

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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

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

Case Tracking No. 2013-000351

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Carlton E. Cantrell,

..... Petitioner

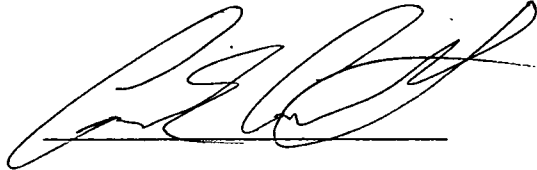
Aiken County, Aiken County Animal  
Control, Shirley Hardin, Aiken  
County Animal Control Officer Bobby  
Arhurs, and Judge Charles T.  
Carter.

..... Respondent

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REPLY TO RETURN  
PETITION FOR WRIT OF CERTIORARI

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Carlton E. Cantrell  
223 Muddy Branch Rd.  
Aiken S.C. 29805  
803-215-4747  
Petitioner

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 a crime involving moral turpitude. However, Magistrate Carter's act in issuing a warrent charging the petitioner Mr. Cantrell with violations of the law and authorising the seizure of his animals is not protected protected, because it does not consitute the reasonable exercise of discretion or judgement.

On May 19, 2005, Magistrate Carter issued the warrent's on the basis of allegations on the part of Aiken County Animal Control Officer Bobby Arthurs that were patently false. Mr. Cantrell was charged with "ill-treatment of animals" and "unsanitary conditions", and more than 200 goats were seized and removed from his property. on the false false allegation that "an unknown number and various breeds of goats and dogs are being housed" at his property. This was a patently false statement, in that there were in fact no no dogs housed with the goats, and Mr. Cantrells Veternarian Lisa Handy stated that if Animal Control had followed their own procedures this would have never happened because their must firstsalways be a veterinarian involved and their wasn't, secondly they must first issue a warning and give time to correct any problems and they did'nt, besides this there is no such thing has unsanitary conditions for goats cows and pigs.

Madgistrate Carter, in issuing a warrant, must review the warrant carefully for patent falsehoods or inherent contradictions. This he failed to do. This did not constitute an exercise of discretion, or nonfeasance, is not shielded activity.

Reference to the Order of the trial court makes it clear that a basis for the Order dismissing the action was the finding of the trial court that Magistrate Carter's activity was shielded because it constituted the exercise of discretion. It is properly a jury issue, or an issue for the finder of fact, as to whether Magistrate Carter in fact failed to exercise his discretion, failed to perform his duty, and hence is liable for the damage caused by his actions according to law.

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 Magistrate Carter. This finding of the trial court is without basis, and the Court of Appeals should find that there is in fact a jury issue or issue for the finder of fact. In the Complaint it was alleged that Magistrate Carter issued the warrants without exercising his discretion or duty to review the allegations underlying the warrant applications. As stated by the petitioner Mr. Cantrell in the hearing on the Motion for Summary Judgment on December 8, 2008. Judge Carter is the one who wrote the warrant to seize my animals and he violated every procedure to do it. There was (sic) no procedures used." This is an effective allegation of the failure on the part of Magistrate Carter to exercise the discretion vested in him by the law. Thus, there was an

allegation of nonfeasance against Magistrate Carter, and the decision of the trial court in granting the Motion for Summary Judgement is without a basis in fact.

The defendants asserts in their defense that the statute of limitations has been breached. The unlawfull seizure of the petitioner's animals occurred on May 19, 2005. The petitioner Mr. Cantrell was forced into a plea-agreement by his lawyer Everett Chandler on August 8, 2005. At the end of August Animal control failed to return all the petitioner's goats. Mr. Cantrell took Animal Control back to Judge Carroll's court in September 2005, which brought forth a SLED investigation in alligations of perjury against Animal Control. In November of 2005 Shirley Harden was removed from her job and charged with perjury and also Judge Charles T. Carter was removed has a magistrate. Mr. Cantrell took Animal Control back to Court in Patrick Sullivan court in New Ellenton to have the plea-agreement removed to seek civil damages

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

On May 19, 2008 Mr. Cantrell filed a civil Complaint at the Aiken County Courthouse against Aiken County, Aiken County Animal Control Director Shirley Harden, Aiken County Animal Control Bobby Arthurs and Judge Charles T. Carter, Civil Action 08-CP-02-887

On December 8, 2008 the Civil Complaint was heard before Judge Early. Judge Early Completely dismissed the complaint against Charles Carter and gave Mr. Cantrell 10 days in which to fully comply with all written discovery requests and then reinstate the Matter,

Mr. Cantrell filed an Appeal against Judge Early's decision to dismiss Judge Charles T. Carter. The petitioner's Lawyer Michael Chesser helped get the Appeal started and also the written discovery but he failed to reinstate the matter at the Aiken County Court House. Mr. Cantrell went to see Elizabeth Carter of the Court of Appeals she was handling his case and told her about this matter and she said that were not concerned about the other defendants right now only about Charles T. Carter. is our main concern right now.

In mid March 2009 Mr. Cantrell received a letter from the Court of Appeals dated March 18, 2009. It stated that you are reminded that pursuant to the case caption on your Notice of Appeal originally filed with this Court, Aiken County, Aiken County Animal Control Shirley Harden, Aiken County Animal Control Bobby Arthurs and Judge Charles T. Carter are all listed as Respondants in this matter. This tells me that even though the case had been placed in the inactive file at the Aiken County Court house it was automatically reinstated when Mr. Cantrell sent in his Notice of Appeal to the Appeals Court.

After the Appeals court went in favor of Charles T. Carter Mr. Cantrell asked his lawyer Michael Chesser if he would help with the Petition of Writ of Certiorari and he said that he would.

After the Supreme Court turned it down Mr. Cantrell went to the Aiken County Court House and talked with the Clerk of Court and she said that you can refile a Complaint within 30 days if you have any new evidence in the case to present to the court.

The petitioner Mr. Cantrell filed a new Civil Complaint at the Aiken County Court House, on July 7, 2011, Civil Complaint 11-CP-02#01480 under Conspiracy with new evidence. The original Complaint was filed on May 19, 2008 and has been in service from the Appeals Court in December of 2008, up till the present time, there has been no lapse in time for the statute of limitations to have been breached.

How was it possible for the Court of Appeals to make a decision in this case after the petitioner Mr. Cantrell went to the Court of Appeals and talked with Elizabeth Carter who was handling his appeal and told her about his lawyer Michael Chesser conduct towards this appeal and she said even though your lawyers name isn't on this appeal he will still be held responsible fore this appeal, and that she would send him a letter about the matter and get back with Mr. Cantrell.

Mr. Cantrell never did hear anymore from the Court of Appeals in this matter and his lawyer Michaël Chesser did a poor job on the Initial Brief and left some records out of the Record on Appeal and didn't finish the appeal he said that powers to be told him that it wasn't in his best intrest to go any further with this Appeal, and that he could be held responsible for his actioins. Michael Chesser was paid by Mr. Cantrell to reposit him in this appeal and paid to do the complete appeal .

If Mr. Cantrell had been given the opportunity for a fair trile back in August 8, 2005 instead of being forced into a plea-agreement by his first lawyer Mr. Evrett Chandler who said that im driving this boat Mr. Cantrell and were going to do this my way and your going to sign this plea agreement, I would have been found not guilty because two of the County Council Members were witnesses against Animal Control Actions and my Veterinarian Lisa Handy said that they had violated their own procedures in that there was no Veterinarian involved in the seizure of Mr. Cantrells Animals.

Again If Mr. Cantrell had been given the opportunity to bring his witness to Patrick Sullivan's court in New Ellenton he would gotten the rest of his animal back from Bobby Arthurs but his

lawyer Jeffory Moorehead said that it was too late to bring the witnesses to Court now besides you will get another day in court and then you can bring them in. In Judge Patrick Sullivan's Court he told Mr. Cantrell that this was the only day that he would have in court.

The petitioner Mr. Cantrell has had three lawyers, Everett Chandler, Jefforey Moorehead and Michael Chesser throughout this case since the beginning, and they have all become friends in the past several years, they are all guilty of violating the rules of misconduct.

#### RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another.
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;
- (c) commit a criminal act involving moral turpitude;
- (d) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

**RECEIVED**

MAY 08 2013

S.C. SUPREME COURT

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Aiken County, Aiken County Animal  
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Carter,

..... Respondents

**PROOF OF SERVICE**

I certify that I have served the Reply To Return to  
Petition for WRIT of Certiorari, on Respondents in the  
above-caption by mailing, via US Mail 1st class, on this  
6th day of May 2013, at the following address.

Mr. Daniel Clifton Plyler  
P.O. Box 8568  
Columbia, S.C., 29202-8568



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Petitioner