

**IN THE COURT OF APPEALS OF THE STATE OF
WASHINGTON
DIVISION I**

FILED
Jan 09, 2017
Court of Appeals
Division I
State of Washington

STATE OF WASHINGTON)	
)	
Respondent,)	Court of Appeals Cause No. 74802-5-1
)	
v.)	STATEMENT OF ADDITIONAL
)	GROUND FOR REVIEW [Rule 10.10(a)]
)	
KATHRYN ANNE ST CLARE,)	
)	
Appellant.)	

I, Kathryn Anne St Clare, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

ADDITIONAL GROUNDS #1

DEHYDRATION IN THE CATS #1

The cats and the Airstream trailer the cats were living in were seized on the morning of July 11, 2014 by Snohomish County Animal Control and Snohomish County Sheriff using a tow truck provided by the Snohomish County Sheriff at approximately 10 am. Everett WA temperature at 9:53 am that morning was 70 degrees (please see exhibit A – Temperature Graph and Weather Conditions for Everett WA for July 11, 2014). This was a sunny day with no clouds in the sky. The open trailer windows were all closed and the 80% shading material on the roof and tarps over several windows were all removed. The trailer was towed to the back of the Everett Animal Shelter arriving at around 11:30 am and parked in FULL SUN with the windows remaining closed all afternoon. The 85 degree temperature inside the trailer that Dr. Lisa Thompson refers to was not the temperature inside the trailer at time of seizure at approx. 10:00 am. It was the temperature of the inside of the trailer as seen

as a vaccine taken of the inside of the trailer time stamped at approx. noon that day after the trailer with no open windows had sat in FULL SUN for over half an hour parked at the Everett Animal Shelter and after they had already started removing some of the cats.

This is from Dr. Lisa Thompson's testimony (Trial transcripts, 12-8-15, p 221).

- 7 A Several things. Certainly, the ambient temperature. The
8 temperature in the trailer, which, I believe -- I'd have to
9 look at my report -- I believe was 85 degrees. It was a
10 very hot day. So increased temperature, animal trying to
11 cool itself off would probably be the -- actually, the main
12 culprit.
- 13 Q So you're testifying the increased temperature, in your
14 opinion, could contribute to dehydration?
- 15 A Very much, yes.

The trailer and cats had NOT been under my care or control for over 2 hours, since approx. 10 am that morning.. At the time of the temperature reading, they were under the care of SCAC and the Everett Animal Shelter that had (1) all the windows closed up with no outside ventilation, (2) parked in full sun at the shelter; therefore SCAC and Everett Animal Shelter are responsible for this high temperature in the trailer where the cats were confined and this high temperature contributed to the dehydrated status in the exam of the cats.

ADDITIONAL GROUNDS #2

DEHYDRATION IN THE CATS - #2

SCAC Angela Rench testified at trial that the cats while in the trailer at the Everett Animal Shelter WERE NEVER GIVEN ANY FOOD OR WATER ALL AFTERNOON. This lack of any water to drink in a hot trailer also contributed to their dehydrated status in the exams.

(Trial Transcripts 12-8-15, p176)

12 demonize you here, but just make a tough admission that
13 animal control had to keep these cats without food and
14 water on a hot day in a trailer in a parking lot without
15 the door open for several hours yourselves?

16 A They had fans -- we put fans in to try and increase the
17 circulation and keep the temperature as cool as possible.

18 Q But no food and water?

19 A No.

ADDITIONAL GROUNDS #3

DEHYDRATION IN 4 SPECIFIC CATS

Re: CATS #55 (count 8), #75 (count 9), #81 (count 10), #91 (count 3)

SCAC Wierzma testified that as they removed the cats, they assigned them numbers, so cats #55, #75, #81, and #91 were removed later in the afternoon after they had been confined for multiple hours in an 85 degree plus hot trailer with no water available to drink. This combined length of stay in a hot trailer coupled with no water to drink contributed to the advanced dehydrated state of these 4 cats on exam: cat #55 is listed as 5% dehydrated, cats #75, #81 and #91 were listed as 7% dehydrated.

(Trial transcripts 12-8-15, P 234-236)

ADDITIONAL GROUNDS #4

LACK OF RESOURCES TO CARE FOR THE CATS AT THE EVERETT ANIMAL SHELTER LEAD TO THEIR EUTHANIZATION.

The cats were not euthanized because of the alleged starvation or dehydration leading to no hope for saving them. Dr. Lisa Thompson testified that all their health conditions were all treatable but that the

shelter did not have the staff or space or money to take care of them. They knew this in advance so started killing them right away at the shelter.

(Trial transcripts 12-8-15, p 240)

Q If money were no object, probably a lot of treatment could have been given to many of these cats. Assuming that there was, you know, proper quarantining and access to all the best meds and equipment, many of these cats probably wouldn't have needed to be put down if the resources were there?

A Resources would have to include staffing and space.

Q Right. Right. I mean, certainly not resources within the reach of the shelter?

A Correct.

In summary, the actions of confining the cats in a hot metal trailer in a parking lot on a day of full sun with no water to drink at the Everett Animal Shelter contributed to many of the cats becoming increasingly dehydrated as time went on and to suffer while under the control and care of Snohomish County Animal Control and the Everett Animal Shelter. This state of dehydration then appeared on their exams.

Respectfully submitted,

Date: January 9, 2017

Signature: Kathryn St. Clare

Weather History for KPAE

Friday, July 11, 2014

Daily	Weekly	Monthly	Custom		
			Actual	Average	Record
Temperature					
Mean Temperature			68 °F	-	
Max Temperature			82 °F	69 °F	90 °F (2007)
Min Temperature			55 °F	53 °F	46 °F (1960)
Cooling Degree Days			4		
Growing Degree Days			18 (Base 50)		
Moisture					
Dew Point			53 °F		
Average Humidity			58		
Maximum Humidity			93		
Minimum Humidity			34		
Precipitation					
Precipitation			0.00 in	-	- (0)
Sea Level Pressure					
Sea Level Pressure			29.97 in		
Wind					
Wind Speed			4 mph (North)		
Max Wind Speed			8 mph		
Max Gust Speed			-		
Visibility			10 miles		
Events					

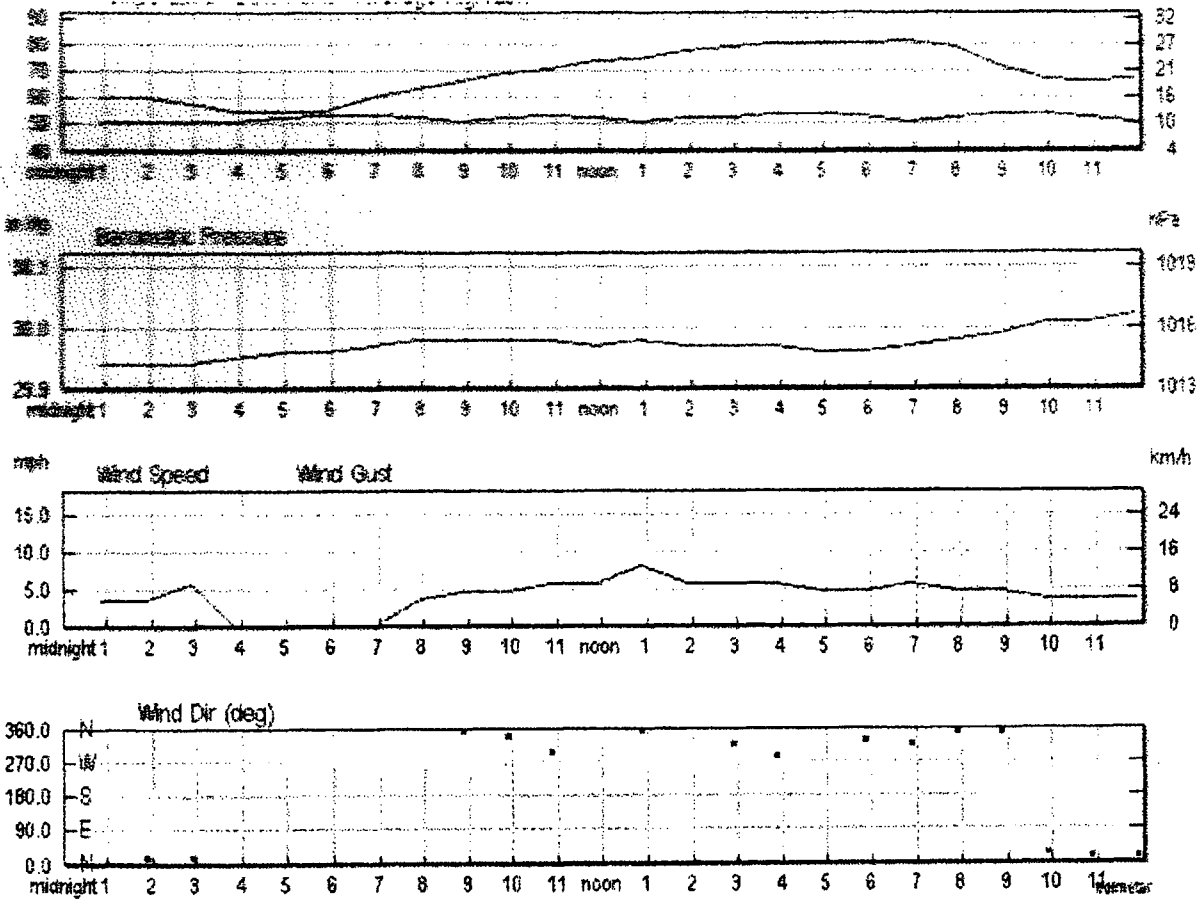
Averages and records for this station are not official NWS values.

T = Trace of Precipitation, MM = Missing Value

Source: NWS Daily Summary

Daily Weather History Graph

F Temperature Dew Point Average High/Low



Search for Another Location

Airport or City:

KPAE

Submit

Trip Planner

Search our weather history database for the weather conditions in past years. The results will help you decide how hot, cold, wet, or windy it might be!

Date:

Astronomy

Jul. 11, 2014

Rise

Set

Actual Time

5:21 AM PDT

9:06 PM PDT

Civil Twilight

4:42 AM PDT

9:46 PM PDT

Nautical Twilight

3:48 AM PDT

10:40 PM PDT

Astronomical Twilight

2:29 AM PDT

11:57 PM PDT

Moon 8:15 PM PDT (7/11) 4:45 AM PDT (7/11)

Length of Visible Light 17h 04m

Length of Day 15h 44m

Waxing Gibbous, 99% of the Moon is Illuminated

Jul 11	Jul 12	Jul 18	Jul 26	Aug 3
Waxing Gibbous	Full	Last Quarter	New	First Quarter

Hourly Weather History & Observations

Time (PDT)	Temp.	Heat Index	Dew Point	Humidity	Pressure	Visibility	Wind Dir	Wind Speed	Gust Speed	Precip	Event
12:53 AM	60.8 °F	-	51.8 °F	72%	29.94 in	10.0 mi	NNE	3.5 mph	-	N/A	
1:53 AM	61.0 °F	-	52.0 °F	72%	29.94 in	10.0 mi	NNE	3.5 mph	-	N/A	
2:53 AM	59.0 °F	-	52.0 °F	78%	29.94 in	10.0 mi	NNE	5.8 mph	-	N/A	
3:53 AM	55.9 °F	-	52.0 °F	87%	29.95 in	10.0 mi	Calm	Calm	-	N/A	
4:53 AM	55.9 °F	-	53.1 °F	90%	29.96 in	10.0 mi	Calm	Calm	-	N/A	
5:53 AM	55.9 °F	-	54.0 °F	93%	29.96 in	10.0 mi	Calm	Calm	-	N/A	
6:53 AM	61.0 °F	-	54.0 °F	78%	29.97 in	10.0 mi	Calm	Calm	-	N/A	
7:53 AM	64.0 °F	-	53.1 °F	67%	29.98 in	10.0 mi	Variable	3.5 mph	-	N/A	
8:53 AM	66.9 °F	-	52.0 °F	59%	29.98 in	10.0 mi	North	4.6 mph	-	N/A	
9:53 AM	70.0 °F	-	53.1 °F	55%	29.98 in	10.0 mi	NNW	4.6 mph	-	N/A	
10:53 AM	72.0 °F	-	54.0 °F	53%	29.98 in	10.0 mi	WNW	5.8 mph	-	N/A	
11:53 AM	75.0 °F	-	53.1 °F	46%	29.97 in	10.0 mi	Variable	5.8 mph	-	N/A	

12:53 PM	75.9 °F	-	52.0 °F	43%	29.98 in	10.0 mi	North	8.1 mph	-	N/A
1:53 PM	79.0 °F	-	53.1 °F	40%	29.97 in	10.0 mi	Variable	5.8 mph	-	N/A
2:53 PM	80.1 °F	79.9 °F	53.1 °F	39%	29.97 in	10.0 mi	NW	5.8 mph	-	N/A
3:53 PM	82.0 °F	81.4 °F	55.0 °F	39%	29.97 in	10.0 mi	WNW	5.8 mph	-	N/A
4:53 PM	82.0 °F	81.4 °F	55.0 °F	39%	29.96 in	10.0 mi	Variable	4.6 mph	-	N/A
5:53 PM	82.0 °F	81.3 °F	54.0 °F	38%	29.96 in	10.0 mi	NNW	4.6 mph	-	N/A
6:53 PM	82.9 °F	-	52.0 °F	34%	29.97 in	10.0 mi	NW	5.8 mph	-	N/A
7:53 PM	80.1 °F	79.9 °F	53.1 °F	39%	29.98 in	10.0 mi	North	4.6 mph	-	N/A
8:53 PM	73.0 °F	-	55.0 °F	53%	29.99 in	10.0 mi	North	4.6 mph	-	N/A
9:53 PM	68.0 °F	-	55.0 °F	63%	30.01 in	10.0 mi	NNE	3.5 mph	-	N/A
10:53 PM	66.9 °F	-	53.1 °F	61%	30.01 in	10.0 mi	NNE	3.5 mph	-	N/A
11:53 PM	68.0 °F	-	52.0 °F	56%	30.02 in	10.0 mi	NNE	3.5 mph	-	N/A

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