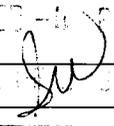


NO. 40721-3-II

DOBB'S APPELLANTS
P. 10-11

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STATE OF WASHINGTON
BY  DEPUTY

**COURT OF APPEALS, DIVISION II
STATE OF WASHINGTON**

STATE OF WASHINGTON, RESPONDENT

v.

JOSEPH DOBBS, APPELLANT
AMANDA DOBBS, APPELLANT

Appeal from the Superior Court of Pierce County
The Honorable Kitty-Ann van Doorninck

No. 09-1-02398-2

No. 09-1-02397-4

Brief of Respondent

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Table of Contents

A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR. 1

 1. Did the trial court have sufficient evidence to conclude that defendants committed animal cruelty in the first degree? ... 1

 2. Did the trial court have statutory authority to permanently prohibit defendants from owning or caring for horses? 1

B. STATEMENT OF THE CASE..... 1

 1. Procedure 1

 2. Facts 2

C. ARGUMENT. 5

 1. THE STATE PRESENTED SUFFICIENT EVIDENCE FOR THE TRIAL COURT TO FIND DEFENDANTS GUILTY OF ANIMAL CRUELTY IN THE FIRST DEGREE 5

 2. THE COURT DID NOT EXCEED ITS AUTHORITY WHEN IT PERMANENTLY BARRED DEFENDANT AMANDA DOBBS FROM OWNING OR CARING FOR HORSES 13

D. CONCLUSION..... 16

Table of Authorities

State Cases

<i>State v. Armendariz</i> , 160 Wn.2d 106, 110, 156 P.3d 201 (2007)	13, 14
<i>State v. Armenta</i> , 134 Wn.2d 1, 9, 948 P.2d 1280 (1997)	8
<i>State v. Brockob</i> , 159 Wn.2d 311, 343, 150 P.3d 59 (2006).....	8
<i>State v. Camarillo</i> , 115 Wn.2d 60, 71, 794 P.2d 850 (1990)	6
<i>State v. Casbeer</i> , 48 Wn. App. 539, 542, 740 P.2d 335 (1987).....	6
<i>State v. Gatewood</i> , 163 Wn.2d 534, 539, 182 P.3d 426 (2008)	8
<i>State v. Hill</i> , 123 Wn.2d 641, 644, 870 P.2d 313 (1994)	5, 6
<i>State v. J.P.</i> , 149 Wn.2d 444, 449, 69 P.3d 318 (2003)	13
<i>State v. Joy</i> , 121 Wn.2d 333, 338, 851 P.2d 654 (1993).....	11
<i>State v. McCullum</i> , 98 Wn.2d 484, 489, 656 P.2d 1064 (1983).....	11
<i>State v. Mendez</i> , 137 Wn.2d 208, 214, 970 P.2d 722 (1999), <i>abrogated on other grounds by Brendlin v. California</i> , 551 U.S. 249, 127 S. Ct. 2400, 168 L.Ed.2d 132 (2007).....	6
<i>State v. Partin</i> , 88 Wn.2d 899, 906-7, 567 P.2d 1136 (1977)	11
<i>State v. Salinas</i> , 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).....	11
<i>State v. Theroff</i> , 25 Wn. App. 590, 593, 608 P.2d 1254 (1980)	11
<i>State v. Walton</i> , 64 Wn. App. 410, 415-16, 824 P.2d 533 (1992).....	11
<i>State v. Zawistowski</i> , 119 Wn. App. 730, 737, 82 P.3d 698 (2004).....	12

Statutes

RCW 15.52.200(5)..... 15

RCW 16.52.200 14, 15

RCW 16.52.200(3)..... 14

RCW 16.52.205 14, 15

RCW 16.52.205(2)..... 12

RCW 9A.08.010..... 9

RCW 9A.20.020..... 15

RCW 9A.20.020(1)..... 14, 15

RCW 9A.20.021..... 14

RCW 9A.20.021(1)..... 13

A. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR.

1. Did the trial court have sufficient evidence to conclude that defendants committed animal cruelty in the first degree?
2. Did the trial court have statutory authority to permanently prohibit defendants from owning or caring for horses?

B. STATEMENT OF THE CASE.

1. Procedure

On May 13, 2009, the State charged each defendant with one count of animal cruelty in the first degree. CP 1, 28. On February 22, 2010, the State filed an amended complaint, adding two counts of animal cruelty in the second degree for each defendant. CP 2-3, 37-38.

On April 21, 2010, the parties proceeded to a bench trial before the Honorable Judge van Doorninck. CP 43, RP 12. On May 7, 2010, the court found defendants guilty of the charge of animal cruelty in the first degree. *Id.* On the charges of animal cruelty in the second degree, the court found both defendants not guilty due to economic distress. *Id.*

On May 13, 2010, the court sentenced defendant Joseph Dobbs¹ to 30 days confinement, converted to 240 hours of community service. CP

¹ Joseph Dobb's offender score was 0, giving him a standard range of one to three months. CP 4-5.

4-13. The court sentenced Amanda Dobbs² to 30 days with two days credit for time served; the court converted the remainder to 224 hours of community service. CP 50-59. The court also permanently barred both defendants from caring for or owning horses. CP 4-13, 50-59.

The court entered findings of fact and conclusions of law regarding the outcome of the bench trial on June 4, 2010. RP 18-25, 64-71.

2. Facts

In the summer of 2007, defendants purchased three horses. RP 363-64. Defendants originally boarded the three horses at Destiny Farms, which provided full accommodations for the animals. RP 283, 362.

In October of 2008, defendants moved their horses from Destiny Farms to their new property. RP 285. A month later, defendants separated and Amanda Dobbs moved out of the family house. RP 281-87. The horses remained with Joseph Dobbs. *Id.* After the marital separation, defendant Amanda Dobbs maintained some responsibility for the horses by feeding them three to four times a week. RP 287-88. Although defendants discussed the possibility of giving the horses to another owner, they took no such action. RP 285-86.

² Amanda Dobbs's offender score was 0, giving her a standard range sentence of one to three months. CP 50-51.

By December of 2008, defendant Amanda Dobbs observed that the horses appeared to be losing weight. RP 290. Although she sought advice and tried altering the feed she gave the horses, she did not provide additional food. RP 292-93. She testified that she discussed the issue with defendant Joseph Dobbs but they did not agree on a course of action. RP 294. They took no further actions to get the horses' weight back to normal. RP 293-94.

Defendant Joseph Dobbs testified that on February 24, 2009, that he saw that one of the horses, Dana Dominique (Nikki), had fallen at approximately 6:00 p.m. RP 364. With the aid of his daughter, he attempted to upright Nikki but failed. RP 364-65. He contacted defendant Amanda Dobbs and a friend, Shawn Casey. RP 365.

Defendant Amanda Dobbs and Mr. Casey arrived at approximately 6:45 p.m. RP 295. Defendants, their daughter, and Mr. Casey were unable to get Nikki to her feet, so they contacted a veterinarian. RP 295, 368.

Veterinarian Dr. John Dugan responded to defendants' call. RP 296, 203, 368. Dr. Dugan testified that when he arrived he found that Nikki had fallen down an embankment. RP 204. He did not observe any lacerations or abrasions but he did notice that Nikki appeared very weak, as if she had not eaten in some time. RP 206. He assessed Nikki as

having a body score of two or one and a half, where a healthy, properly fed horse would score a four or five. RP 204, 180. He also observed that Nikki exhibited signs of malnutrition. RP 206-07. Dr. Dugan gave an anti-inflammatory to Nikki and left additional medication with defendants for follow-up application. RP 207. He instructed defendants to contact him in the morning. RP 208. Based on the condition of Nikki at the time, he expected her to die. RP 208.

Both defendants left the property later that evening and did not return. RP 372, 298.

When Dr. Dugan did not hear from either defendant the following day, he contacted animal control. RP 211. On February 26, 2009, two days after the horse had fallen, animal control Officers Boman and Page arrived at the residence and first saw only two horses, both looking very thin and displaying prominent bone structures. RP 22-23. After walking the perimeter of the property, they finally saw a third horse lying under a blanket. RP 25. The horse was unresponsive to their calls, so the officers entered the property where they found the horse was dead. RP 26. They immediately left the property and obtained a search warrant. *Id.* Once they obtained a warrant, Pierce County Sheriff's Deputy Ruder arrived to aid in executing the search warrant. RP 33.

Dr. Linda Hagerman testified that she performed the necropsy on the horse on February 27, 2009. RP 96-97. The horse appeared severely underfed; she assessed its body score at two. RP 99-100. She had difficulty in determining the precise cause of death but, based on her training, she believed a metabolic problem caused by malnutrition led to the death of the horse. RP 109-110.

C. ARGUMENT.

1. THE STATE PRESENTED SUFFICIENT EVIDENCE FOR THE TRIAL COURT TO FIND DEFENDANTS GUILTY OF ANIMAL CRUELTY IN THE FIRST DEGREE.

Challenging the courts' conclusions of law and findings of fact, defendants claim that the State presented insufficient evidence to properly convict defendants of animal cruelty in the first degree.

a. The challenged findings are supported by substantial evidence.

Unchallenged findings of fact are verities on appeal while challenged findings will be upheld so long as they are supported by substantial evidence. *State v. Hill*, 123 Wn.2d 641, 644, 870 P.2d 313 (1994). "Substantial evidence is evidence sufficient to persuade a fair-minded, rational person of the truth of the finding." *State v. Mendez*, 137 Wn.2d 208, 214, 970 P.2d 722 (1999), *abrogated on other grounds by Brendlin v. California*, 551 U.S. 249, 127 S. Ct. 2400, 168 L.Ed.2d 132

(2007); *Hill*, 123 Wn.2d at 644. The trier of fact decides issues of credibility; appellate courts do not review such determinations. *State v. Camarillo*, 115 Wn.2d 60, 71, 794 P.2d 850 (1990), citing *State v. Casbeer*, 48 Wn. App. 539, 542, 740 P.2d 335 (1987).

Defendants challenge two of the courts findings of fact. App. Br. at 1. Specifically, they challenge the court's finding of fact #VI³, pertaining to Dr. Hagerman's necropsy of the horse and her testimony at trial, and finding of fact #IX, pertaining to Dr. Dugan's testimony regarding his examination of the horse. CP 20-21, 66-67 (Finding of Fact #VI, #IX). All remaining findings of fact are verities on appeal. *Hill*, 123 Wn.2d at 644.

Sufficient evidence supports each of the challenged findings of fact. During trial, the State presented multiple veterinary witnesses who addressed the medical condition of the horse in question. Dr. Dugan testified that the horse looked as if it had not eaten properly in quite some time. RP 206. On his initial examination, he assessed the horse had a body score of two or one and a half, indicating considerable lack of body fat and muscle. RP 204. Deterioration of muscle along the spine and back he attributed to poor nutritional state. RP 207. Specifically, he stated that "[i]t looked like he hasn't eaten in a long time, or on a consistent basis."

³ The trial court's findings of fact and conclusions of law, designated as CP 18-25 and 64-71, are attached as Appendix A (for defendant Joseph Dobbs) and Appendix B (for defendant Amanda Dobbs) for the court's convenience.

Id. He testified that a fallen horse would normally struggle but the horse in question did not, indicating that it was weak and exhausted; he credited this weakness and exhaustion to not having “eaten in a long time, or on a consistent basis.” RP 206. The court found Dr. Dugan’s testimony credible. CP 21, 67 (Finding of Fact #IX). The court had substantial evidence, through the testimony of Dr. Dugan, to persuade a rational person that “the animal clearly had not been fed.” *Id.*

Dr. Hagerman testified that at the time she performed the necropsy, she assessed that it was severely underweight which prompted her to rate it a body score of two, indicating severe malnourishment or starvation. RP 99-100. Furthermore, the horse had been left exposed to the elements when she arrived at the scene. RP 98. Although she had difficulty in determining the precise cause of death of the horse, she testified that she suspected a metabolic problem, likely caused by starvation. RP 109-110. Specifically, she testified that it was “probably more of a metabolic problem ... than a physical problem” due to the horse being “very thin and starving.” *Id.* The court found Dr. Hagerman credible. CP 20, 66 (Finding of Fact #VI). Dr. Hagerman’s testimony provided substantial evidence to support the trial court’s finding that “Hagerman concluded that the horse’s death was caused by metabolic disease caused by a lack of food and/or exposure to elements.” *Id.*

The testimony of both veterinarians provided substantial evidence to support the challenged findings.

- b. Under de novo review, the findings of fact and trial record support the court's conclusions of law.

The court reviews conclusions of law *de novo*. *State v. Gatewood*, 163 Wn.2d 534, 539, 182 P.3d 426 (2008), citing *State v. Armenta*, 134 Wn.2d 1, 9, 948 P.2d 1280 (1997). The reviewing court must verify that the findings of fact support the conclusions of law. *State v. Brockob*, 159 Wn.2d 311, 343, 150 P.3d 59 (2006).

Defendants challenge three of the court's conclusions of law: #3, #5, and #6. App. Br. at 1. Conclusion of law #3 states that Joseph Dobbs knowingly acted negligently with respect to the care of the horses. CP 24, 70 (Conclusion of Law #3). In conclusion of law #5, the court found that the horse experienced substantial pain and suffering caused by a lack of adequate food, leading to the horse's death. CP 24, 70 (Conclusion of Law #5). Finally, defendants challenge conclusion of law #6, in which the court held that defendants' actions caused the horse substantial pain and suffering, culminating in its death. CP 24, 70 (Conclusion of Law #6). Each conclusion of law must be reviewed *de novo*. *Gatewood*, 163 Wn.2d at 539.

The court concluded as a matter of law that defendants had been criminally negligent in allowing the horse to starve. CP 24, 70 (Conclusion of Law #3). "A person is criminally negligent or acts with criminal negligence when he or she fails to be aware of a substantial risk that a wrongful act may occur and his or her failure to be aware of such

substantial risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation.” RCW 9A.08.010. The facts of the case support the trial court’s conclusions. Both defendants shared responsibility for the horses’ welfare since they purchased them while married. CP 23, CP 69 (Finding of Fact #XVI). When defendants first purchased the horses in 2008, the horses “appeared to be in good physical shape and weight at the time.” CP 20, 66 (Finding of Fact #IV). After moving the horses to the new property, Amanda Dobbs observed that the horses were losing weight yet she provided no additional food nor did she have the horses examined by a veterinarian. CP 22, CP 68 (Finding of Fact #XIII). She informed Joseph Dobbs of the horses’ condition and he also failed to remedy the situation, despite living on the property with the horses. *Id.* At the time Dr. Dugan examined Nikki, she “clearly had not been fed.” CP 21, CP 67 (Finding of Fact #IX). Lack of food and improper care can create a substantial risk of death by starvation. Defendants’ failure to be aware of this risk constitutes a gross deviation from the standard of care a reasonable person would have exercised in the same situation. Thus, the court correctly concluded that defendants were criminally negligent in caring for the horse. CP 24, 70 (Conclusion of Law #3).

Officer Page testified that trees on the property had bark stripped from them. CP 20, 66 (Finding of Fact #VII). She also described a wooden playhouse on the property that had clear signs where wood had

been eaten away. *Id.* During the necropsy, Dr. Hagerman found metal and rocks in the horse's gastrointestinal tract. CP 20, 66 (Finding of Fact #VI). These items did not represent typical things that a horse would consume. *Id.* At trial, Dr. Hagerman stated that "if they are in a situation where they can't get anything else, they are only going to eat what is given to them[.]" RP 104. She also testified that horses experience pain when they do not eat. *Id.* Thus, the court properly concluded that the ingestion of metal and rocks caused the horse pain and suffering and that "[t]he pain and suffering caused by a lack of adequate food occurred over a period of 16-17 weeks and resulted in its death." CP 24, 70 (Conclusion of Law #5). Further, given that the court had previously concluded that defendants "acted with criminal negligence" regarding the care of the horse and that "the deceased horse experienced substantial pain and suffering" which "resulted in its death[.]" the conclusion that defendants' behavior caused pain and suffering that lead to the horses death properly follows. CP 24, 70 (Conclusion of Law #3, #5).

The trial court's conclusions of law are supported by the record and the findings of fact and should be affirmed.

- c. The State presented sufficient evidence to convict defendants of animal cruelty in the first degree.

Due process requires the State to prove every element of a crime beyond a reasonable doubt. *State v. McCullum*, 98 Wn.2d 484, 489, 656 P.2d 1064 (1983). When examining claims of insufficiency of evidence, the reviewing court must construe the evidence in light most favorable to the State. *State v. Salinas*, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). Given the evidence, the appropriate standard of review is whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *State v. Joy*, 121 Wn.2d 333, 338, 851 P.2d 654 (1993). “[A]ll reasonable inferences from the evidence must be drawn in favor of the State and interpreted most strongly against the defendant.” *Id.*, citing *State v. Partin*, 88 Wn.2d 899, 906-7, 567 P.2d 1136 (1977). Further, “claims of insufficiency admits the truth of the State’s evidence and all inferences that reasonably can be drawn from them.” *Id.*, citing *State v. Theroff*, 25 Wn. App. 590, 593, 608 P.2d 1254 (1980). Regarding issues of credibility, conflicting testimony, and persuasiveness of evidence, the review court must defer to the trier of facts interpretations. *State v. Walton*, 64 Wn. App. 410, 415-16, 824 P.2d 533 (1992).

“A person is guilty of animal cruelty in the first degree when, except as authorized by law, he or she, with criminal negligence, starves, dehydrates, or suffocates an animal and as a result causes: (a) Substantial and unjustifiable physical pain that extends for a period sufficient to cause considerable suffering; or (b) death.” RCW 16.52.205(2). Thus, the trier of fact must determine that a defendant negligently starved an animal and that, due to the starvation, caused the death of the animal. Testimony from a veterinarian and photographic exhibits showing the physical state of the animals may be sufficient to show knowing, reckless, or criminally negligent behavior. *State v. Zawistowski*, 119 Wn. App. 730, 737, 82 P.3d 698 (2004).

Defendant Amanda Dobbs acknowledged that the horses began to lose weight when they moved them out of the boarding establishment. RP 290. She alerted her husband and they discussed how to remedy it. RP 294. However, they took no action. As argued above, defendants’ inaction constituted criminal negligence. CP 24, 70 (Conclusion of Law #3).

Dr. Hagerman testified that a metabolic condition lead to the horse’s death. RP 109-110. It was her professional opinion that the metabolic condition resulted from underfeeding. *Id.* Thus, by starving the horse, the defendants’ criminal negligence resulted in the horse’s death. CP 24, 70 (Conclusion of Law #5).

The State presented sufficient evidence to convince a rational fact finder that both defendants were guilty of animal cruelty in the first degree.

2. THE COURT DID NOT EXCEED ITS AUTHORITY WHEN IT PERMANENTLY BARRED DEFENDANT AMANDA DOBBS FROM OWNING OR CARING FOR HORSES.

“The imposition of a crime-related prohibition is generally reviewed for abuse of discretion.” *State v. Armendariz*, 160 Wn.2d 106, 110, 156 P.3d 201 (2007). Whether a court has the authority to impose a specific prohibition rests in statutory interpretation. *Id.* The court reviews questions of statutory interpretation *de novo*. *Id.*, citing *State v. J.P.*, 149 Wn.2d 444, 449, 69 P.3d 318 (2003). The court considers the plain language of a statute to determine its meaning and, if not ambiguous, enforces it according to that plain meaning. *Id.* at 110.

“*Unless a different maximum sentence for a classified felony is specifically established by a statute of this state*, no person convicted of a classified felony shall be punished by confinement or fine exceeding the following: ... (c) For a class C felony, by confinement in a state correctional institution for five years, or by a fine in an amount fixed by the court of ten thousand dollars, or by both such confinement and fine.” RCW 9A.20.021(1) (emphasis added). These restrictions have been held

to also apply to crime-related prohibitions imposed by the court.

Armendariz, 160 Wn.2d at 119. However, when a specific felony statute directs a greater sentence, the limitation of RCW 9A.20.021 does not apply for that element of the sentence.

The animal cruelty statute imposes additional restrictions on persons convicted of animal cruelty, including required counseling, specific forms of restitution, and forfeiture of animals. RCW 16.52.200. When a defendant is convicted of animal cruelty in the first degree in which “any one of the animals involved dies as a result of [the] violation,” the court “shall order forfeiture of all animals held by law enforcement or animal care and control authorities[.]” RCW 16.52.200(3). Further, if the court orders such forfeiture, “the owner shall be prohibited from owning or caring for any similar animals for a period of time as follows: ... (b) Permanently for a first conviction of animal cruelty in the first degree under RCW 16.52.205[.]” *Id.*

During sentencing, the State specifically recommended that the court impose an order “that prohibits either party from owning a same or similar type of animal.” RP 462. Further, the State added that “[i]t is a permanent barment for owning a same or similar type of animal.” *Id.* Thus, as allowed by RCW 9A.20.020(1), the court imposed the greater penalty associated with RCW 16.52.200.

Defendant Amanda Dobbs claims that the court ordered a permanent prohibition of caring for horses pursuant to RCW 16.52.205, and that the court did not have the authority to make this crime-related prohibition permanent due to the restriction imposed by RCW 9A.20.020(1). Br. App. II at 7⁴. However, since RCW 9A.20.020 specifically defers to felony statutes which provide greater maximum penalty, the court did not error in its sentence as its order came from RCW 15.52.200(5). The explicit, permanent prohibition grants the court sufficient authority to permanently bar defendants from owning or caring for horses in the future.

D. CONCLUSION.

In the conduct of the bench trial, the court had sufficient evidence to conclude that criminal negligence by defendants lead to the death of a horse, meeting the requirements for animal cruelty in the first degree set forth by RCW 16.52.205. Further, given the specific restrictions imposed on defendants convicted of animal cruelty by RCW 16.52.200, the court

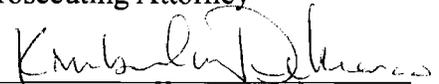
⁴ Defendants Joseph and Amanda Dobbs filed separate briefs to the Court of Appeals. Amanda Dobbs' brief will be referenced as Br. App. II to avoid confusion.

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did not exceed its authority when it permanently prohibited defendants from owning or caring for horses. For the reasons argued above, the State respectfully requests that defendants' judgment be affirmed.

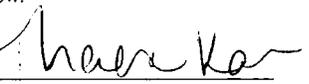
DATED: February 3, 2011.

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Andrew Asplund
Legal Intern

Certificate of Service:
The undersigned certifies that on this day she delivered by U.S. mail or ABC-LMI delivery to the attorney of record for the appellant and appellant c/o his attorney true and correct copies of the document to which this certificate is attached. This statement is certified to be true and correct under penalty of perjury of the laws of the State of Washington. Signed at Tacoma, Washington, on the date below.

2-3-11 
Date Signature

APPENDIX A

09-1-02397-4

1 or other medical condition as a cause of death. Hagerman concluded that the horse's death was
2 caused by metabolic disease caused by a lack of food and/or exposure to elements.

3 Dr. Hagerman testified that the deceased horse was severely underweight, with prominent
4 bony structures clearly visible. Hagerman observed abrasions and lacerations on the horse's
5 body, none of which would have caused the horse's death. During the necropsy, Hagerman
6 found metal and rocks in the horse's gastro-intestinal tract which are not normal objects for a
7 horse to consume. Dr. Hagerman's testimony was very credible.

8 Dr. Hagerman testified that "cribbing" is not eating wood, instead it is a nervous habit
9 where an animal hooks its teeth onto an object and begins sucking air.

10 Dr. Hagerman also testified that eating wood is not normal for a horse and that horses
11 experience pain when not eating.

12 VII.

13 Jody Page, an animal control officer with Pierce County, observed trees on the property
14 with bark that appeared to have been stripped off of the branches.

15 A play house on the property had trim where the wood had clearly been eaten away along
16 with the flooring inside the structure which had been eaten down to the nails.

17 Ms. Page is aware of at least 15 horse rescue organizations in the area that coordinate
18 foster homes for horses and has contacts with as many as 25 organizations that assist with paying
19 for feed. Ms. Page, whose testimony was credible, takes up to 5 calls a weeks from individuals
20 who are financially unable or are unwilling to feed and/or care for their horses and has never
21 turned down a request for assistance.

22 Ms. Page testified regarding the condition of the sorrel mare in particular who was
23 severely underweight.
24
25

VIII.

1 Dr. Mark Ness, whose testimony the court also finds credible, testified as to his
2 examination of the two surviving horses, approximately 3 weeks after their rescue. The horses
3 were still underweight.
4

5 Dr. Ness obtained blood samples which indicated no evidence of an underlying medical
6 condition which would explain the horses' weight loss or prevent them from improving their
7 body condition and gaining weight.

IX.

8
9 Dr. John Dugan testified that when he went to the residence on February on February 24,
10 2009, the horse that he examined was thin with no fat reserves and was losing muscle along its
11 spine and back. The horses' extremities were cold and the animal clearly had not been fed.

12 Dr. Dugan gave pain medication to Mr. Dobbs to make the horse more comfortable. In
13 Dr. Dugan's opinion, the horse clearly was not going to survive. Dr. Dugan asked Dobbs to call
14 him in the morning. Mr. Dobbs asked Dr. Dugan about rescue organizations that were available
15 to take the horses. Dr. Dugan offered to provide the contact information but Dobbs never
16 followed through with a phone call the following day or any other day.
17

18 Dr. Dugan's testimony was credible.

X.

19
20 Dr. Margaret DeGravelles testified that she examined the surviving horses which were
21 responsive, but quiet. The horses did not appear lethargic which she would expect if they were
22 battling a disease or infection. The horses were interested in eating.
23
24
25

09-1-02397-4

1 Dr. DeGravelles testified that both of the horses were in poor physical condition, lacked
2 any fat reserves but had no signs of infection, growths or other indications of disease which
3 would explain the weight loss or prevent either of them from maintaining a healthy weight.

4 XI.

5 Cassandra Houghton testified but could not remember details regarding the events
6 surrounding the horses' care or lack of care. The court disregarded her testimony entirely.

7 XII.

8 Robert Spaulding also testified but was not helpful and gave no specific details regarding
9 the care of the horses.

10 XIII.

11 Amanda Dobbs appeared nervous during her testimony. Ms. Dobbs testified that there
12 was no agreement between herself and Mr. Dobbs regarding what to do with the horses.

13 What is clear from Ms. Dobbs' testimony is that she noticed that the horses were losing
14 weight in early December, 2008 and that she talked with Mr. Dobbs about it.

15 XIV.

16 Shawn Casey testified that he is good friends with Mr. Dobbs, that there were fights
17 between Mr. and Mrs. Dobbs regarding care of the horses.

18 Mr. Casey testified that the horses looked bad but there was no change in their condition
19 between November, 2008 and February, 2009. The court did not find Mr. Casey's testimony
20 regarding the lack of any change in condition to be credible given the photographs taken in
21 October, 2008.

22 XV.
23
24
25

09-1-02397-4

1 Sandra Servine testified regarding feed that was purchased by defendants. Ms. Servine's
2 testimony was not helpful given that her memory as to specific details about feed that may have
3 been purchased was not good.

4 XVI.

5 Joseph Dobbs testified that between November, 2008 and February, 2009, he had no
6 money and was emotionally devastated over the separation with Mrs. Dobbs.

7 Mr. Dobbs' mantra throughout his testimony was that the horses were Mrs. Dobbs'
8 responsibility, even though the horses had clearly been purchased during the marriage.

9 Mr. Dobbs' testimony was filled with inconsistencies and was not credible.

10 From the foregoing Findings of Fact, the Court makes the following Conclusions of Law.

11 CONCLUSIONS OF LAW

12 I.

13 That the Court has jurisdiction of the parties and subject matter.

14 II.

15 That all relevant events or at least one element of the crime occurred in Pierce County.

16 III.

17 That JOSEPH CHARLES DOBBS is guilty beyond a reasonable doubt of the crime of
18 ANIMAL CRUELTY IN THE FIRST DEGREE, in that, on or about the period between
19 November 1, 2008 and February 26, 2009, JOSEPH CHARLES DOBBS:
20
21
22
23
24
25

09-1-02397-4

- 1 1. Allowed the three horses to starve. Even though Mr. Dobbs saw that the horses
2 were losing weight, he blamed Mrs. Dobbs.
- 3 2. There was an inadequate amount of food provided for the three horses on the
4 property.
- 5 3. Mr. Dobbs acted with criminal negligence in that she was aware of a substantial
6 risk of starvation to the horses, that he argued with Mrs. Dobbs about it and that his failure to act
7 was a gross deviation from the standard of care that a reasonable person would exercise in the
8 same situation.
- 9 4. Mr. Dobbs shares equal responsibility with Mrs. Dobbs for the care of the horses,
10 both were aware of the horses' condition and failed to provide adequate food for the horses.
- 11 5. The fact that the horses ate wood and the presence of metal and rocks in the
12 gastro-intestinal tract of the deceased horse indicates that the deceased horse experienced
13 substantial pain and suffering. The pain and suffering caused by a lack of adequate food
14 occurred over a period of 16-17 weeks and resulted in its death.
- 15 6. Mr. Dobbs' actions caused substantial and unjustifiable pain which resulted in the
16 death of one of the horses.
- 17 7. With respect to the two surviving horses, the court finds that although the horses
18 clearly were not a priority and both defendants put their own needs first, the defendant has met
19 her burden of proof by a preponderance of the evidence that the failure to provide adequate food
20 and shelter for the horses was due to economic distress beyond defendant's control.
- 21 8. The court therefore finds Mr. Dobbs not guilty of Animal Cruelty in the Second
22 Degree as charged in Counts II and III.
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09-1-02397-4

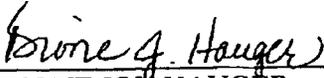
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DONE IN OPEN COURT this 4th day of June, 2010.



JUDGE Kitty-Ann van Doorninck

Presented by:

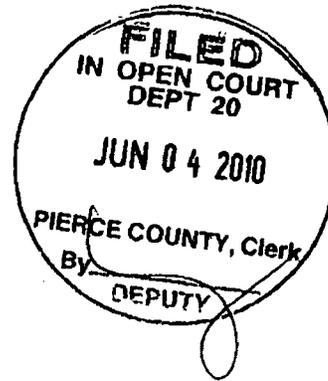


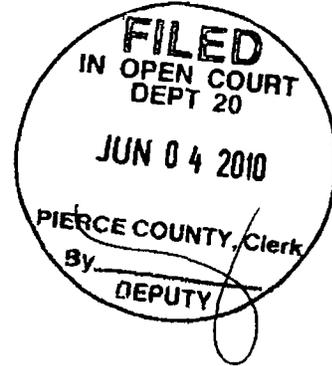
DIONE JOY HAUGER
Deputy Prosecuting Attorney
WSB # 25104

Approved as to Form:



DAVID KATAYAMA
Attorney for Defendant
WSB # 33758





SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-02398-2

JUN 04 2010

vs.

JOSEPH CHARLES DOBBS,

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
RE: BENCH TRIAL

Defendant.

THIS MATTER having come on before the Honorable K. A. VanDoominck, Judge of the above entitled court, for bench trial on the 21st day of April, through the 5th day of May, 2010, the defendant having been present and represented by attorney DAVID KATAYAMA, and the State being represented by Deputy Prosecuting Attorney DIONE JOY HAUGER, and the court having observed the demeanor and heard the testimony of the witnesses and having considered all the evidence and the arguments of counsel and being duly advised in all matters, the Court makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

I.

That on 13th day of May, 2009, an Information was filed charging the defendant with ANIMAL CRUELTY IN THE FIRST DEGREE. That on the 22nd day of February, 2010, an Amended Information was filed charging the defendant with two additional counts of ANIMAL CRUELTY IN THE SECOND DEGREE.

II.

1 The defendants, JOSEPH AND AMANDA DOBBS, were husband and wife. Defendants
2 purchased a residence at 31702 – 67th Avenue South, Roy, WA. That residence is located in
3 Pierce County, Washington.
4

III.

5 During the summer of 2007, defendants purchased three horses. The purchase occurred
6 while the parties were married.
7

IV.

8 Defendant, Amanda Dobbs, moved out of the residence during the first week of
9 November, 2008. Photographs of the horses taken in October, 2008 and provided by Ms. Dobbs,
10 show that the three horses appeared to be in good physical shape and weight at that time.
11

V.

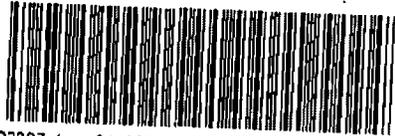
12 On February 24, 2009, Doctor John Dugan, a veterinarian, was called to the residence
13 when one of the horses, Dominique, was pulled out from underneath a fence. Dominique had
14 superficial scratches and abrasions and according to the testimony of Dr. Dugan was weak and
15 had cold extremities. Dr. Dugan testified that the horse was thin with a body condition score of
16 1.5, had no fat and was losing muscle.
17

18 On February 26, 2009, when officers from Pierce County Animal Control went to the
19 residence, the horse was dead.
20

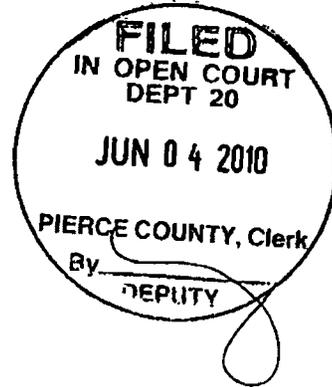
VI.

21 Doctor Linda Hagerman performed a necropsy on the deceased horse and found no
22 obvious cause of death. Dr. Hagerman found no evidence of and ruled out any disease, infection
23
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APPENDIX B



09-1-02397-4 34420214 FNCL 06-04-10



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 09-1-02397-4

vs.

AMANDA LOUISE DOBBS,

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
RE: BENCH TRIAL

JUN 04 2010

Defendant.

THIS MATTER having come on before the Honorable K. A. VanDoorninck, Judge of the above entitled court, for bench trial on the 21st day of April, through the 5th day of May, 2010, the defendant having been present and represented by attorney DANA MICHAEL RYAN, and the State being represented by Deputy Prosecuting Attorney DIONE JOY HAUGER, and the court having observed the demeanor and heard the testimony of the witnesses and having considered all the evidence and the arguments of counsel and being duly advised in all matters, the Court makes the following Findings of Fact and Conclusions of Law.

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V.

13 On February 24, 2009, Doctor John Dugan, a veterinarian, was called to the residence
14 when one of the horses, Dominique, was pulled out from underneath a fence. Dominique had
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17 1.5, had no fat and was losing muscle.
18

19 On February 26, 2009, when officers from Pierce County Animal Control went to the
20 residence, the horse was dead.

VI.

21
22 Doctor Linda Hagerman performed a necropsy on the deceased horse and found no
23 obvious cause of death. Dr. Hagerman found no evidence of and ruled out any disease, infection
24
25

1 or other medical condition as a cause of death. Hagerman concluded that the horse's death was
2 caused by metabolic disease caused by a lack of food and/or exposure to elements.

3 Dr. Hagerman testified that the deceased horse was severely underweight, with prominent
4 bony structures clearly visible. Hagerman observed abrasions and lacerations on the horse's
5 body, none of which would have caused the horse's death. During the necropsy, Hagerman
6 found metal and rocks in the horse's gastro-intestinal tract which are not normal objects for a
7 horse to consume. Dr. Hagerman's testimony was very credible.

8 Dr. Hagerman testified that "cribbing" is not eating wood, instead it is a nervous habit
9 where an animal hooks its teeth onto an object and begins sucking air.

10 Dr. Hagerman also testified that eating wood is not normal for a horse and that horses
11 experience pain when not eating.

12 VII.

13 Jody Page, an animal control officer with Pierce County, observed trees on the property
14 with bark that appeared to have been stripped off of the branches.

15 A play house on the property had trim where the wood had clearly been eaten away along
16 with the flooring inside the structure which had been eaten down to the nails.

17 Ms. Page is aware of at least 15 horse rescue organizations in the area that coordinate
18 foster homes for horses and has contacts with as many as 25 organizations that assist with paying
19 for feed. Ms. Page, whose testimony was credible, takes up to 5 calls a weeks from individuals
20 who are financially unable or are unwilling to feed and/or care for their horses and has never
21 turned down a request for assistance.
22

23 Ms. Page testified regarding the condition of the sorrel mare in particular who was
24 severely underweight.
25

VIII.

1 Dr. Mark Ness, whose testimony the court also finds credible, testified as to his
2 examination of the two surviving horses, approximately 3 weeks after their rescue. The horses
3 were still underweight.
4

5 Dr. Ness obtained blood samples which indicated no evidence of an underlying medical
6 condition which would explain the horses' weight loss or prevent them from improving their
7 body condition and gaining weight.

IX.

8
9 Dr. John Dugan testified that when he went to the residence on February on February 24,
10 2009, the horse that he examined was thin with no fat reserves and was losing muscle along its
11 spine and back. The horses' extremities were cold and the animal clearly had not been fed.

12 Dr. Dugan gave pain medication to Mr. Dobbs to make the horse more comfortable. In
13 Dr. Dugan's opinion, the horse clearly was not going to survive. Dr. Dugan asked Dobbs to call
14 him in the morning. Mr. Dobbs asked Dr. Dugan about rescue organizations that were available
15 to take the horses. Dr. Dugan offered to provide the contact information but Dobbs never
16 followed through with a phone call the following day or any other day.
17

18 Dr. Dugan's testimony was credible.

X.

19
20 Dr. Margaret DeGravelles testified that she examined the surviving horses which were
21 responsive, but quiet. The horses did not appear lethargic which she would expect if they were
22 battling a disease or infection. The horses were interested in eating.
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09-1-02397-4

1 Dr. DeGravelles testified that both of the horses were in poor physical condition, lacked
2 any fat reserves but had no signs of infection, growths or other indications of disease which
3 would explain the weight loss or prevent either of them from maintaining a healthy weight.

4 XI.

5 Cassandra Houghton testified but could not remember details regarding the events
6 surrounding the horses' care or lack of care. The court disregarded her testimony entirely.

7 XII.

8 Robert Spaulding also testified but was not helpful and gave no specific details regarding
9 the care of the horses.

10 XIII.

11 Amanda Dobbs appeared nervous during her testimony. Ms. Dobbs testified that there
12 was no agreement between herself and Mr. Dobbs regarding what to do with the horses.

13 What is clear from Ms. Dobbs' testimony is that she noticed that the horses were losing
14 weight in early December, 2008 and that she talked with Mr. Dobbs about it.

15 XIV.

16 Shawn Casey testified that he is good friends with Mr. Dobbs, that there were fights
17 between Mr. and Mrs. Dobbs regarding care of the horses.

18 Mr. Casey testified that the horses looked bad but there was no change in their condition
19 between November, 2008 and February, 2009. The court did not find Mr. Casey's testimony
20 regarding the lack of any change in condition to be credible given the photographs taken in
21 October, 2008.

22 XV.
23
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09-1-02397-4

1 Sandra Servine testified regarding feed that was purchased by defendants. Ms. Servine's
2 testimony was not helpful given that her memory as to specific details about feed that may have
3 been purchased was not good.

4 XVI.

5 Joseph Dobbs testified that between November, 2008 and February, 2009, he had no
6 money and was emotionally devastated over the separation with Mrs. Dobbs.

7 Mr. Dobbs' mantra throughout his testimony was that the horses were Mrs. Dobbs'
8 responsibility, even though the horses had clearly been purchased during the marriage.

9 Mr. Dobbs' testimony was filled with inconsistencies and was not credible.

10 From the foregoing Findings of Fact, the Court makes the following Conclusions of Law.

11 CONCLUSIONS OF LAW

12 I.

13 That the Court has jurisdiction of the parties and subject matter.

14 II.

15 That all relevant events or at least one element of the crime occurred in Pierce County.

16 III.

17 That AMANDA LOUISE DOBBS is guilty beyond a reasonable doubt of the crime of
18 ANIMAL CRUELTY IN THE FIRST DEGREE, in that, on or about the period between
19 November 1, 2008 and February 26, 2009, AMANDA LOUISE DOBBS:
20
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1 1. Allowed the three horses to starve. Even though Ms. Dobbs saw that the horses
2 were losing weight, she blamed Mr. Dobbs.

3 2. There was an inadequate amount of food provided for the three horses on the
4 property.

5 3. Ms. Dobbs acted with criminal negligence in that she was aware of a substantial
6 risk of starvation to the horses, that she argued with Mr. Dobbs about it and that her failure to act
7 was a gross deviation from the standard of care that a reasonable would exercise in the same
8 situation.

9 4. Ms. Dobbs shares equal responsibility with Mr. Dobbs for the care of the horses,
10 both were aware of the horses' condition and failed to provide adequate food for the horses.

11 5. The fact that the horses ate wood and the presence of metal and rocks in the
12 gastro-intestinal tract of the deceased horse indicates that the deceased horse experienced
13 substantial pain and suffering. The pain and suffering caused by a lack of adequate food
14 occurred over a period of 16-17 weeks and resulted in its death.

15 6. Ms. Dobbs actions caused substantial and unjustifiable pain which resulted in the
16 death of one of the horses.

17 7. With respect to the two surviving horses, the court finds that although the horses
18 clearly were not a priority and both defendants put their own needs first, the defendant has met
19 her burden of proof by a preponderance of the evidence that the failure to provide adequate food
20 and shelter for the horses was due to economic distress beyond defendant's control.

21 8. The court therefore finds Ms. Dobbs not guilty of Animal Cruelty in the Second
22 Degree as charged in Counts II and III.
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DONE IN OPEN COURT this 4th day of June, 2010.

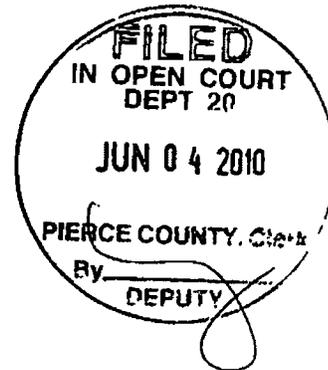
[Signature]
JUDGE Kitty-Ann van Doorninck

Presented by:

[Signature]
DIONE JOY HAUGER
Deputy Prosecuting Attorney
WSB # 25104

Approved as to Form:

[Signature]
DANA MICHAEL RYAN
Attorney for Defendant
WSB # 17418



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