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November 9, 2012

Dear Students & Coaches:

Welcome to the 2012-2013 Maryland State Bar Association Statewide High School Mock Trial Competition. This is the 30th year for Mock Trial—over 52,000 students have participated in this competition since its inception. We are pleased that you are joining in this exciting opportunity.

This year's case explores the topic of animal cruelty and neglect. Recently, there have been horrific accounts of people abusing animals, including someone who slashed horses, sadly setting a dog on fire, and of people mutilating or abusing animals. In other instances, well-intentioned people try and rescue animals but because of their own limitations, cannot adequately care for them. With the economic downturn even more cases are surfacing of people who simply can't afford to care for their animals. If we educate about the importance of caring for animals and the penalties that potentially occur when one does not take proper care then perhaps we can have a preventative and protective role. We hope that you find this case to be challenging, interesting and informative.

Our four primary objectives for the MSBA Mock Trial competition are:

- To further understanding and appreciation of the rule of law, court procedures, and the legal system;
- To increase proficiency in basic life skills such as listening, speaking, reading, and critical thinking;
- To promote better communication and cooperation between the school system, the legal profession, and the community at large;
- To heighten enthusiasm for academic studies as well as career consciousness for law-related professions.

Mock Trial works best when everyone competes fairly and honestly. Your goal should be learning, rather than winning. Mock Trial provides opportunities to learn through case preparation with your attorney advisor, teacher coach, and teammates, as well as during each of the competitions.

Please remember that Mock Trial parallels the real world in terms of proceedings, interpretations, and decisions by the Bench. Decisions will not always go your way and you will not always prevail. BUT—you will succeed if you learn from both wins and losses!

We ask that you read carefully through the rules, guidelines and score sheet included in this casebook. We wish you a very successful year and a rewarding learning experience.

Best Regards,

Shannon McClellan
Shannon McClellan, Esq.
Co-Chair, CLREP

Hon. Diane O. Leasure
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2012-2013
MSBA HIGH SCHOOL MOCK TRIAL COMPETITION

PART I: ORGANIZATIONAL RULES

1. **Forfeits are prohibited.** As a registered team, you agree to attend all scheduled competitions. If a team does not have an adequate number of students (i.e. due to illness, athletics, or other conflicts), it is still expected to attend and participate in the competition. In these instances, a team will “borrow” students from the opposing team. While this is treated as an automatic win for the opposition, both teams still gain the practice experience. Further, it maintains the integrity of the competition and is respectful of the Court, Presiding Judge, attorneys and the other team that has prepared and traveled to the competition. If this occurs, coaches should make every effort to notify the local coordinator AND the other coach in advance of the competition. When an opposing team does not have enough students to assist the other team, students may depict two or more of the roles (i.e. they may depict 2 witnesses or play the part of 2 attorneys).
2. Student attorneys are expected to keep their presentations limited to specific time guidelines. It is the presiding judge’s sole discretion as to how or if the time guidelines will be implemented during each competition. Teams should NOT object if they perceive a violation of these *guidelines*.
 - Opening statements/closing arguments—5 minutes each;
 - Direct examination—7 minutes per witness;
 - Voir Dire, if necessary— 2 minutes per expert witness (in addition to the time permitted for direct and cross examination)
 - Cross-examination—5 minutes per witness;
 - Re-Direct and Re-Cross Examination—3 minutes and a maximum of 3 questions per witness.
3. Local competitions must consist of enough matches that each participating high school presents both sides of the Mock Trial case at least once.
4. A team must be comprised of no fewer than eight (8) but a maximum of twelve (12) student members from the same high school, with the exception of high schools with a Maryland State Department of Education inter-scholastic athletics designation of Class 2A or Class 1A, which may combine with any other schools in the LEA in those classifications to field a team. Two “alternate” students are permitted during the local competition only. If a team advances beyond the local competition, an official roster must be submitted not exceeding 12 students.
5. A team may use its members to play different roles in different competitions. (See Part II: Hints on Preparing for the Competition). For any single competition, all teams are to consist of three (3) attorneys and three (3) witnesses, for a total of six (6) different students. For any single competition, a student may depict one role only of either witness OR attorney. (Note: In Circuits 1 and 2, where teams typically participate in two competitions per evening – once as prosecution and once as defense – students may change roles for the second competition.)
6. Any high school which fields more than one team (Team A and Team B, for example) may NEVER allow, under any circumstances, students from Team A to compete for Team B or vice-versa. If a high school fields two or more teams, each team must have a different teacher coach and a different attorney coach than the other team. Additionally, if a high school has multiple teams, then those teams MUST compete against one another in local (circuit) competition.
7. A.) Areas of competition coincide with the eight Judicial Circuits of Maryland. Each circuit must have a minimum of four (4) teams. However, in order to provide the opportunity for as many teams to participate as possible, if a circuit has two (2) or three (3) teams, they may compete in a “Round Robin” to determine who will represent the circuit in the circuit playoff. The runner-up team from another circuit would be selected to

compete based upon their winning record and average points scored during local competition rounds. This team would compete with the circuit representative in a playoff prior to the Regional Competition. When a circuit has only one registered team, CLREP may designate another circuit in which this team may compete.

B.) OR, under the discretion of a circuit coordinator and CLREP, if a circuit so chooses, it may combine with the “un-official” circuit to increase the number of opportunities to compete. In this case, a “circuit opening” arises and will be filled by the following method. To create the most equity, a sequential rotation of circuits will occur. If willing, the second place team from the specified circuit will advance to the regional competitions to fill the opening. If that team is unable to advance, the opportunity will move to the next circuit, and so on, until the opening is filled. In the event that all circuits are officially comprised of a minimum of four teams, the designated circuit will remain the next in-line to advance in future years.

2012-2013	Circuit 1	2016-2017	Circuit 5
2013-2014	Circuit 2	2017-2018	Circuit 6
2014-2015	Circuit 3	2018-2019	Circuit 7
2015-2016	Circuit 4	2019-2020	Circuit 8

8. Each competing circuit must declare one team as Circuit Champion by holding local competitions based on the official Mock Trial Guide and rules. That representative will compete against another Circuit Champion in a single elimination competition on April 10 or 11, 2013.
9. The dates for the Regionals, the Semi-Finals, and the Finals will be set and notice given to all known participating high schools by November 13, 2012. Changes will only occur due to conflicts in judicial schedules.
10. District Court judges, Circuit Court judges, and attorneys may preside and render decisions for all matches. If possible, a judge from the Court of Appeals or Court of Special Appeals will preside and render a decision in the Finals.
11. Any team that is declared a Regional Representative must agree to participate on the dates set for the remainder of the competition. Failure to do so will result in their elimination from the competition and the first runner-up in that circuit will then be the Regional Representative under the stipulations.
12. Winners in any single round should be prepared to switch sides in the case for the next round. Circuit Coordinators will prepare and inform teams of the local circuit schedule.
13. CLREP encourages Teacher Coaches of competing teams to exchange information regarding the names and gender of their witnesses at least 1 day prior to any given round. The teacher coach for the plaintiff/prosecution should assume responsibility for informing the defense teacher coach. A physical identification of all team members must be made in the courtroom immediately preceding the trial.
14. Members of a school team entered in the competition—including Teacher Coaches, back-up witnesses, attorneys, and others directly associated with the team’s preparation—are **NOT** to attend the enactments of ANY possible future opponent in the contest.
15. All teams are to work with their attorney coach in preparing their cases. It is suggested that they meet with their Attorney Advisor at least twice prior to the beginning of the competition. For some suggestions regarding the Attorney Advisor’s role in helping a team prepare for the tournament, see PART II: Hints on Preparing for Mock Trial and Appendix A.
16. **THERE IS NO APPEAL TO A JUDGE’S DECISION IN A CASE.** CLREP retains the right to declare a mistrial when there has been gross transgression of the organizational rules and/or egregious attempt to undermine the intent and integrity of the Mock Trial Competition. **Upon the coaches’ review of, and signature on the score sheet, THE OUTCOME IS FINAL.**

17. There shall be **NO** coaching of any kind during the enactment of a mock trial: i.e. student attorneys may not coach their witnesses during the other team's cross examination; teacher and attorney coaches may not coach team members during any part of the competition; members of the audience, including members of the team who are not participating that particular day, may not coach team members who are competing; and team members must have their cell phones and all other electronic devices turned off during competition as texting may be construed as coaching. Teacher and Attorney Coaches **MAY NOT** sit directly behind their team during competition as any movements or conversations may be construed as coaching.
18. It is specifically prohibited before and during trial to notify the judge of students' ages, grades, school name or length of time the team has competed.
19. The student attorney who directly examines a witness is the only attorney who may raise objections when that same witness is being cross-examined. The student attorney who raises objections on direct examination must be the same attorney who then cross-examines that same witness. This same principle applies if a student attorney calls for a bench conference; i.e., it must be the attorney currently addressing the Court. The student attorney who handles the opening statement may not perform the closing argument.
20. Judging and scoring at the Regional, Semi-Final and Statewide Final Competitions are distinct from judging and scoring in some local competitions. As in a real trial, the judge will preside, hear objections and motions, instruct counsel, and determine which team prevailed based on the merits of the law. Two attorneys will independently score team performance at the trial, using the score sheet from the official Mock Trial Guide. At the conclusion of the trial and while in chambers, the judge will award the tie point without informing the attorney scorers. The Tie Point will only be added into the final score only in the case of a tie. The attorneys will meet and work out any differences in scoring so that the two attorneys present one score sheet to the judge, and eventually, the two teams. The judge retains the right to overrule any score on the score sheet. Both teams shall receive a copy of this score sheet, signed by the judge. Teams will not have access to the original, independent score sheets of the attorneys.
21. **Evidentiary materials that have been modified for use during trial (e.g., enlarged), must be made available during the trial for the opposing team's use. During witness identification exchanges, please alert the other team if you plan to use modified materials.**

PART II: HINTS ON PREPARING FOR A MOCK TRIAL COMPETITION

The following tips were developed by long-time Mock Trial Coaches.

1. Every student, teacher and attorney participating in a team's preparation should read the entire set of materials (case and guide) and discuss the information, procedures and rules used in the mock trial competition. Students: you are ultimately responsible for all of this once Court is in session.
2. Examine and discuss the facts of the case, witness testimony and the points for each side. Record key information as discussion proceeds so that it can be referred to in the future.
3. Witness' credibility is very important to a team's presentation of the case. Witnesses: move into your roles and attempt to think as the person you are portraying. Read over your affidavits many times and have other members of your team ask you questions about the facts until you know them.
4. Student attorneys: you should have primary responsibility for deciding what possible questions should be asked of each witness on direct and cross-examination. Questions for each witness should be written down and/or recorded. Write out key points for your opening statements and closing arguments before trial; then, incorporate additional points that arose during the competition for inclusion in your closing argument to highlight the important developments that occurred during the trial. Concise, summary, pertinent statements

which reflect the trial that the judge just heard are the most compelling and effective. Be prepared for interruptions by judges who like to question you, especially during closing arguments.

5. The best teams generally have student attorneys prepare their own questions, with the Teacher and Attorney Coaches giving the team continual feedback and assistance. Based on these practice sessions, student attorneys should continue revising questions and witnesses should continue studying their affidavits.
6. As you approach your first round of competition, you should conduct at least one complete trial as a dress rehearsal. All formalities should be followed and notes should be taken by everyone. Evaluate the team's presentation together. Try to schedule this session when your Attorney Coach can attend.
7. **Some of the most important skills for team members to learn are:**
 - Deciding which points will prove your side of the case and developing the strategy for proving those points.
 - Stating clearly what you intend to prove in an opening statement and then arguing effectively in your closing that the facts and evidence presented have proven your case.
 - Following the formality of court; e.g., standing up when the judge enters or whenever you address the Bench, and appropriately addressing the judge as "Your Honor," etcetera.
 - Phrasing direct examination questions that are not leading (carefully review the rules of evidence and watch for this type of questioning in practice sessions).
 - Refraining from asking so many questions on cross-examination that well-made points are lost. When a witness has been contradicted or otherwise discredited, learn to limit additional questions, as they often lessen the impact of previously made points.
 - Thinking quickly on your feet when a witness gives you an unexpected answer, an attorney asks unexpected questions, or a judge throws questions at you.
 - Recognizing objectionable questions and answers, offering those objections quickly and providing the appropriate basis for the objection.
 - Paying attention to all facets of the trial, not just the parts that directly affect your presentation. All information heard is influential! Learn to listen and incorporate information so that your presentation, whether as a witness or an attorney, is the most effective it can be.
 - The Mock Trial should be as enjoyable as it is educational. When winning becomes your primary motivation, the entire competition is diminished. **Coaches and students should prepare AT LEAST as much for losing as they do for winning/advancing.** Each member of the team—student or coach—is personally responsible for his/her behavior prior to, during, and at the close of the trial. There are schools and individuals across the state that are no longer welcome to participate based on previous behavior.

Part III: Trial Procedures

Before participating in a mock trial, it is important to be familiar with the physical setting of the courtroom, as well as with the events that generally take place during the competition and the order in which they occur. This section outlines the usual steps in a "bench" trial—that is, without a jury.

1. **The Opening of the Court**
 - a. Either the clerk of the Court or the judge will call the Court to order.

- b. When the judge enters, all participants should remain standing until the judge is seated.
- c. The case will be announced; i.e., “The Court will now hear the case of _____ v. _____.”
- d. The judge will then ask the attorneys for each side if they are ready.

2. Opening Statements (5 minutes maximum)

- a. Prosecution (criminal case)/ Plaintiff (civil case)
After introducing oneself and one’s colleagues to the judge, the prosecutor or plaintiff’s attorney summarizes the evidence for the Court which will be presented to prove the case. The Prosecution/ Plaintiff statement should include a description of the facts and circumstances surrounding the case, as well as a brief summary of the key facts that each witness will reveal during testimony. The Opening Statement should avoid too much information. It should also avoid argument, as the statement is specifically to provide facts of the case from the client’s perspective.
- b. Defense (criminal or civil case)
After introducing oneself and one’s colleagues to the judge, the defendant’s attorney summarizes the evidence for the Court which will be presented to rebut the case (or deny the validity of the case) which the plaintiff has made. It includes facts that tend to weaken the opposition’s case, as well as key facts that each witness will reveal during testimony. It should avoid repetition of facts that are not in dispute, as well as strong points of the plaintiff/ prosecution’s case. As with the Plaintiff’s statement, Defense should avoid argument at this time.

3. Direct Examination by the Plaintiff/Prosecutor (7 minutes plus 2 minutes for Voir Dire)

The prosecutor/ plaintiff’s attorney conducts direct examination (questioning) of each of its own witnesses. At this time, testimony and other evidence to prove the prosecution’s/plaintiff’s case will be presented. The purpose of direct examination is to allow the witness to relate the facts to support the prosecution/plaintiff claim and meet the required burden. It also allows counsel for each side to establish the credibility of each of their witnesses. (If opposing counsel chooses to voir dire a witness, 2 minutes are permitted, in addition to the 7 minutes allowed for direct examination.)

General Suggestions:

- Ask open-ended questions, rather than those that draw a “yes” or “no” response. Questions that begin with “who,” “what,” “where,” “when,” and “how” or “explain…” and “describe…” are helpful during direct examination.
- Questions should be clear and concise, and should help guide your witness through direct examination. Witnesses should not narrate too long, as it will likely draw an objection from opposing counsel.
- Do not ask questions that “suggest” a specific answer or response.

4. Cross-Examination by the Defendant’s Attorneys (5 minutes)

After the attorney for the prosecution/plaintiff has completed the questioning of a witness, the judge then allows the defense attorney to cross-examine the witness. The cross-examiner seeks to clarify or cast doubt upon the testimony of the opposing witness. Inconsistency in stories, bias, and other damaging facts may be pointed out to the judge through cross-examination. (If an attorney chooses to voir dire a witness, 2 minutes are permitted, in addition to the 5 minutes allowed for cross examination. These 2 minutes are typically allotted during the witness’ direct examination.)

General Suggestions:

- Use narrow, leading questions that “suggest” an answer to the witness. Ask questions that require “yes” or “no” responses.
- In general, it is never a good idea to ask questions to which you do not know the answer – unexpected responses can be costly and may leave you unprepared and off-guard.

- Never ask “why.” You do not want to give a well-prepared witness an opportunity to expand upon a response.
 - Avoid questions that begin with “Isn’t it a fact that...”, as it allows an opportunistic witness an opportunity to discredit *you*.
5. Direct Examination by the Defendant’s Attorneys (7 minutes plus 2 minutes for Voir Dire)
Direct examination of each defense witness follows the same pattern as above which describes the process for prosecution’s witness. (See #3 above for suggestions.)
 6. Cross-Examination by the Prosecution/ Plaintiff (5 minutes)
Cross-examination of each defense witness follows the same pattern as above for cross-examination by the defense. (See #4 above for suggestions.)
 7. Re-Direct Examination by the Plaintiff/ Prosecution (3 minutes and/or 3 questions)
The Plaintiff’s/Prosecution’s attorney may conduct re-direct examination of the witness to clarify any testimony that was cast in doubt or impeached during cross-examination. (Maximum of three minutes or three questions.)
 8. Re-Cross Examination by the Defense Attorneys (3 minutes and/or 3 questions)
The defense attorneys may re-cross examine the opposing witness to impeach previous testimony. (Maximum of three minutes or three questions.)
 9. Voir Dire Examination by Either the Plaintiff/ Prosecution or the Defense Attorneys (2 minutes)
Voir Dire is the process of asking questions to determine the competence of an alleged expert witness. Before giving any expert opinion, the witness must be qualified by the court as an expert witness. The court must first determine whether or not the witness is qualified by knowledge, skills, experience, training or education to give the anticipated opinion. After the attorney who called the witness questions him/her about his/her qualifications to give the opinion, and before the court qualifies the witness as an expert witness, the opposing counsel shall (if he/she chooses to do so) have the opportunity to conduct a brief cross-examination (called “voir dire”) of the witness’ qualifications.
 10. Closing Arguments (Attorneys) (5 minutes)
For the purposes of the Mock Trial Competition, the first closing argument at all trials shall be that of the Defense.
 - a. Defense
A closing argument is a review of the evidence presented. Counsel for the defense reviews the evidence as presented, indicates how the evidence does not substantiate the elements of a charge or claim, stresses the facts and law favorable to the defense, and asks for a finding of not guilty (or not at fault) for the defense.
 - b. Prosecution/ Plaintiff
The closing argument for the prosecution/plaintiff reviews the evidence presented. The prosecution’s/plaintiff’s closing argument should indicate how the evidence has satisfied the elements of a charge, point out the law applicable to the case, and ask for a finding of guilty, or fault on the part of the defense. Because the burden of proof rests with the prosecution/plaintiff, this side has the final word.
 11. The Judge’s Role and Decision
The judge is the person who presides over the trial to ensure that the parties’ rights are protected and that the attorneys follow the rules of evidence and trial procedure. In mock trials, the judge also has the function of determining the facts of the case and rendering a judgment, just as in actual bench trials.

PART IV: SIMPLIFIED RULES OF EVIDENCE AND PROCEDURE

In American trials, elaborate rules are used to regulate the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that both parties receive a fair hearing and to exclude any evidence deemed irrelevant, incompetent, untrustworthy or unduly prejudicial. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the evidence will probably be allowed by the judge. **The burden is on the attorneys to know the rules, to be able to use them to present the best possible case, and to limit the actions of opposing counsel and their witnesses.**

Formal rules of evidence are quite complicated and differ depending on the court where the trial occurs. For purposes of this Mock Trial Competition, the rules of evidence have been modified and simplified. Not all judges will interpret the rules of evidence or procedure the same way, and you must be prepared to point out the specific rule (quoting it, if necessary) and to argue persuasively for the interpretation and application of the rule you think proper. No matter which way the judge rules, attorneys should accept the ruling with grace and courtesy!

1. SCOPE

RULE 101: SCOPE. These rules govern all proceedings in the mock trial competition. The only rules of evidence in the competition are those included in these rules.

RULE 102: OBJECTIONS. An objection which is not contained in these rules shall not be considered by the Court. However, if counsel responding to the objection does not point out to the judge the application of this rule, the Court may exercise its discretion in considering such objections.

2. RELEVANCY

RULE 201: RELEVANCY. Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probably or less probable than it would be without the evidence. It is that which helps the trier of fact decide the issues of the case. However, if the relevant evidence is unfairly prejudicial, confuses the issues, or is a waste of time, it may be excluded by the Court.

Example of a Relevant Question: "Alex, what, if any, interaction have you had with Danny's dogs?"

Example of an Irrelevant Question: "Alex, how many siblings do you have?"

Objection:

"I object, Your Honor. This testimony is irrelevant to the facts of the case."

RULE 202: CHARACTER. Evidence about the character of a party or witness (other than his or her character for truthfulness or untruthfulness) may not be introduced unless the person's character is an issue in the case.

Objection:

"Objection. Evidence of the witness' character is not proper given the facts of the case."

3. WITNESS EXAMINATION

A. DIRECT EXAMINATION (attorney calls and questions witness)

RULE 301: FORM OF QUESTION. Witnesses should be asked direct questions and may not be asked leading questions on direct examination. Direct questions are phrased to evoke a set of

facts from the witnesses. A leading question, on the other hand, is one that implies, suggests or prompts the witness to answer in a particular manner -- typically a "yes" or "no" answer.

Example of a Direct Question:

The State asks, "Lynne, how many times have you had to confiscate animals from their owners?"

Example of a Leading Question:

The State asks, "Lynne, isn't it true that you make a habit of confiscating animals, even when there's little evidence of abuse?"

Objection:

"Objection: Counsel is leading the witness."

NARRATION. While the purpose of direct examination is to get the witness to tell a story, the questions must ask for specific information. The questions must not be so broad that the witness is allowed to wander or narrate an entire story. Narrative questions are objectionable.

Example of Narrative Question:

"Danny, tell the Court about your childhood."

Objection:

"Objection. Question asks for narration."

At times, a direct question may be appropriate, but the witness' answer may go beyond the facts for which the question was asked. Such answers are subject to objection on the grounds of narration.

- RULE 302: SCOPE OF WITNESS EXAMINATION. Direct examination may cover all facts relevant to the case of which the witness has first-hand knowledge. Any factual areas examined on direct examination may be subject to cross-examination.
- RULE 303: REFRESHING RECOLLECTION. If a witness is unable to recall a statement made in an affidavit, the attorney on direct may show that portion of the affidavit that will help the witness to remember.

B. CROSS EXAMINATION (questioning the other side's witness)

- RULE 304: FORM OF QUESTION. An attorney may ask leading questions when cross-examining the opponent's witnesses. Questions that tend to evoke a narrative answer should be avoided in most instances.
- RULE 305: SCOPE OF WITNESS EXAMINATION. Attorneys may only ask questions that relate to matters brought out by the other side on direct examination or to matters relating to the credibility of the witness. This includes facts and statements made by the witness for the opposing party. Note that many judges allow a broad interpretation of this rule.

Example: On direct examination, a witness is not questioned about a given topic, and the opposing attorney asks a question about this topic on cross examination.

Objection:

“Objection. Counsel is asking the witness about matters which did not arise during direct examination.”

RULE 306: IMPEACHMENT. On cross-examination, the attorney may impeach a witness (show that a witness should not be believed) by (1) asking questions about prior conduct that makes the witness’ credibility (truth-telling ability) doubtful, or (2) asking questions about previous contradictory statements. These kinds of questions can only be asked when the cross-examining attorney has information that indicates that the conduct actually happened.

C. RE-DIRECT EXAMINATION

RULE 307: LIMIT ON QUESTIONS. After cross-examination, up to three (3), but no more than three (3), questions may be asked by the direct examining attorney, and such questions are limited to matters raised by the attorney on cross-examination. (The presiding judge has considerable discretion in deciding how to limit the scope of the re-direct.)

NOTE:

If the credibility or the reputation for truthfulness of the witness has been attacked on cross-examination, the attorney whose witness has been damaged may wish to ask several more questions. These questions should be limited to the damage the attorney thinks has been done and should be phrased so as to try to “save” the witness’ truth-telling image in the eyes of the court. Re-direct examination is limited to issues raised by the attorney on cross-examination. Please note that at times it may be more appropriate NOT to engage in re-direct examination.

D. RE-CROSS EXAMINATION

RULE 308: LIMIT ON QUESTIONS. Three (3) additional questions, but no more than three (3), may be asked by the cross-examining attorney, and such questions are limited to matters on re-direct examination and should avoid repetition. (The presiding judge has considerable discretion in deciding how to limit the scope of the re-cross.) Like re-direct examination, at times it may be more appropriate not to engage in re-cross examination.

Objection:

“Objection. Counsel is asking the witness about matters that did not come up on re-direct examination.”

4. HEARSAY

A. THE RULE

RULE 401: HEARSAY. Hearsay is a statement, other than one made by the declarant while testifying at the trial, offered in evidence to prove the truth of the matter asserted made outside of the courtroom. Statements made outside of the courtroom are usually not allowed as evidence if they are offered in court to show that the statements are true. The most common hearsay problem occurs when a witness is asked to repeat what another person stated to him or her. **For the purposes of the Mock Trial Competition, if a document is stipulated, you may not raise a hearsay objection to it.**

Example: Alex states: “I heard other neighbors talking about how loud and disruptive Danny’s dogs were being.”

Objection: *“Objection. The statement is hearsay, Your Honor.”*

Possible Response to the Objection: “Your Honor, the testimony is not offered to prove the truth of the matter asserted, but only to show....”

B. EXCEPTIONS

RULE 402: ADMISSION AGAINST INTEREST. A judge may admit hearsay evidence if it was said by a party in the case and contains evidence which goes against the party’s side.

RULE 403: STATE OF MIND. A judge may admit hearsay evidence if a person’s state of mind is an important part of the case and the hearsay consists of evidence of what someone said which described that particular person’s state of mind.

RULE 404: BUSINESS RECORDS. A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnosis, made at or near the time by or from information transmitted by a person with knowledge, if kept in the course of a regularly conducted business activity, and if it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of the information or the method of circumstances of preparation indicate lack of trustworthiness, shall be admissible. The term “business” as used in this paragraph includes business, institution, association, profession, occupation, and callings of every kind, whether or not conducted for profit.

RULE 405: EXCITED UTTERANCE. A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.

5. OPINION AND EXPERT TESTIMONY

RULE 501: OPINION TESTIMONY BY NON-EXPERTS. Witnesses who are not testifying as experts may give opinions which are based on what they saw or heard and are helpful in explaining their story. A witness may NOT testify to any matter of which the witness has no personal knowledge, nor may a witness give an opinion about how the case should be decided.

Example: “Sam, do you believe, based on your observations, that Danny was engaged in training dogs for the purpose of fighting them?”

Objections:

“Objection. The witness has no personal knowledge that would enable him/her to answer this question/ make this statement.”

“Objection. The question asks the witness to give a conclusion that goes to the finding of the Court.”

RULE 502: OPINION TESTIMONY BY EXPERTS. Only persons qualified as experts may give opinions on questions that require special knowledge or qualifications. An expert may be called as a witness to render an opinion based on professional experience. An expert must be qualified by the attorney for the party for whom the expert is testifying. This means that before the expert witness can be asked for expert opinion, the questioning attorney must bring out the expert’s qualifications, education and/or experience.

Example: (Prior to being qualified as an expert) “Dr. Martin, please explain injuries that would be consistent with dog fighting.”

Objection: *“Objection. Counsel is asking the witness to give an expert opinion for which the witness has not been qualified.”*

RULE 503: VOIR DIRE. (“To speak the truth.”) After an attorney who has called a witness questions him/her about his/her qualifications, and before the court qualifies the witness as an expert, the opposing counsel shall have the opportunity, if he/she chooses, to conduct voir dire. After the voir dire examination has been conducted, the cross-examining attorney should advise the court as to whether there are any objections to the witness being qualified as an expert witness and/or whether there are any objections to the witness’ expertise to give the specific opinion the opposing counsel is trying to elicit from this witness.

Example:

(after questioning by an attorney to create a foundation for his/her witness to be qualified by the Court as an expert witness): “At this time, your Honor, I request that the Court accept and qualify the witness as an expert in the field of”

Objection:

“Your Honor, we would like permission to voir dire the witness.”

6. PHYSICAL EVIDENCE

RULE 601: INTRODUCTION OF PHYSICAL EVIDENCE. Physical evidence may be introduced only **if it is contained within the casebook** and relevant to the case. Physical evidence will not be admitted into evidence until it has been identified and shown to be authentic or its identification and/or authenticity has been stipulated. That a document is “authentic” means only that it is what it appears to be, not that the statements in the document are necessarily true.

Physical evidence need only be introduced once. The proper procedure to use when introducing a physical object or document for identification and/or use as evidence is (for example):

- a. Show the exhibit to opposing counsel.
- b. Show the exhibit and have it marked by the clerk/judge. “Your Honor, please have this marked as Plaintiff’s Exhibit 1 for identification.”
- c. Ask the witness to identify the exhibit. “I now hand you what is marked Plaintiff’s Exhibit 1. Would you identify it, please?”
- d. Ask the witness about the exhibit, establishing its relevancy.
- e. Offer the exhibit into evidence. “Your Honor, we offer Plaintiff’s Exhibit 1 into evidence at this time.”
- f. The Judge will ask opposing counsel whether there is any objection, rule on the objection if there is one, and admit or not admit the exhibit into evidence.
- g. If the exhibit is a document, hand it to the clerk/judge.

NOTE: After an affidavit has been marked for identification, a witness may be asked questions about it without its introduction into evidence.

7. INVENTION OF FACTS (Special Rules for the Mock Trial Competition)

RULE 701: DIRECT EXAMINATION. On direct examination, the witness is limited to the facts and evidence provided in the casebook. If a witness testifies in contradiction of a fact given in the witness’ statement, opposing counsel should impeach (prove untrue) the witness’ testimony during cross-examination. If the witness goes beyond the facts given, such that they directly conflict with the stipulated facts or witness affidavits, a bench conference may be requested by opposing counsel, at which time the counsel may object to invention of facts. (It should be noted that the granting of a bench conference

is a discretionary decision of the judge. A request for a bench conference might not be granted.)

Example:

“Sam, exactly how many dogs have you seen living at the Harding home over the years you have been delivering mail.”

Sam replies: “Oh, at least a dozen.”

Objections:

“Objection, your honor, the witness is creating facts which are not in the record.”

“Objection. The witness is inventing facts that directly contradict case material.”

“Your Honor, the witness is intentionally creating facts which could materially alter the outcome of the case.”

RULE 702: CROSS-EXAMINATION. Questions on cross-examination should not seek to elicit information that is not contained in the fact pattern. If on cross-examination a witness is asked a question, the answer to which is not contained in the witness’ statements of the direct examination, the witness may respond with any answer which does not materially alter the outcome of the trial. An answer which is contrary to the witness’ affidavit may be impeached by the cross-examining attorney. If the witness invents facts material to the case, a bench conference may be called and, if granted, an objection made to the invention of facts.

8. SPECULATION

RULE 801: Speculation, or someone’s idea about what *might* have occurred, is generally not permitted. A witness may not jump to conclusions that are not based on actual experiences or observations, as this is of little probative value. Some leeway is allowed for the witness to use their own words, and greater freedom is allowed with expert witnesses.

Objection:

“Objection. This calls for speculation on part of the witness.”

9. PROCEDURE RULES

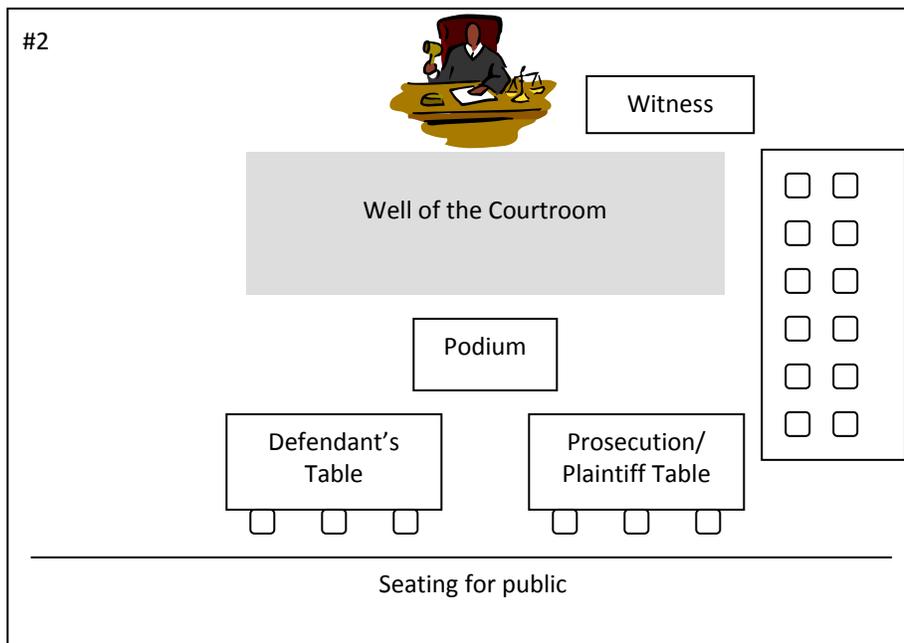
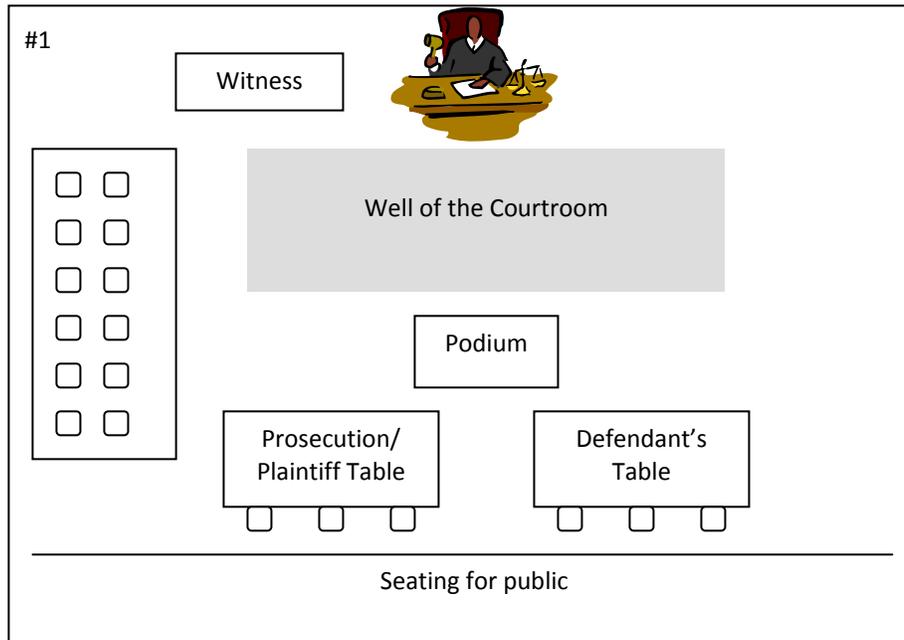
RULE 901: PROCEDURES FOR OBJECTIONS. An attorney may object anytime the opposing attorney has violated the Rules of Evidence.

NOTE: The attorney who is objecting should stand up and do so at the time of the violation. When an objection is made, the judge will usually ask the reason for it. Then the judge will turn to the attorney who asked the question and that attorney will usually have a chance to explain why the objection should not be accepted (“sustained”) by the judge. The judge will then decide whether to discard a question or answer because it has violated a rule of evidence (“objection sustained”), or whether to allow a question or answer to remain on the trial record (“objection overruled”).

RULE 902: MOTIONS TO DISMISS. Motions for dismissal at the end of the prosecution’s case are NOT permitted.

RULE 903: CLOSING ARGUMENTS. Closing arguments must be based on the evidence and testimony presented during the trial. Offering new information at this point is prohibited.

Courtroom Diagram



Note: The layout of courtrooms varies widely from courthouse to courthouse. Prosecution and defense tables are usually dictated by where the jury box is situated (if there is a jury box). In most instances, prosecution sits closest to the jury, and the defense sits at the far table. This is based on the premise that the defendant is innocent until proven guilty, and so is removed (as far as possible) from the scrutiny of the court.

IN THE CIRCUIT COURT OF THE STATE OF MARYLAND
IN AND FOR MONTGOMERY COUNTY

State of Maryland)
)
 v.)
)
 Danny Harding,)
)
 Defendant.)

CASE SUMMARY / STATEMENT OF STIPULATED FACTS

Danny Harding is a resident of the Everett community in Montgomery County, Maryland. Harding works for ABC Packaging, where the majority of the work is manual labor. Though well liked at work and popular among co-workers, Danny is frequently late and has a rather high number of absences. Harding is commonly known as “Flash” among close friends, as a nod to an obvious preference for fine things; designer labels, a fully-loaded Lexus, and such.

On August 23, 2012, Harding left home at 1:00pm, so there would be sufficient time to stop at the bank and the dry cleaners on the way to ABC Packaging. Danny was scheduled to work the second shift from 3:00pm to 11:00pm. Around 2:05pm, an anonymous call was placed to 311, reporting suspicious sightings and sounds emanating from 1642 Elm Point Lane, the address of Harding’s home. Police were dispatched and logged their arrival at 2:42pm. Hearing strange whimpering noises, police forced their way into the residence.

Police discovered seven pit bull mixed dogs confined in crates inside the residence, and one Doberman in a spacious kennel in the backyard. Five of the crates were located on the first floor of the house, and two of the crates were located in the basement, which was poorly lit, musty, and lined with baffling. The crates lacked food and water, though many bowls were present in the house outside of the crates. By contrast, the kenneled Doberman had an ample supply of food and water inside her pristine space.

Several of the crated dogs had bite marks on their faces, legs, and bodies. With the exception of Bella, none of the dogs were licensed, nor had they received rabies or other core vaccinations. While some of the dogs were unkempt in appearance, none of the dogs appeared to be in imminent danger of death.

In the house and backyard, police discovered dog-training equipment, including harnesses, ropes with metal coils, Velcro weights, a breeding stand, and chains. The police confiscated “Muscle Up Powder” and “K-9 Super Fuel” animal supplements, Betadine Surgical Scrub wound cleanser, steroids labeled for dog use, and IVs. Eight 4-foot by 3-foot panels with connecting hinges were found stacked against the wall in the basement. When latched together, they created an 8-foot by 8-foot box. Lab tests conducted on the boards were inconclusive, as they had been doused with an industrial strength cleaner.

Police called their Animal Control division, and Officer Graham responded. Officer Graham took all eight dogs to the Montgomery County SPCA, where a veterinarian examined them. The dogs were treated for a variety of ailments including dehydration, kennel cough, urinary tract infection, mammary gland tumor, skin infections and diarrhea.

In surveying Harding’s home, police also noted that the house contained an unusual amount of clutter, including many neatly organized stacks of papers and boxes. The clutter created a labyrinthine maze in the house, though each room was accessible and traversable. Lacking a warrant, police did not open any of the boxes or rifle through the papers.

Police tracked Harding down at work and asked that s/he voluntarily come with them to the police station to discuss the situation. The officers noted Harding’s apparent surprise when told of the events that transpired after s/he left for work that day. During the interview with police, Harding volunteered that each dog was a “rescue animal,” saved from largely unknown - but clearly unsavory - circumstances.

Harding explained the presence of the training equipment, supplements, and medical supplies as instruments used in the rehabilitation and training of dogs. Harding explained that the dogs were always crated while s/he was at work, and that they were placed in the only crates s/he had available. Harding also explained that ample food and water was always available to the dogs when s/he was home.

After their interview with Harding, police filed charges against him for abuse and neglect of animals and aggravated cruelty to animals. After review, Harding was indicted on seven counts of animal abuse and neglect and seven counts of aggravated cruelty to animals.

STATEMENT OF CHARGES AND DEFENSES

The State of Maryland charges Danny Harding with the following violations of Maryland Code:

MD Code § 10-604 Abuse or neglect of animal.

(a)(3). A person may not inflict unnecessary suffering or pain on an animal; 7 counts

-Danny Harding did inflict unnecessary suffering and pain to Dog #1, Dog #2, Dog #3, Dog #4, Dog #5, Dog #6, and Dog #7.

(a)(5). If the person has charge or custody of an animal, as an owner or otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinarian care, proper drink, air, space, shelter or protection from the weather; 7 counts

-Danny Harding did fail to provide the animal with nutritious food in sufficient quantity, necessary veterinarian care, proper drink, air, space, shelter or protection from the weather to Dog #1, Dog #2, Dog #3, Dog #4, Dog #5, Dog #6, and Dog #7.

MD Code § 10-607. Aggravated cruelty to animals – Certain activities related to dogfights prohibited.

(a)(3) A person may not possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight; 7 counts

-Danny Harding did possess, own, sell, transport, or train a dog with the intent to use Dog #1, Dog #2, Dog #3, Dog #4, Dog #5, Dog #6, and Dog #7 in a dogfight.

STIPULATIONS

The parties have stipulated to the authenticity and factual accuracy of the following items. The parties have also agreed that the items are not in dispute:

1. 311 Transcript
2. SPCA Veterinary Care Reports
3. Animal Control Complaint Form & Attachment
4. Physical Care Skin & Haircoat Chart

WITNESSES TO APPEAR BEFORE THE COURT

<u>Witness for the Prosecution</u> Lynne Graham, Animal Control Officer Dr. Ty Johnson, Veterinarian / Animal Trainer Alex Vogel, Neighbor	<u>Witnesses for the Defense</u> Danny Harding, * Defendant Dr. Taylor Martin, SPCA Veterinarian Sam Shelton, USPS Worker
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* Danny can be portrayed by either gender, and the fact pattern can be adjusted accordingly.

1 **LYNNE GRAHAM, Witness for the Prosecution**

2
3 I work for the Montgomery County Police Department, where I am an Animal Control Officer for our Animal
4 Services Division. This is a relatively new division of the police department; back when I first began, Animal Control
5 was an independent county department. About 15 years ago, they rolled the functions of AC into the county police
6 department. We respond to, and investigate more than 9,000 complaints annually, most of which are public
7 nuisance animals. Thanks to high-profile animal cruelty cases like Michael Vick and Travers and Tremayne Johnson,
8 we have seen an increasing number of calls regarding suspected animal cruelty cases. If there is any good at all
9 that has come out of these cases, it's the fact that people are much more aware of the signs of animal abuse, and
10 much less willing to tolerate it.

11
12 In addition to our investigation, we inspect and license about 150 animal-related business each year, provide
13 administrative support for the Animal Matters Hearing Board, and oversee a number of contracts relating to
14 animals. We also investigate about 1,200 animal bite cases a year, and conduct six annual rabies vaccination
15 clinics. Like the rest of our departments, we stay busy.

16
17 I have been with the department since it first opened in 1996, and prior to that, served as an Animal Control
18 Officer for 4 years. I attended Montgomery College and received an AAS – Associate of Applied Science degree - in
19 Criminal Justice before beginning my career. When I was much younger, I aspired to be a veterinarian because of
20 my love for animals. But, I married young and we soon began a family, and there just wasn't time and money for
21 school. That said, I do love my job and the people with whom I work.

22
23 On the afternoon of August 23, 2012, we received a phone call on our non-emergency line, from an anonymous
24 caller. The caller noted several concerns, namely about noises that were emanating from a neighbor's home.
25 Although the caller believed the noises to be associated with animals, our regular police officers were dispatched
26 to check out the home. Once inside the residence, they found a number of dogs that appeared to be unwell, so
27 they called my department. The Everett community was in my territory that day, so I responded.

28
29 Unlike the cartoonish images that many have in their minds when thinking of old-time animal catchers, ACOs are
30 trained to act with caution, compassion, and common-sense. I've responded to houses where a bunch of officers
31 have the place surrounded with a dog cowering in the corner of the yard. They want to tranquilize the animal; and
32 all I do is walk closer and call gently to the poor thing, and it walks over to me wagging its tail. Honestly, that's the
33 reason why we have specialized departments – I wouldn't dare try to assert any authority where I don't possess
34 the know-how. When it involves animals, we get called in, because we know how to respond appropriately.

35
36 One of the first things that tips us off – sometimes well before we enter a residence – is the smell that emanates
37 from it. This was the case on this day. I don't mean an appalling smell – it's more an odor that you might smell
38 when you take your pet to the Vet. It's a mix of animals, fear, medicine, pet waste, and cleaners, sort of all mixed
39 together. I always refer to it as the "sick" smell, though that probably paints the wrong image. In any case, this
40 house had the "sick smell."

41
42 I was instructed by officers already on the scene to come around to the back of the house. Upon arriving, I was
43 greeted by a beautiful Doberman. She was in a substantial kennel in the back yard, with fresh water, food, and a
44 couple of toys. Part of the kennel was covered by a roof, so that she would be sheltered by inclement weather.
45 Under the covered part was a fleece pet bed. She was definitely a barker, so at first, I was inclined to think this was
46 more of a nuisance call.

47 I entered the dwelling through the basement door, and was a bit taken aback by what I saw. The basement, which
48 had a partially tiled floor, was home to two dogs – both mixed pit bull breeds. The crates were small for the

49 animals, and appeared to have not been cleaned for some time. It's difficult to say how long, however, because it
50 looked as though they were both suffering from diarrhea.

51
52 The bottom of the cages, as well as the backsides of the pups themselves, were covered in feces. These two dogs
53 were in pretty bad condition at first glance. They had deep puncture wounds on their snout which did not look to
54 be cleaned or treated. Understandably, they were very wary of us, and it took some time to coax them out of their
55 crates. One of the dogs was whining loudly, and shaking very badly.

56
57 Propped up against the wall were eight plywood boards laying on the floor, each measuring approximately 4' by 3'.
58 It looked to be something like a make-shift enclosure, because each board contained latches. I'm guessing it could
59 probably be put together and taken apart in a matter of minutes.

60
61 On the main floor of the house, we found five more dogs, all in crates that, in my opinion, were too small for their
62 sizes. None of the dogs had water or food in their crates, but there were bowls of water and food in virtually every
63 room of the house. Two of the dogs' crates had urine and feces in them. Three of the dogs' crates were clean.
64 Some of the dogs appeared a bit unkempt – with some matting on their rear ends. None of the dogs on the main
65 floor seemed to have serious health conditions, with the exception of one of the female dogs which had a large
66 growth on her underside. They were uncharacteristically quiet, despite the fact that strangers were traipsing
67 through their house. In fact, one of the animals – the female with a large mass on her underside – sat shaking in
68 her crate while we completed the investigation.

69
70 In addition to the animals, I found a number of items that we usually associate with dog-training. I noted two
71 different vitamin supplements – Muscle-Up Powder and K-9 Super Fuel - commonly given to dogs that are
72 receiving strength-training. I also took note of a surgical scrub wound cleanser, steroids, IVs and a number of
73 pieces of equipment: harnesses, Velcro weights, and even a breeding stand. The items were located throughout
74 the house, but primarily in the backyard. All of these items raise serious red flags for me as an Animal Control
75 Officer, as many of them are commonly used by less sophisticated dog-fighting operations.

76
77 On the other hand, there are also tell-tale, hard to conceal, signs of dog-fighting that were not evident during my
78 investigation. We routinely see fight pits, where the actual fights occur. Often the pits are splattered with blood,
79 and in some instances, remains of the unfortunate victims. We see break sticks that are used to disengage one dog
80 from another. We often find wash basins so that respective owners can cleanse their dog's opponent to remove
81 any poisonous or caustic substances prior to the match. As noted by police on the scene, the first floor was barely
82 passable because of boxes everywhere. In the basement, however, there was a large, clear space in the middle of
83 the basement that was easily 15-feet by 15-feet. One could easily put together the 4' x 3' boards in that space, and
84 use it for a dog fighting ring.

85
86 I would note that none of the items found, nor any of the items not found, are stand-alone proof of dog-fighting.
87 Rather, the totality of all paraphernalia is what creates considerable suspicion.

88
89 Given the fact that at least a couple of the dogs seemed to be in poor health and unsavory living conditions, I felt it
90 necessary to remove all of the dogs from the residence and have them examined by the county SPCA. This is
91 awfully close to animal hoarding, as far as I'm concerned. I learned a long time ago – if my gut says to remove the
92 animals, then I had better do it, or risk losing many nights' sleep over the guilt and concern. Many of the conditions
93 that are prevalent among canines that live in this type of environment are as contagious as the common cold to
94 humans, so we err on the side of caution. I conferred with the police officers who initially responded, and we
95 agreed that they would question Harding immediately.

1 **ALEX VOGEL, Witness for the Prosecution**

2

3 My name is Alex Vogel, and I live at 1640 Elm Point Lane in Montgomery County, Maryland, next door to Danny
4 Harding. I work at the delicatessen at Giant Grocers right in my neighborhood. I've been there for more than
5 fifteen years, and enjoy the short commute. If it's a nice day, I'll sometimes walk to work. It's one of the
6 reasons I decided to move into my neighborhood nearly fourteen years ago.

7 Our neighborhood is tight. It reminds me of the area where I grew up – nice, brick, row-homes, where front
8 doors are always open, people sit on their front porches talking to neighbors, and folks are always looking out
9 for one another. It's almost unheard of these days. We also have a Neighborhood Watch program – it's nothing
10 formal, but if something or someone is suspicious, we let each other know.

11 I figured Danny would fit right in to the neighborhood. It was a sad situation – Mrs. Harding's passing so
12 suddenly. I know it was devastating to Danny, and really, the whole neighborhood felt that way. Mrs. Harding
13 was the eyes and ears of our street – real nice, always doing nice things for others, and ready to gossip about
14 the latest news. I basically watched Danny grow up. Though I was a little concerned that Danny might be too
15 young to keep up the house the way Mrs. Harding would've liked, everything seemed okay in the beginning.
16 Danny's nice enough, social at times, keeps the house and yard reasonably neat – all of the things you'd want
17 in a neighbor.

18 Up until the start of the new year, it was reasonably quiet over there, too. But, then the dogs arrived. Danny
19 always had the Doberman – a real sweet dog who doesn't do much more than wag her tail when she sees me.
20 She barely barked, which is why I thought it odd that I kept hearing barking coming from Danny's house. Then,
21 out of nowhere it seemed, Danny had a bunch of dogs living over there.

22 On one occasion, Danny asked if I heard the dogs when s/he's out of the house. I was as diplomatic as I could
23 be with my response, and said something like "I've gotten used to the noise." I mean, what am I supposed to
24 say – "I can't hear myself think because they make such a racket"? I couldn't even tell you how many dogs live
25 there. They look the same to me, except for their color. In the mornings and on the weekends, I'd see Danny in
26 the backyard with the dogs, shouting orders like a military commander. Thank goodness for the chain-linked
27 fence, because some of them look ferocious. They don't bark much – and if they do, Danny yells at them. But
28 they are always fighting with one another, or have something clenched in their teeth that they are whipping
29 around violently. They look like they would tear apart and eat anything in their way.

30 On several occasions, I saw people entering Danny's home late in the evening-like 10pm or so, just as I was
31 getting home from work. I thought it odd that the guests would sometimes bring their dogs with them. The
32 dogs looked like they were pulling hard on their leashes and wearing muzzles. I shouted over to say hello, but
33 Danny just looked away and rushed inside. I thought it strange, too, that I was never invited. I mean, we are
34 next-door neighbors.

35 I have never reported Danny to the authorities because it's not really my business what Danny does within the
36 perimeter of the home. I'm a firm believer that what happens in your home should be your own business. But
37 the danger to the community posed by vicious attack dogs, well, that's another thing. Plus, the noise those
38 cretins make when Danny is away from the house – it's just awful. Between the incessant barking and whining,
39 something had to change. The house on the other side of Danny is vacant; it was foreclosed on a couple of
40 years ago, so I'm probably the only one affected by the noise.

41 And then there's the rabble of people coming and going from Danny's home late at night. They love to show off
42 their bling and fancy cars — but I'm not jealous. One of Danny's night guests once double-parked his BMW 5-
43 series next to my '02 Honda Civic, so that I was completely blocked in. It sat there for hours. And then when I
44 tried to have the guest's car towed, Danny came out and bribed the tow truck driver with cash! Later he
45 apologized to me and said, "I make a lot of money off the guy who drives that car; I need him and his buddies
46 to come back as much as possible. You know, ABC Packaging doesn't come close to covering all my bills."

47 Sometimes, I think Danny doesn't have the time or the patience to keep up with all those dogs. I knocked on
48 Danny's door once, and offered to take Bella or one of the other dogs off Danny's hands; I've always liked the
49 idea of having a pet and think I could provide a good home. They certainly wouldn't be stuck in cages for hours
50 on end in my house. Danny got really defensive and said, "They have a perfectly good home right here. Plus
51 these dogs are too precious and too valuable to be cared for by a stranger. You wouldn't know what to do with
52 them." A few days later, the police came and saved those dogs.

1 **DR. TY JOHNSON, Witness for the Prosecution**

2

3 I have always aspired to be a veterinarian. I grew up on a farm in Texas, and was surrounded by cows, chickens,
4 pigs, horses – you name it – from sunrise to sundown. Throughout my childhood, we had any number of
5 domesticated animals as well: cats, dogs, rabbits and even a hamster or two. My mother intended for the pets to
6 work: the dogs were herders and the cats were mouse-catchers. But, when they weren't working, I was usually
7 sneaking them into the house to sleep in my room or to give them dinner scraps. This infuriated my mother, and
8 usually netted me an extra hour of work on the farm, but it was worth it.

9 Most of the kids I grew up with wound up taking over their family's farm. It's just what everyone did in my town.
10 But, I knew I would go crazy if I stayed there. Much as I loved my parents and the farm on which I grew up, I knew
11 I needed a different life. Much to the chagrin of my parents, I finished high school, and was accepted into my first
12 choice undergraduate program at Penn State. Four years later, and after receiving my BS in Veterinary Science, I
13 was accepted into Cornell University – which, I might add – was just recognized as the nation's top school for
14 Veterinary Medicine. I thoroughly enjoyed my schooling, and received a first-class education including paid work
15 opportunities at local animal shelters and vet practices. After receiving my Doctors of Veterinary Medicine
16 (DVM), I followed the love of my life to Maryland, because s/he had been offered an excellent job opportunity in
17 Montgomery County. The rest, as they say, is history. I worked for a local vet practice until 1999 and then opened
18 my own practice with a former school colleague. MCSPCA calls upon me to provide pro-bono medical service to
19 its rescues. I typically volunteer about 10-12 hours of time each month.

20 At approximately 4:15pm on Thursday, August 23, 2012 a police officer and two Montgomery County Animal
21 Control officers notified me that they were bringing in eight dogs. THE MCSPCA has an ad hoc agreement with
22 the county to take dogs on a case-by-case basis, when the county facility is at full capacity or lacks the expertise
23 to address a complex case. Apparently, with eight dogs involved and many in need of treatment, the officers
24 decided to bring the dogs to us.

25 The eight dogs brought to us included seven pit bull mixed dogs and one Doberman. The officers informed me
26 that they had not located any evidence the dogs were licensed or that they had their required rabies shots. A
27 second records check performed by the officers confirmed that all dogs but the Doberman were unlicensed.
28 Based on my immediate impression, six of the dogs appeared to be in some distress and in need of care, but
29 none of the dogs appeared to be in any immediate danger.

30 Our team immediately began to triage the needs of the dogs. I assessed the dogs' conditions with the help of
31 another staff veterinarian, a veterinary assistant, and two technicians. The dogs were generally unkempt and
32 unhealthy in appearance, except for the Doberman. Two of pit bull mixed dogs had bite marks on their faces,
33 legs, and bodies, which raised some obvious concerns and some suspicions as to how the wounds were received.

34 I was able to determine from examination and standard diagnostic tests that two dogs had kennel cough, one
35 had a urinary tract infection, another dog was suffering from a mammary gland tumor, and two dogs had skin
36 infections. The same dogs that had skin infections were also suffering from diarrhea, which was likely caused
37 from inadequate, or complete lack of medical treatment of the wounds causing the skin infections. We began
38 treatment immediately for these conditions as they became known to us. For the dogs with bite wounds, we
39 cleansed the injuries, and administered antibiotics. One dog, "Mark," required suturing for one wound. The bite
40 wounds the dogs displayed were much more serious than those that normally result from dogs at play. They also
41 were more serious than the wounds a veterinarian would normally expect to see when dogs that are recently

42 introduced, fight to establish dominance. Those wounds tend to be superficial, occurring as dogs grab at one
43 another with their mouths without clamping down. When veterinarians see puncture wounds, that usually
44 indicates that dogs have bitten fast and hard, clamping their jaw. Clamped jaws tend to indicate, in turn, a fight
45 involving serious aggression and defense.

46 In interacting with the dogs, the MCSPCA staff and I also noticed some behavioral issues. While the dogs were
47 generally non-aggressive with the staff and allowed us to examine and treat them easily, the dogs showed signs
48 of aggression when brought into close proximity to one another. The Doberman was an exception, however—she
49 is a very mild-mannered dog, and seems to love the company of people and animals. The pit bull-boxer was at
50 the other end of the spectrum; he was extremely aggressive with our staff and easily agitated. Unfortunately, our
51 dedicated behaviorist has not assessed the dogs. She has been out on medical leave and we weren't able to
52 find someone with her credentials to substitute. However, veterinarians take basic courses in animal behavior as
53 part of our training. All of the veterinarians in our facility can recognize and diagnose simple behavior-related
54 issues.

55 In my professional opinion, the dogs' conditions and injuries were a result of animal neglect. Interestingly, more
56 and more attention is being given to the concept of animal hoarding, whereas ten years ago most people had
57 never heard the term. Now, it's depicted in books, on the web, and even television. In most instances of reported
58 animal hoarding, there are many, many animals – hundreds, in some of the extreme cases. Unfortunately, animal
59 hoarders justify their behavior with the thinking that no one else will care for the animals, and that, if they seek
60 help, the animals will be euthanized. Typically, there is a failure to provide minimal standards of care, and
61 complete denial of the poor living conditions in which the animals are living. Animal hoarding can occur for
62 various reasons; although research on the topic is in its infancy, it can sometimes begin with the best of
63 intentions by "The Rescue Hoarder" or "The Overwhelmed Caregiver" – and spiral out of control.

64 The more people talk about and recognize the signs and symptoms of animal abuse, the better for our four-
65 legged friends. We have seen an increasing number of animal cruelty cases in the news – that's good, people are
66 talking, observing, recognizing. However, these are the sensationalized cases. The case of a dog being violently
67 killed is horrifying – shocking – but, the reality is, in animal hoarding cases, the suffering is endured by many
68 animals for months and months on end.

69 The Harding case is not nice and neat. There are characteristics that indicate abuse, neglect, hoarding, and
70 criminal intent. Some of the conditions, injuries, and behaviors were suggestive of at least some of the dogs
71 being used in dogfights. I based this opinion on the breeds of the dogs, the bite wounds apparent on three of the
72 animals that were in various stages of healing, and the general neglect of at least six of the eight dogs. In
73 addition, police and animal control officers informed me of the items they found in the house – harnesses, ropes
74 with metal coils, boards that could be latched together to form a dog fighting ring, Velcro weights, a breeding
75 stand, chains, various animal supplements, and various medical supplies. These items are common in dog fighting
76 cases.

77 The fact is, six, possibly seven, of Harding's eight dogs were living in substandard conditions. It was only a matter
78 of time before something far more serious happened to one or more of them. Fortunately for the pups, someone
79 recognized the signs and made the appropriate call, rather than turning their back on the situation.

1 **DANNY HARDING, Defendant**

2

3 My name is Danny Harding. I am 21 years old. I reside at 1642 Elm Point Lane in Montgomery County, Maryland. For
4 the past 2 and a half years, I have worked for ABC Packaging; a job I never anticipated as my career, but am very
5 proud to have nonetheless.

6 My childhood was fairly normal. I was raised by my stay-at-home mother in a middle-class household. We had one
7 dog, a Doberman named Bella, who we have always regarded as a member of the family. I got her for my 11th birthday
8 – she is the best present I have ever gotten. My father, who became very ill and passed away when I was 12, had
9 owned a gym and worked as a personal trainer. Growing up, I idolized my father and wanted to follow in his
10 footsteps. My aspirations to be a personal trainer and own a fitness center came about soon after he died.

11 Up until about a year ago, I was well on the path to achieving these goals. I did well in high school, excelled in sports,
12 was blessed with many friends, and had a mother who provided everything that she could for me. I have always been
13 appreciative of the things I was given and made a conscious effort not to take anything for granted. After high school,
14 I rented an apartment, took some college courses toward a personal trainer certification, and landed a job at ABC. Life
15 was good.

16 Everything changed when my mother was killed in a car accident, during the summer of 2011. One of the hardest
17 things I ever had to do was sort through what she left behind. Going through her personal belongings was
18 excruciating. I was very depressed. I learned that she didn't part with anything of my father's. It was clear she still
19 loved him, even after all these years. I decided to move back to my mom's house- my childhood home- after she
20 passed. In an attempt to hold onto the memories of better days, I found it impossible to throw away anything that
21 reminded me of those times, including my parents' belongings, newspapers, and the like. I had the best of intentions –
22 I boxed up a lot of things, and planned to put them in storage. But, I just couldn't seem to do it – the boxes are still
23 everywhere throughout my house. My friends and colleagues tried to support me through that time, but the only one
24 who could make me feel better was Bella. She was my salvation.

25 Despite the fact that she is getting up in age, Bella and I frequently go for walks or runs. She's always by my side.
26 During the last eight months or so, I became a bit of a foster home for dogs. It wasn't really intentional at first; in fact,
27 it happened a bit by accident. A friend of mine was moving, and couldn't take her two pit bulls, Sashi and Sybil, with
28 her. I agreed to adopt them, because I know what happens to a large majority of the pit bulls that go into a shelter.
29 My friend had developed a fitness routine with the dogs, and asked that I keep up on it. She gave me the regimen, as
30 well as most of her dog training equipment: harnesses, Velcro weights and a few other items.

31 People would see me walking the dogs, and training them in the backyard. It was a conversation starter, especially
32 when I was with several of the pit bulls and Bella. A couple of months after I took in my friend's pit bulls, a neighbor
33 approached me with Theo, his pit bull - boxer. He was impressed with my dog training routine, and asked me to work
34 with his dog, too. Before I knew it, Theo was also living with me, and his owner had moved without telling me.

35 By mid-summer, I had four more dogs in my care – all pit bulls or pit bull mixes. A couple of them came to me pretty
36 battered – whether they were street dogs or someone else's throw-aways – they just sort of showed up at my house.
37 It was chaos at first, I'll admit it. And, expensive. But I felt like, for the first time in a long time, I had some direction, or
38 purpose, in life . A couple of the dogs had a tough time socializing with one another; some were aggressive, some
39 were timid and submissive. I decided to begin training the dogs I rescued. I figured, if I train them, why not do so with
40 the purpose of competing them. After some research, I settled on the LUG-NUTS Strong Dog contest, which is basically
41 a weight pulling/ strength competition. If, after consistent training, one or more of the dogs appeared not to be of the
42 caliber of LUG-NUTS, then I would place them with other families, who would love and care for them in the way they
43 deserve. That goal came to a screeching halt when my dogs were taken away from me.

44 I trained the dogs utilizing a rigorous workout routine. I spent most of each morning before I went to work
45 outside with my dogs - sometimes they would be outside together, and sometimes I would work with them in
46 rotation. My dogs were my athletes, and I trained them like a loving coach would, which is why I bought
47 numerous dog supplements and training equipment. Because of my work schedule, they spent eight to nine
48 hours each day in kennels. Pit bull mixes need a lot of exercise to be happy, healthy, and to alleviate aggression,
49 so the workout routine was one way I could ensure they were getting enough physical activity.

50 My newest rescues always start in the basement, so that any infection or illness has a lesser chance of spreading
51 to my other dogs. In fact, I had to move Cole and Sunny upstairs a little sooner than I had hoped, because I took
52 in my two most recent rescues soon after Cole and Sunny. I thought it apropos to name them "Scar" and "Mark,"
53 because they came to me in pretty bad shape; in fact, each had a fair number of wounds and scars that I
54 assumed resulted from life on the streets. I made sure to cleanse them so that they would heal properly, but
55 they still have a lot of scars. I kept them in the basement, because I have not yet had a chance to get them to the
56 veterinarian. I've done quite a bit of research on providing medical care and conditioning for animals at home.
57 That comes with the territory of dog training. I have to think that, while they're not living in the most luxurious of
58 conditions, they're far better off with me than from where they came. Scar and Mark are in much better shape
59 now than when they came to me a few weeks ago.

60 The police questioned me about a bunch of things – the size of the crates I was using, the equipment they found,
61 the vitamin supplements, even the plywood in the basement. I have learned to use what is readily available to
62 me – I had a couple of crates from when Bella was younger, and I've had a couple given to me. I bought the rest
63 at yard sales and thrift stores to keep my costs as low as I can. I realize they're not the perfect size, but they
64 provide adequate, safe space for the dogs to sleep while I am out of the house. I wouldn't dare leave them out of
65 the crates when I am not home, as a couple of them do not get along that well; and frankly, from experience, I've
66 learned that they'll tear the house up if they're not crated. As far as the equipment goes – some of it was
67 purchased second-hand, and some was given to me, with the exception of the supplements and medical
68 equipment.

69 I only buy dietary and medical supplies from reputable companies. And, as far as the plywood boards go, my Dad
70 originally built that to serve as a baby-gate of sorts for Bella, when she was a puppy. It gave her more room than
71 a crate, especially as she grew, but still kept her confined and safe when we weren't home. The boards still serve
72 their purpose, and I've continued to use them. I'm not going to apologize for that, just because it's not the
73 prettiest set-up.

74 Because the animals that I took in had no known medical history, I did not want to have rabies and other
75 vaccines administered for fear of over-vaccination. I always take my dogs for wellness checks, and planned to
76 have their medical conditions assessed at that time. Of course, life gets busy, and I have not taken the four most
77 recent rescues. But, my Vet knows me, and many of my dogs, and knows that I care about their well-being.

78 I know my dogs behave well when I'm not home. I have asked my neighbors from time to time to let me know if
79 they ever hear excess barking or noise, because I do not want to be a nuisance here in the neighborhood. Every
80 time I have ever asked, they have said they rarely hear anything. The dogs may bark or whimper once in a while,
81 due to anxiety, because they don't like being alone. They thoroughly enjoy being around people whom they
82 trust. I have friends over on occasion; in the beginning, a couple of my new "adoptions" were very skittish
83 around them. But, as they became familiar with my friends, the pups were happy to see them – wagging their
84 tails, and giving plenty of licks. We'll play poker or rummy, sit around talking, and let the pups wrestle around
85 with each other and us, which they love. It's their play time, and I guess, you could say ours as well. I completely
86 resent the fact that they are trying to make a criminal case out of a social hour.

1 **DR. TAYLOR MARTIN, Witness for the Defense**

2

3 My name is Dr. Taylor Martin. I am a licensed veterinarian with Whiskers Animal Hospital in Rockville, Maryland.
4 I am board-certified in internal medicine. I am 34 years old. I am married and live at 367 Olive Lane in Silver
5 Spring.

6 I earned my Doctor of Veterinary Medicine from the Virginia-Maryland Regional College of Veterinary Medicine.
7 I completed my internal medicine residency at the University of Pennsylvania Ryan Veterinary Hospital. I've
8 worked at Whiskers for four years.

9 Our hospital and kennel are staffed by a team of veterinarians, veterinary assistants, and technicians. Many of
10 our veterinarians have specialized training. We pride ourselves on being a regional and national leader in
11 veterinary medicine and animal care. We provide state-of-the-art diagnosis and treatment, and we work as
12 advocates for animal protection. We offer emergency services twenty-four hours a day, seven days a week. We
13 have full diagnostic services on site, and in addition to veterinary medical care, we offer a range of behavioral
14 services. We are considered a boutique practice among private facilities.

15 Because my caseload is high, I had to consult our records at Whiskers in order to remember Danny Harding.
16 Danny's Doberman, Bella, has been a patient of ours since she was a puppy. In addition to Bella, Danny has
17 brought in three other dogs—all pit bull mixes. We have records for the following dogs owned by Danny: Sashi,
18 Theo, Sybil, and Bella. I recall a conversation that we had during Danny's most recent visit about the rescues that
19 s/he takes in. As a matter of procedure, we talk with our patients' owners and advise them on proper care for
20 informal "adoptions" or rescues. Danny specifically thanked me for the information, and said that s/he was
21 training the dogs for the LUG-NUTS Strong-Dog Contest to prove that someone else's "throw-aways" could be
22 champions, too.

23 Danny brought the pit bulls to our hospital for relatively minor injuries and illnesses over a period of several
24 months—the first in February and the most recent in May. Danny explained that the dogs were rescues. I'd
25 consider them adoptions, however, since Danny knew the previous owners. The dogs were well behaved with
26 our staff. While they displayed some symptoms of aggression towards other dogs when brought into close
27 proximity with them, this is not unusual when a group of dogs are suddenly forced to share the same space or
28 home.

29 Our facility did not administer rabies shots, a necessary step in licensing dogs, since Danny informed us that the
30 shots had been administered previously and the records would be forwarded. Whiskers never received any
31 records; however, this would have been pursued on or about the anniversary of the each dog's initial visits. It is
32 our practice to send reminders to our patients' owners regarding vaccinations and such.

33 According to our medical records, Theo was brought to our office in February and treated for kennel cough and a
34 skin infection—two very common illnesses among dogs. When Theo was brought in a couple months later, it was
35 for bite wounds. The wounds weren't life threatening, but they were indicative of a dog fight. My notes indicate
36 that I questioned Danny about the origin of the wounds, as veterinarians are trained to do. Danny explained that
37 the dog was in a multi-animal home, and that one of the other recent rescue dogs was not socializing well. The
38 dogs had gotten in a fight.

39 Danny seemed to be over-extended with so many dogs in the house, and I recommended that some of the

40 adoptions be relinquished to a respectable no-kill shelter. I also recommended that Danny take in fewer dogs
41 in the future, to which Danny seemed taken aback, offended even. Rehabilitating that many animals
42 requires experience, knowledge, time, patience, and serious resources. Many people don't understand the
43 time and financial commitment. Danny's heart seemed to be in the right place, but I wasn't sure s/he could
44 give the animals the care they needed.

45 That was the last medical visit Danny made to Whiskers.

46 I've reviewed the evidence collected in this case by police, which included harnesses, ropes with metal coils,
47 Velcro weights, a breeding stand, chains, and ply-boards, as well as "Muscle Up Powder" and "K-9 Super
48 Fuel" animal supplements, Betadine Surgical Scrub wound cleanser, steroids labeled for dog use, and IVs. It
49 is my professional opinion that these items could all reasonably be possessed by someone who is engaged in
50 dog training. This is especially true if that person was inclined by either nature or necessity to administer
51 basic medical attention to the animals at home.

52 I don't know Danny's circumstances, but it can be quite expensive to care for pets. It is even more expensive
53 to care for rescue animals. The bills for rescue dogs could total several thousand dollars in any given year. I
54 also fear that my suggestion to give up some animals may have scared Danny from returning to Whiskers or
55 any other facility. Danny may have believed that some of the dogs were in danger of being taken away if I,
56 or another veterinarian, believed the animals were neglected.

57 I do not believe, based on my professional experience, that Danny was engaged in dog fighting. The injuries
58 and illnesses I treated in Danny's dogs were as common as the cold virus in humans. Dog-fighting yields
59 horrible injuries – even to the supposed "winner." These are not the types of injuries that Danny's dogs had.
60 The only time I was really concerned was with the bite wound, but the explanation that Danny offered was
61 completely plausible.

62 As an experienced vet, there are certain red flags that go up if an animal owner is not acting in the best
63 interest of a pet. If there is ever concern, we document it in the medical files so that we can monitor it, and
64 follow up as necessary. I don't want to sound callous, but I really believe we are overly sensitized to pit bulls
65 and dog fighting rings. Pit bulls are stereotyped as these ferocious, aggressive beasts, when in reality, they
66 make some of the best family pets out there. As a medical professional, I can't jump to the conclusion that
67 every pit bull suffering a bite has been in an organized fight ring. Frankly, I would think individuals engaged in
68 dog fighting wouldn't bother bringing in an injured animal. In this case, I believe Danny is being wrongfully
69 accused based on nothing more than misguided presumption.

1 **SAM SHELTON, Witness for the Defense**

2

3 My name is Sam Shelton. I'm a postal carrier for the United States Postal Service. I'm the person who delivers
4 your mail everyday if you live on my route. I'm 53 years old, and I live at 21 Argonne Court, Gaithersburg,
5 Maryland.

6 I've been delivering mail for more than thirty years. For the last twelve years, I've delivered mail in Danny
7 Harding's neighborhood in Everett on various routes. The last five years have included daily mail delivery to
8 Danny's address.

9 Mail delivery has become an increasingly sophisticated operation over the years. As the post office has become
10 more and more efficient at sorting and delivering mail, rival companies and electronic communication have
11 greatly decreased the amount of business the ordinary person conducts with the post office. I don't know what
12 will happen to the postal service as traditional paper documents become obsolete, but I still try to learn the
13 names of the people on my route and to deliver their mail with a cheerful greeting and wave. That's how I know
14 Danny.

15 Because Danny often works a late shift, I've seen (him/her) on many occasions. Danny always takes a moment to
16 say hello, and sometimes we chat for a bit – but never too long, because I'm on the job. Danny always has a
17 welcoming smile.

18 I've also seen Danny out with the pups on countless occasions. They're usually around back as I come down the
19 block, so I can see them a bit from an angle. I can't say with certainty what he's doing with them, but he seems to
20 be training them, from the whistles and commands that I hear. On occasion, I'll see Danny walking or running
21 through the neighborhood with the Doberman. They make quite the pair. Sometimes Danny will come around
22 front to greet me and get the mail, accompanied by a dog or two. I've even seen Danny in the front yard, working
23 with the dogs. They are always well-behaved, and completely in his command. I believe the majority of our
24 conversations have been about the dogs. Danny is really enthusiastic about the training, and has mentioned his
25 hope of competing them in a weight-pulling contest.

26 It may sound cliché to talk about dogs biting the mail carrier, but I can assure you this is a real problem for the
27 USPS. There's just something about uniforms that certain dogs do not like. I, myself, have been bitten a handful of
28 time, but never seriously. Owners almost never expect it or believe their dogs are capable of it. People just don't
29 understand how their dogs feel about strangers entering their territory; dogs often respond to that as though it's
30 a threat. Even the littlest dog can go nuts, yapping and growling as it defends its space, its people, or itself from
31 the perceived encroachment.

32 For as fierce as Danny's dogs look, I've never experienced any such problem. They have never been loose or
33 unsupervised, and that said, I'd never want them to be. They are generally well-behaved, and certainly none has
34 ever bitten me or seriously threatened me. If ever Danny's dogs have seemed aggressive, growling or posturing,
35 Danny has immediately disciplined the dog, sometimes removing it from my presence. Danny always disciplines
36 the dogs with an air of calm authority. I get the sense that Danny really cares for the animals and knows how to
37 handle them.

38 As a postal worker, you learn quickly not to pet strangers' dogs. I don't know that I have ever even tried to pet

39 Danny's dogs, but I've allowed them to approach and sniff my hand. I don't recognize the pups by sight, except
40 the Doberman, Bella. She's a neighborhood fixture – been there as long as I can remember. At one time, there
41 was a Shepard who lived there, and I've seen any number of pit bulls; at least, they look like pit bulls. Danny
42 seems to have so many dogs, and they seem to change pretty quickly over time. I sort of assumed that Danny
43 trains them and cares for them temporarily, but doesn't really own them all. But Danny and I have never talked
44 about that explicitly.

45 I've never seen Danny abuse the dogs. Some of them have had minor injuries, and more than one have had bad
46 hair days. But more often than not, I'd see what I believed was the same dog a short time later looking right as
47 rain. Again, I assumed from what I observed over time and from my scant discussions with Danny on the topic
48 that this was part of Danny's cycle with the dogs – training dogs and getting them healthy. I never asked about
49 the dogs' backgrounds or seriously considered where they may have come from. There are enough morbid
50 commercials on television, and I see enough strays, to know that there are many animals in need of good homes.

51 I don't recall the date of Thursday, August 23, 2012 specifically. There was nothing remarkable about the date to
52 set it apart in my mind, and I didn't make any notations in my calendar or on my timesheet at work. If Danny's
53 dogs were whimpering or making any sort of racket or fuss, I didn't notice as I delivered mail to Danny's address.
54 In fact, only rarely have I ever heard or witnessed any commotion at all from that house, which is pretty
55 remarkable given the number of dogs that live there.

The following is a 311 transcript from 08/23/12 in regard to care file #12-018924. This is being transcribed into typewritten form by R. Reynolds on 08/27/12. Time stamp: 2:05:22pm – 2:07:09

Dispatch: 311

A: Um, I'm not sure exactly what I should report here, but I am, um, worried about some noises I am, um, hearing next door.

Dispatch: What are you hearing?

A: Um, it's sort of, it's like animal noises. Whining...whimpering...but it just keeps going. It hasn't stopped for hours. I know the guy has a lot of dogs.

Dispatch: What is the address?

A: I don't want to give my address. I, um, want this to be anonymous.

Dispatch: No, what is the address of the house where the sounds are?

A: Oh, oh. Um, it's 1642 Elm Point Lane. In Everett.

Dispatch: And you wish to remain anonymous?

A: Yes, please. Yes. He's a nice enough guy, I guess, but I don't want to cause problems. I just want to make sure nothing is hurt over there. The whining is awful. It's killing me to hear it.

Dispatch: How long has it been going on?

A: I mean, it's kind of hard to say. I always hear barking. But the whining, um, I would say probably at least a couple of days. Maybe longer. But it is getting worse. It was real bad last night.

Dispatch: You say you think he has a lot of dogs? Do you know how many?

A: I don't. It seems like there are new dogs over there all the time. He keeps them pretty quiet. At night, there's sometimes some raucous, but I hear more people than I do dogs. I assume he has the TV up loud. I don't know. He does have one dog - a Doberman - that he keeps outside. It's a real nice dog.

Dispatch: Does the Doberman look like he's being cared for? You know - fed? Cleaned up after?

A: Yeah, yes. I mean, I guess. He looks - actually, I think it's a 'she,' she looks like she is healthy. I don't like when people leave their dogs outside all the time, but I guess that's just personal choice.

Dispatch: OK. I have dispatched a police officer to check out the situation. Is anyone home at the residence?

A: No. I made sure he was gone before I called. It's just one guy who lives there, and I think he's at work.

Dispatch: Is there anything else we should know?

A: Um, no, I don't think so. Like I said, I just want to make sure the animals are all right. I don't know if he trains animals or what - there's stuff in his yard. You know, chains and harnesses and stuff. He sometimes lets the other dogs out in the yard - they look to me like pit bulls. He puts them on the chains - again, not something I like to see, but I can't really complain, because they are pretty quiet.

Dispatch: Ok. Anything else?

A: No, no. That's it. Thank you. You said someone's coming out now?

Dispatch: Yes.

A: OK. Thanks again.

End of 311 transcript.

Complaint Report



AC OFFICER: <u>Graham, L. #3257</u>		FOR OFFICE USE ONLY:
DATE: <u>08/23/12</u>	TIME OF ARRIVAL: <u>3:30 pm</u>	COMPLAINT # 812-96
ADDRESS OF INVESTIGATION: 1642 Elm Point Lane		CITY, ZIP: Everett, MD 20853
NAME OF ANIMAL OWNER: <u>Danny Harding</u>		
Phone: <u>443-555-2599</u>	Alt Phone: <u>n/a</u>	Email: <u>n/a</u>
REPORTING PARTY: <u>Anonymous call at 2:05pm</u>		
ADDRESS: <u>unknown</u>		City and Zip: <u>unknown</u>
Phone: <u>unknown</u>	Email: <u>unknown</u>	

DESCRIPTION OF INCIDENT(S):

AC Unit received a call from MCPD regarding dogs at above address. Officers initially reported evidence of injury and neglect, possible abuse, and inadequate shelter of multiple dogs. Upon arrival, I found 7 pit bull type dogs in crates throughout first floor and basement of residence. There was one additional dog, a Doberman, outside in the back yard, housed in a large kennel.

Equipment typically associated with dogfight training was found in house and back yard. Each of the eight dogs was seized and taken to the Montgomery County SPCA for examination by a veterinarian.

Description of Animals	Seized?	Related Items	Are photographs available?
<u>1) Pit bull-adult (M)</u>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<u>1) Ropes w/ metal coils</u>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>
<u>2) Pit bull-adult (M)</u>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<u>2) Velcro weights</u>	If YES, please attach and label. Include description below. <i>Please see Attachment 1 for photos.</i>
<u>3) Pit bull-adult (M)</u>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<u>3) Harnesses</u>	
<u>4) Pit bull-adult (M)</u>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<u>4) Breeding stand</u>	
<u>5) Pit bull-adult (F)</u>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<u>5) Chains</u>	
<u>6) Pit bull-adult (F)</u>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<u>6) Muscle Up Powder</u>	
<u>7) Pit bull-adult (F)</u>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<u>7) K-9 Super Fuel</u>	
<u>8) Doberman-adult (F)</u>	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	<u>8) Betadine Surgical Scrub Cleanser</u>	
		<u>9) Steroids</u>	
		<u>10) IVs</u>	
		<u>11) 8 - plywood boards with latches (4' x 3' in size)</u>	

PHOTO DESCRIPTIONS:

- A: Photo of Doberman (Dog #8) housed in outside kennel
 - B: Photo of pit bull, male, (Dog #1); wounds on snout, ear and jaw. Severe skin infection visible.
 - C: Photo of pit bull-boxer, male, (Dog #3)
 - D: Photo of two of the basement crates where pit bulls were kept; no water or food contained within
 - E: Photo of pit bull, male, (Dog #2); skin infection, wounds (some very recent) very evident
 - F: Photo of pit bull, female, (Dog #6); scars visible on snout
 - G: Photo of pit bull, female (Dog #5); she had a large growth on her belly. Mammary gland tumor visible.
- Photos not available for dogs #4 and #7.

AC Complaint Form, Attachment 1
Complaint #8/2-96 Date: 8-23-20/2



MEDICAL EVALUATION OF NEGLECT/ABUSE

Medical History: Unavailable	ID#: 1-082312
Identifying Characteristics: Pit bull breed, tan in color	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female Name: "Mark"

EXAM

Behavior [Assess strength, activity and interaction with people and animals]

	Less than average		Average		More than average	
Strength	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Activity Level	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Interaction with People	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Interaction with Animals	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

	Normal		Abnormal			Normal		Abnormal	
Hydration	<input type="checkbox"/>		<input checked="" type="checkbox"/>		Abdomen	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
Pain	<input type="checkbox"/>		<input checked="" type="checkbox"/>		Mouth	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
Lymph Nodes	<input type="checkbox"/>		<input checked="" type="checkbox"/>		Eyes	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
Ears	<input type="checkbox"/>		<input checked="" type="checkbox"/>		Nose	<input type="checkbox"/>		<input checked="" type="checkbox"/>	
Heart	<input checked="" type="checkbox"/>		<input type="checkbox"/>		Lungs	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
MuscSkel	<input checked="" type="checkbox"/>		<input type="checkbox"/>		Neurol	<input checked="" type="checkbox"/>		<input type="checkbox"/>	

Body Condition
 [IDEAL BODY WEIGHT= IBW]
 Underweight=Less than 10% IBW
 Thin=10-15% under IBW
 Very Underweight; 16-20% under IBW

Weight:
52.3 lbs

Ideal
 Underweight/Lean
 Thin
 Very Underweight
 Emaciated

Record Abnormal Findings Below

General health and appearance was poor upon arrival. "Mark" was suffering from moderate diarrhea and dehydration, likely caused by Pyoderma. Due to dehydration, Mark's gums were tacky and dry with displayed prolonged capillary refill time. Bilateral enophthalmos was evident.

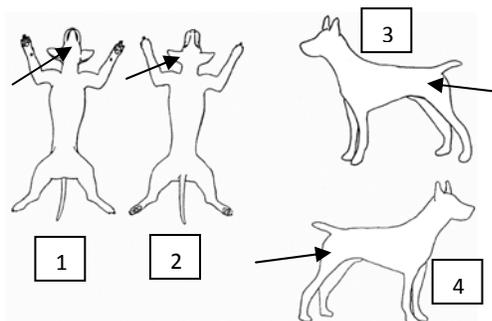
He had moderate Pyoderma, likely resulting from bite wounds around the snout and jaw line. Wounds look to have been contracted in recent weeks, possibly days.

Beginning stages of bordetella bronchiseptica evident.

Assessment: Conditions treatable; careful monitoring necessary. Responded well to fluids and antibiotics.

Plan: PCV and TPP administered; urinalysis (UA) and fecal administered.

Administered?	Yes		No		Vaccines Administered?	Yes		No	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CBC/Chem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Rabies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
UA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CPV	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fecal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CDV	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dog-Titer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CAV	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Microchip	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					



CONDITION OF HAIRCOAT AND NAILS

Adequate
 Lapsed
 Borderline
 Poor
 Terrible

Comments: #1/2 – Moderate Pyoderma present; #3/4 matting present on the dog's backside

MEDICAL EVALUATION OF NEGLECT/ABUSE

Medical History: Unavailable		ID#: 2-082312
Identifying Characteristics: Pit bull breed, black in color	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Name: "Scar"

EXAM

Behavior [Assess strength, activity and interaction with people and animals]

	Less than average	Average	More than average
Strength	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Activity Level	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction with People	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction with Animals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Normal	Abnormal		Normal	Abnormal
Hydration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Abdomen	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pain	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mouth	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lymph Nodes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Eyes	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ears	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Nose	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lungs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MuscSkel	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Neurol	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Body Condition
[IDEAL BODY WEIGHT= IBW]
 Underweight=Less than 10% IBW
 Thin=10-15% under IBW
 Very Underweight=16-20% under IBW
 Emaciated=Greater than 20% under IBW

Weight: 61 lbs

Ideal
 Underweight/Lean
 Thin
 Very Underweight
 Emaciated

Record Abnormal Findings Below

General health and appearance was poor upon arrival. "Scar" was suffering from diarrhea and dehydration, likely resulting from Pyoderma. Due to dehydration, Scar's gums were tacky and dry with displayed prolonged capillary refill time. Bilateral enophthalmos was evident. He had aggravated Pyoderma, resulting from various wounds that have not healed properly. Lymphadenitis was also present, likely resulting from Pyoderma. Swollen lymph nodes were felt along submandibular area beneath the jaw and in the popliteal area. Beginning stages of bordetella bronchiseptica evident.

Assessment: Conditions treatable; careful monitoring necessary. Responded slowly but positively to fluids and antibiotics.

Plan: PCV and TPP administered; urinalysis (UA) and fecal administered.

Administered?	Yes		No		Vaccines Administered?	Yes		No	
CBC/Chem	<input checked="" type="checkbox"/>	<input type="checkbox"/>			Rabies	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
UA	<input checked="" type="checkbox"/>	<input type="checkbox"/>			CPV	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Fecal	<input checked="" type="checkbox"/>	<input type="checkbox"/>			CDV	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Dog-Titer	<input checked="" type="checkbox"/>	<input type="checkbox"/>			CAV	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
Microchip	<input type="checkbox"/>	<input checked="" type="checkbox"/>							

CONDITION OF HAIRCOAT AND NAILS

Adequate
 Lapsed
 Borderline- fecal and urine soiling have caused matting in rear; some clipping necessary
 Poor
 Terrible

Comments: #1/2 Pyoderma; #3 Lymphadenitis; #4 matting of hair

MEDICAL EVALUATION OF NEGLECT/ABUSE

Medical History: Unavailable	ID#: 3-082312
Identifying Characteristics: Pit bull-boxer mix breed, tan, white and black in color	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female Name: "Theo"

EXAM

Behavior [Assess strength, activity and interaction with people and animals]

	Less than average		Average		More than average	
Strength	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Activity Level	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Interaction with People	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction with Animals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Normal		Abnormal	
Hydration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lymph Nodes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ears	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Heart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MuscSkel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

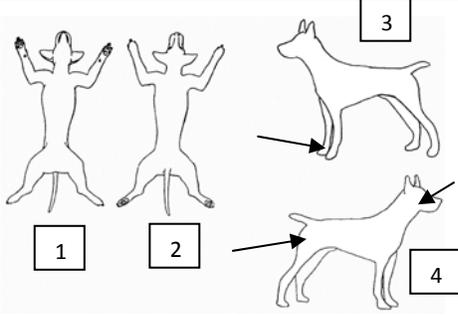
Body Condition [IDEAL BODY WEIGHT= IBW] Underweight=Less than 10% IBW Thin=10-15% under IBW Very Underweight=16-20% under IBW Emaciated=Greater than 20% under IBW	Weight: 67 lbs	<input type="checkbox"/> Ideal <input checked="" type="checkbox"/> Underweight/Lean <input type="checkbox"/> Thin <input type="checkbox"/> Very Underweight <input type="checkbox"/> Emaciated
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Record Abnormal Findings Below
 Theo was suffering from mild urinary tract infection and slight dehydration. Theo had a number of old scars from unidentifiable sources; the scars looked to be at least 3-4 months old.

Assessment: Conditions treatable; ongoing monitoring necessary.

Plan: PCV and TPP administered; urinalysis (UA) and fecal administered.

Administered?	Yes	No	Vaccines Administered?	Yes	No
CBC/Chem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rabies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
UA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CPV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fecal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CDV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dog-Titer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CAV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Microchip	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

	CONDITION OF HAIRCOAT AND NAILS <input type="checkbox"/> Adequate <input checked="" type="checkbox"/> Lapsed- Nails need trimming, altering normal gait <input type="checkbox"/> Borderline <input type="checkbox"/> Poor <input type="checkbox"/> Terrible Comments: #3/4 –Scars present on chest, snout and neck. Patches of hair missing on snout which are indicative of previous skin infections.
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MEDICAL EVALUATION OF NEGLECT/ABUSE

Medical History: Unavailable	ID#: 4-082312
Identifying Characteristics: Pit bull-boxer mix breed, tan in color <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Name: "Cole"

EXAM

Behavior [Assess strength, activity and interaction with people and animals]

	Less than average		Average		More than average	
Strength	<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
Activity Level	<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>	
Interaction with People	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	
Interaction with Animals	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	

	Normal	Abnormal		Normal	Abnormal
Hydration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Abdomen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mouth	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lymph Nodes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Eyes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ears	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nose	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lungs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MuscSkel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neurol	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Body Condition
 [IDEAL BODY WEIGHT= IBW]
 Underweight=Less than 10% IBW
 Thin=10-15% under IBW
 Very Underweight=16-20% under IBW
 Emaciated=Greater than 20% under IBW

Weight: 59 lbs

Ideal
 Underweight/Lean
 Thin
 Very Underweight
 Emaciated

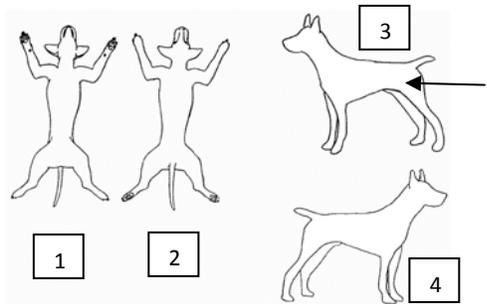
Record Abnormal Findings Below

Cole's general appearance was fair on arrival, though suffering from mild dehydration. Cole was markedly aggressive with staff; he was placed in isolation because he was extremely aggressive while in proximity with other dogs. Snarling, growling and excessive barking has been observed consistently with Cole. He was given a mild tranquilizer in preparation for his medical examination, and did not appear to be in pain or malnourished – two common causes of aggression in dogs.

Assessment: Conditions treatable; ongoing monitoring necessary.

Plan: PCV and TPP administered; urinalysis (UA) and fecal administered.

	Administered?		Vaccines Administered?	Administered?	
	Yes	No		Yes	No
CBC/Chem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rabies CPV CDV CAV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
UA	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fecal	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dog-Titer	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Microchip	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<p>CONDITION OF HAIRCOAT AND NAILS</p> <input type="checkbox"/> Adequate <input checked="" type="checkbox"/> Lapsed- Nails are beginning to interfere with normal gait <input type="checkbox"/> Borderline <input type="checkbox"/> Poor <input type="checkbox"/> Terrible Comments:
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MEDICAL EVALUATION OF NEGLECT/ABUSE

Medical History: Unavailable	ID#: 5-082312
Identifying Characteristics: Pit bull-breed, white and tan	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
Name: "Sybil"	

EXAM

Behavior [Assess strength, activity and interaction with people and animals]

	Less than average	Average	More than average
Strength	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Activity Level	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction with People	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction with Animals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Normal	Abnormal		Normal	Abnormal
Hydration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Abdomen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pain	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mouth	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lymph Nodes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Eyes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ears	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nose	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lungs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MuscSkel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neurol	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Body Condition
 [IDEAL BODY WEIGHT= IBW]
 Underweight=Less than 10% IBW
 Thin=10-15% under IBW
 Very Underweight=16-20% under IBW
 Emaciated=Greater than 20% under IBW

Weight: 51 lbs

Ideal
 Underweight/Lean
 Thin
 Very Underweight
 Emaciated

Record Abnormal Findings Below

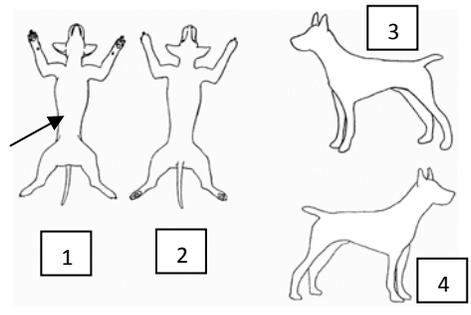
Sybil has a large mammary gland tumor. The pelvic lymph nodes nearest the tumor were swollen, which may indicate that the tumor is malignant, and that the cancer has metastasized. A biopsy of the tumor was taken during Sybil's initial check-up. Tests will likely confirm that tumor is malignant given the size of the growth.

Regardless of whether the tumor is malignant, it will need to be removed. Chemo and/or radiation may follow.

Assessment: Conditions treatable; ongoing monitoring necessary.

Plan: PCV and TPP administered; urinalysis (UA) and fecal administered.

	Administered?			Vaccines Administered?	
	Yes	No		Yes	No
CBC/Chem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rabies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
UA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CPV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fecal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CDV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dog-Titer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CAV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Microchip	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

	<p>CONDITION OF HAIRCOAT AND NAILS</p> <input type="checkbox"/> Adequate <input checked="" type="checkbox"/> Lapsed- area around mammary gland tumor is swollen and painful to the touch; some patches of skin exposed where hair has fallen out <input checked="" type="checkbox"/> Borderline – nail length interfering with normal gait <input type="checkbox"/> Poor <input type="checkbox"/> Terrible Comments:
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Parts excerpted from The American Society for Prevention of Cruelty to Animals, Inc.

MEDICAL EVALUATION OF NEGLECT/ABUSE

Medical History: Unavailable	ID#: 6-082312
Identifying Characteristics: Pit bull breed, light tan in color	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female Name: "Sashi"

EXAM

Behavior [Assess strength, activity and interaction with people and animals]					
	Less than average		Average		More than average
Strength	<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>
Activity Level	<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>
Interaction with People	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
Interaction with Animals	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
	Normal	Abnormal		Normal	Abnormal
Hydration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Abdomen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mouth	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lymph Nodes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Eyes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ears	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nose	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lungs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MuscSkel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neurol	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Body Condition [IDEAL BODY WEIGHT= IBW] Underweight=Less than 10% IBW Thin=10-15% under IBW Very Underweight=16-20% under IBW Emaciated=Greater than 20% under IBW		Weight: 68 lbs	<input checked="" type="checkbox"/> Ideal <input type="checkbox"/> Underweight/Lean <input type="checkbox"/> Thin <input type="checkbox"/> Very Underweight <input type="checkbox"/> Emaciated		

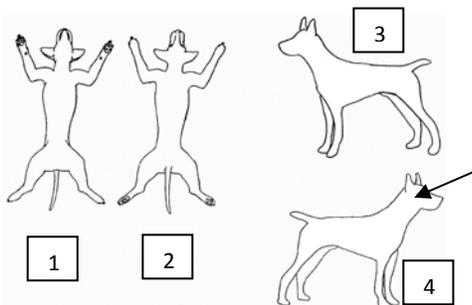
Record Abnormal Findings Below

Concerns noted over scabbing and scarring on snout; both appear to be moderately deep bite wounds acquired within approximately 3 weeks. No wounds or scars appear on any other parts of body. No infection detected.

Assessment: Will continue to monitor over next 48 hours.

Plan: PCV and TPP administered; urinalysis (UA) and fecal administered.

Administered?	Yes		No		Vaccines Administered?	Yes		No	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
CBC/Chem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rabies	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
UA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CPV	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fecal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CDV	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dog-Titer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CAV	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Microchip	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>					



CONDITION OF HAIRCOAT AND NAILS

- Adequate
- Lapsed
- Borderline
- Poor
- Terrible

Comments: Haircoat and nails good with exception of wounds on snout. Does not appear to be infected.

MEDICAL EVALUATION OF NEGLECT/ABUSE

Medical History: Unavailable	ID#: 7-082312
Identifying Characteristics: Pit bull breed, grey-brown in color	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female Name: "Sunny"

EXAM

Behavior [Assess strength, activity and interaction with people and animals]					
	Less than average		Average		More than average
Strength	<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>
Activity Level	<input type="checkbox"/>		<input type="checkbox"/>		<input checked="" type="checkbox"/>
Interaction with People	<input checked="" type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Interaction with Animals	<input type="checkbox"/>		<input checked="" type="checkbox"/>		<input type="checkbox"/>
	Normal	Abnormal		Normal	Abnormal
Hydration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Abdomen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mouth	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lymph Nodes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Eyes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ears	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nose	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lungs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MuscSkel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neurol	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Body Condition [IDEAL BODY WEIGHT= IBW] Underweight=Less than 10% IBW Thin=10-15% under IBW Very Underweight=16-20% under IBW Emaciated=Greater than 20% under IBW		Weight: 68 lbs	<input checked="" type="checkbox"/> Ideal <input type="checkbox"/> Underweight/Lean <input type="checkbox"/> Thin <input type="checkbox"/> Very Underweight <input type="checkbox"/> Emaciated		

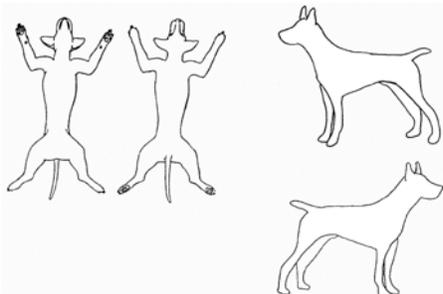
Record Abnormal Findings Below

Sunny's general condition and appearance was good on arrival. Sunny was extremely timid with our staff on arrival, but has shown marked improvement.

Assessment: Will continue to monitor over next 48 hours.

Plan: PCV and TPP administered; urinalysis (UA) and fecal administered.

Administered?	Administered?		Vaccines Administered?	Administered?	
	Yes	No		Yes	No
CBC/Chem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rabies	<input type="checkbox"/>	<input checked="" type="checkbox"/>
UA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CPV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fecal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CDV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dog-Titer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CAV	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Microchip	<input type="checkbox"/>	<input checked="" type="checkbox"/>			



CONDITION OF HAIRCOAT AND NAILS

- Adequate
- Lapsed
- Borderline
- Poor
- Terrible

Comments:

MEDICAL EVALUATION OF NEGLECT/ABUSE

Medical History: Unavailable	ID#: 8-082312
Identifying Characteristics: Doberman pinscher	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female
Name: "Bella"	

EXAM

Behavior [Assess strength, activity and interaction with people and animals]

	Less than average	Average	More than average
Strength	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Activity Level	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Interaction with People	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Interaction with Animals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Normal	Abnormal		Normal	Abnormal
Hydration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Abdomen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pain	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Mouth	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lymph Nodes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Eyes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ears	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nose	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heart	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lungs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MuscSkel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neurol	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Body Condition
 [IDEAL BODY WEIGHT= IBW]
 Underweight=Less than 10% IBW
 Thin=10-15% under IBW
 Very Underweight=16-20% under IBW
 Emaciated=Greater than 20% under IBW

Weight: 80 lbs

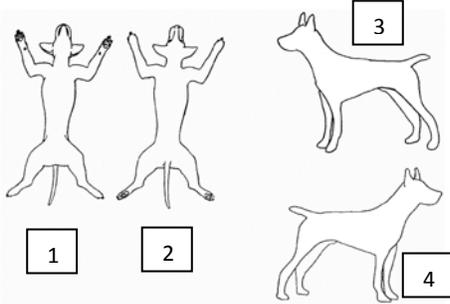
Ideal
 Underweight/Lean
 Thin
 Very Underweight
 Emaciated

Record Abnormal Findings Below
 General health and appearance was very good.

Assessment: Excellent condition.

Plan: PCV and TPP administered; urinalysis (UA) and fecal administered.

Administered?	Yes		No		Vaccines Administered?	Yes		No	
CBC/Chem	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rabies CPV CDV CAV	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
UA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fecal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Dog-Titer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Microchip	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<p>CONDITION OF HAIRCOAT AND NAILS</p> <input checked="" type="checkbox"/> Adequate <input type="checkbox"/> Lapsed <input type="checkbox"/> Borderline <input type="checkbox"/> Poor <input type="checkbox"/> Terrible Comments:
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Md. CRIMINAL LAW Code

§ 10-601. Definitions

(a) In general. -- In this subtitle the following words have the meanings indicated.

(b) Animal. -- "Animal" means a living creature except a human being.

This subsection is new language derived without substantive change from former Art. 27, § 62, as it defined "animal".

(c) Cruelty. --

(1) "Cruelty" means the unnecessary or unjustifiable physical pain or suffering caused or allowed by an act, omission, or neglect.

(2) "Cruelty" includes torture and torment.

(d) Humane society. -- "Humane society" means a society or association incorporated in Maryland for the prevention of cruelty to animals.

§ 10-602. Legislative intent

It is the intent of the General Assembly that each animal in the State be protected from intentional cruelty, including animals that are:

(1) privately owned;

(2) strays;

(3) domesticated;

(4) feral;

(5) farm animals;

(6) corporately or institutionally owned; or

(7) used in privately, locally, State, or federally funded scientific or medical activities.

§ 10-603. Application of §§ 10-601 through 10-608

Sections 10-601 through 10-608 of this subtitle do not apply to:

(1) customary and normal veterinary and agricultural husbandry practices including dehorning, castration, tail docking, and limit feeding;

(2) research conducted in accordance with protocols approved by an animal care and use committee, as required under the federal Animal Welfare Act or the federal Health Research Extension Act;

(3) an activity that may cause unavoidable physical pain to an animal, including food processing, pest elimination, animal training, and hunting, if the person performing the activity uses the most humane method reasonably available; or

(4) normal human activities in which the infliction of pain to an animal is purely incidental and unavoidable.

§ 10-604. Abuse or neglect of animal

(a) Prohibited. -- A person may not:

(1) overdrive or overload an animal;

(2) deprive an animal of necessary sustenance;

(3) inflict unnecessary suffering or pain on an animal;

(4) cause, procure, or authorize an act prohibited under item (1), (2), or (3) of this subsection; or

(5) if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with nutritious food in sufficient quantity, necessary veterinary care, proper drink, air, space, shelter, or protection from the weather.

(b) Penalty. --

(1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding \$1,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.

(3) As a condition of probation, the court may prohibit a defendant from owning, possessing, or residing with an animal.

§ 10-607. Aggravated cruelty to animals -- Certain activities related to dogfights prohibited

(a) Prohibited activities. -- A person may not:

(1) use or allow a dog to be used in a dogfight;

(2) arrange or conduct a dogfight;

(3) possess, own, sell, transport, or train a dog with the intent to use the dog in a dogfight; or

(4) knowingly allow premises under the person's ownership, charge, or control to be used to conduct a dogfight.

(b) Penalty. --

(1) A person who violates this section is guilty of the felony of aggravated cruelty to animals and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$ 5,000 or both.

(2) As a condition of sentencing, the court may order a defendant convicted of violating this section to participate in and pay for psychological counseling.