mr. Cantrell went to see his lawyer

Michael Chesser and showed him the letter and he said that I guess that I forgot to reinstate the case he said we can try and restart it if you want.

Mr. Cantrell went to the Court of Appeals about this matter and talked with Elizabeth Carter who was handling his Appeal and she said were not concerned with these other defendants right now only Judge Charles Carter is our main concern right now.

RECEIVED

MAR 25 2013

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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

S.C. Supreme Court

OP. NO. 2012-UP-862

(SC Ct. of Appeals filed December 19th, 2012)

Carlton E. Cantrell,

Petitioner,
~~Appellant~~

v.

Aiken County, Aiken County Animal
Control, Shirley Hardin, Aiken
County Animal Control Officer Bobby
Arthurs, and Judge Charles T.
Carter,

..... Respondents .

PROOF OF SERVICE

I certify that I have served the ~~Petition~~ *Writ of Certiorari* for Rehearing and Memorandum in Support of the ~~Petition for Rehearing on the~~ Respondents by mailing same, US Mail 1st class, to counsel for the Appellee, on this 25th day of March, 2013, at the following address:

James M. Holly, Esq.
190 Aberdeen Drive
Aiken, South Carolina, 29803-7100

March 25th 2013.



Carlton E. Cantrell
223 Muddy Branch Road
AIKEN, SC 29805
803-215-4747

~~Plaintiff/Appellant~~

Petitioner