

TRIAL RECORD
(Feb. 18-19, 2016)

State v. Kaitlin Landley
Solar County Circuit Court Case No. 18-2413
State of Mined

Charges:

- Count I: Animal Cruelty (Class A misdemeanor)**
Count II: Interference with an Assistance or Therapy Animal
(Class C felony)
Count III: Unlawful Use of a Weapon (Class A misdemeanor)

List of Received Exhibits:

State's No. 101-105
Defendant's No. 201-202

The jury has been selected and sworn. The attorneys have presented their opening statements. After a short recess, court reconvened and the following events transpired:

- CLERK: All rise.
- JUDGE: Thank you. Please be seated. Is the State ready?
- PROS ATTY: Yes, Your Honor.
- JUDGE: And is the Defense ready?
- DEF ATTY: We are, Your Honor.
- JUDGE: Counsel for the State, you may call your first witness.
- PROS ATTY: Thank you, Your Honor. The State calls Ms. Sally Meadows to the stand.
- CLERK: Please approach the witness stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?
- MEADOWS: I do.
- CLERK: Ms. Meadows, please state your full name and spell your last for the record.

MEADOWS: Sally Meadows, that's S-A-L-L-Y M-E-A-D-O-W-S.

PROS ATTY: Ms. Meadows, where do you live?

MEADOWS: 514 Bridge St., in Lakeview Village.

PROS ATTY: Is that located in the State of Mined?

MEADOWS: Yes.

PROS ATTY: Ms. Meadows, what do you do for a living?

MEADOWS: I'm a part-time special education teacher at the local elementary school, Lakeview Elementary.

PROS ATTY: How long have you been teaching there?

MEADOWS: Going on 14 years now, 8 years full time until my son started needing more help, and then I cut back.

PROS ATTY: Can you tell us about your son?

MEADOWS: Yes, I have one son, Stevie. He lives with me most of the time, except every other weekend he goes to his father's house in Expedia, my ex-husband Rick's place.

PROS ATTY: How old is Stevie?

MEADOWS: He's 10 years old, but you wouldn't know it to look at him ... he's small for his age, he was born premature. He's got all this anxiety which is why he needs a therapy animal—

DEF ATTY: Objection, Ms. Meadows is not qualified to testify about the child's medical diagnosis or the classification of the animal. We discussed this in pretrial motions your Honor.

JUDGE: Yes, I'll sustain. Counsel, I would remind your witness to please only answer the questions asked.

PROS ATTY: Yes, your Honor. Ms. Meadows, can you tell us about what you yourself observe about Stevie's behavior on a daily basis?

MEADOWS: Yes, well, he gets really anxious, especially when he's around a lot of people or when he thinks something bad's

going to happen, like if somebody starts arguing. When he's nervous or upset about something, he starts this rocking back and forth ...

PROS ATTY: How long has Stevie acted this way?

MEADOWS: As long as I can remember, really. He's always been real shy and hates strangers. But I would have to say when my ex and I divorced about four years back, in 2011, that Stevie really shut down. He was about 6 at the time.

PROS ATTY: Is there anything that has helped Stevie with his anxiety, in your observation?

MEADOWS: Yes, he absolutely loves his ferret, Chester. Or, I should say, loved, until that brat murdered him— *[crying]*

DEF ATTY: Objection, speculation, the witness did not observe the animal dying.

JUDGE: Sustained. Ms. Meadows, again, please limit your testimony to what you actually experienced.

PROS ATTY: Ms. Meadows, tell us about the relationship between Stevie and Chester.

MEADOWS: Well, they grew up together you could say. I got Chester for Stevie not long after me and my ex split, around Stevie's seventh birthday. They're bonded—Stevie was connected to that little guy more than any human, besides me. Chester would sleep in bed with him, follow him around the house ... it was the cutest thing, when Chester was little he would even perch on Stevie's shoulder when he walked around. People don't really know that ferrets can be such great pets, they're really social and easygoing.

PROS ATTY: Is this a picture of Chester and Stevie?

MEADOWS: Yes, that's from last summer. Must have been a hot day 'cause he's got one of those icy pops in his mouth!

PROS ATTY: The State would like to offer Exhibit 101 into evidence.

DEF ATTY: No objection.

JUDGE: Exhibit received.

PROS ATTY: Did Chester always stay inside the house?

MEADOWS: Well, for the most part, but sometimes he'd go outside. See we have some kitties, too, 'cause I rescue cats. Chester really thought he was a cat, you know, so he would go outside when the cats did sometimes. And he'd follow Stevie outside the house, into the backyard. And they'd go on walks.

PROS ATTY: Can you tell me what you see now in this picture I'm holding up?

MEADOWS: Yes, that's a picture of Chester we took last year, when he and Stevie were on one of their walks together.

PROS ATTY: The State would like to offer Exhibit 102 into evidence.

DEF ATTY: No objection.

JUDGE: Exhibit received.

PROS ATTY: Did Chester ever go outside on his own?

MEADOWS: Yeah I had litter boxes inside for him and all the cats, but Chester also liked to go outside, you know, since he saw the other cats do it. We had a cat door cut into our back door, so everybody could come and go when they wanted. But Chester was mostly with Stevie.

PROS ATTY: So even though Chester was bonded with Stevie, Chester would still go outside on his own sometimes just like the cats did?

MEADOWS: Yes of course! Ferrets just like cats follow their instincts, they like the fresh air and follow their predatory drive. It's just crazy to keep these animals cooped up inside all day if they don't want to ... I know a lot of ferrets stay indoors all day, but I think that's cruel.

PROS ATTY: Ms. Meadows, did you and your family ever take Chester to any training classes?

MEADOWS: Yes, we took him to the "Paws for a Cause" training over at the Lakeview Mall a couple years ago.

PROS ATTY: Can you tell us what “Paws for a Cause” is?

MEADOWS: Sure, it’s a program that trains animals like cats, dogs, ferrets, whatever to be therapy—to be animals that can comfort kids like Stevie who ... have special needs.

PROS ATTY: And you took Chester to this training specifically to help with Stevie’s needs?

MEADOWS: Yes, exactly. After the divorce, Stevie really shut down, more than he had before. He was having trouble interacting in school his teachers said. So we got him Chester. They really bonded right off the bat, and we wanted to be able to take Chester places with us, like to the store, on trips, and I thought maybe even to school with Stevie. So I signed up for this “Paws for Cause” class.

PROS ATTY: Did you receive any certification from the class?

MEADOWS: Yes, they gave us a certificate.

PROS ATTY: Is this the certificate?

MEADOWS: Yes.

PROS ATTY: Your Honor, we’d like to submit Exhibit 103 into evidence.

DEF ATTY: No objection.

JUDGE: Exhibit received.

PROS ATTY: Ms. Meadows, I know that this will be difficult, but can you tell us about what happened the night of Wednesday, July 29, 2015?

MEADOWS: Yes, that was the night she—the night we lost our Chester.

PROS ATTY: Tell us what happened that night. What were you doing that evening?

MEADOWS: I was watching my favorite show, the Cat Whisperer, on A&C, and was about ready to call all the cats in for bed.

PROS ATTY: What time of night was that?

MEADOWS: Well that show's on every Wednesday at 8:30, so I'd say it had to have been between 8:30 and 9.

PROS ATTY: Was it dark at that time?

MEADOWS: Getting darker, but not completely dark. Beautiful summer night, not too hot, a cool breeze comin' in off the patio. I know it wasn't dark yet because when I looked outside I could still see to the end of my yard. And besides I always call the cats in by dark, with all the coyotes in the neighborhood.

PROS ATTY: What happened while you were watching TV?

MEADOWS: Well, I remember thinking to myself, next commercial I'm gonna go call them in, because they usually come back by dark on their own for their dinner. On nice summer nights like this they sometimes stay out later than usual. So I was thinking I'll call them in in a few minutes, and I heard a screech.

PROS ATTY: What kind of screech?

MEADOWS: It was our Chester! She shot him!

DEF ATTY: Objection, speculation!

JUDGE: Yes, Ms. Meadows, I need to remind you again to please describe only what you witnessed and observed.

PROS ATTY: Ms. Meadows, what did the screech sound like?

MEADOWS: It sounded like Chester was crying out in pain. Have you ever stepped on a cat's tail by accident? That happened to Chester once, Stevie was running through the house and got his tail, not on purpose, but horrible sound. This sounded like that, except 100 times worse ...

PROS ATTY: What did you do then?

MEADOWS: Well I was worried for my little guys, so I jumped up and called them in.

PROS ATTY: How did you call them?

MEADOWS: I went to the screen door that leads to the backyard, and called them by name. I also shook the food bucket, they usually come running when they hear that. I can always hear Chester coming because of the bell around his collar.

PROS ATTY: And did your pets come when you called them?

MEADOWS: Well, 6 of them did ... all the cats, everyone except Chester. A couple cats were already in the house.

PROS ATTY: Ms. Meadows, was your son Stevie with you that evening?

MEADOWS: No, he was at his father's that night. Like I said he usually goes out there every other weekend but that week, we had been out of town for the weekend, so Stevie was at his dad's Tuesday and Wednesday.

PROS ATTY: Did Chester ever come home?

MEADOWS: No! We never saw him again ... *[sniffing]* ... This has just devastated us, devastated Stevie ... that ferret was his only real friend, and he'll just never be the same.

PROS ATTY: Ms. Meadows, I know this is hard. Can you describe your relationship with the Defendant?

MEADOWS: Well, there wasn't really a relationship at all. She moved in next door about a year ago, and was never really friendly. There isn't too much privacy between our yards, though, just a chain-link fence, so I would see her out there sometimes with her binoculars, looking for god-knows-what. When she first moved in, I went right up to the fence and introduced myself, just small talk, you know. Turns out she works at our vet's office, go figure. Fresh out of vet school. But really anytime she was out on her deck, and I'd give her a wave, she just kind of nodded back. For a vet, she wasn't very friendly with our animals. I remember being really surprised by that.

PROS ATTY: Did the Defendant ever see your son?

MEADOWS: Definitely. Stevie loved to go outside with Chester, he'd walk him on a harness up and down the block. I know that they ran into Kaitlin and her old golden a few times, because that dog seemed really afraid of Chester. Stevie really got a kick

out of that. Plus, like I said, we took our animals to the vet where she works, Lakeview Vet Clinic.

PROS ATTY: So, to your knowledge, the Defendant was aware of your son's special relationship with Chester?

DEF ATTY: Objection, speculation.

PROS ATTY: I'll rephrase. Ms. Meadows, was it widely known that Stevie had special needs?

MEADOWS: Absolutely.

PROS ATTY: And was it widely known that Chester helped Stevie with those needs?

MEADOWS: For sure. Like I said, he was the only kid on the street walking a ferret on a leash, I'll tell you that much! And, he was outside with Chester all the time in our backyard. She must have seen them together.

PROS ATTY: Thank you, Ms. Meadows. Nothing further.

JUDGE: Defense, cross?

DEF ATTY: Thank you your Honor. Ms. Meadows, you have quite a few cats as you mentioned. How many cats do you have total?

MEADOWS: Right now, 8.

DEF ATTY: Those are 8 cats that live with you in your home?

MEADOWS: That's right.

DEF ATTY: But there are quite a number of other cats that you feed on your property, isn't that right?

MEADOWS: Well, yes ... there are a lot of poor kitties that just roam the neighborhood, that don't have a home. So I put food outside for them too ... but they won't really get too close or come in the house.

DEF ATTY: How many of these "other" feral cats would you say you feed each day, in addition to the 8 that come into your home at night?

MEADOWS: Hard to say ... maybe 15, 20?

DEF ATTY: So it would be safe to say that at any given time, there are easily more than 20 cats roaming around your property.

MEADOWS: Well, they come and go, but at feeding time ... I guess that's right.

DEF ATTY: Ms. Meadows, you talked quite a bit about your son's anxiety. Did he take Chester with him everywhere he went to help with this anxiety?

MEADOWS: Yes, when he could ... Ches came with us to the store sometimes, and like I said he would go on walks with him.

DEF ATTY: Did your son take the Chester to school with him?

MEADOWS: No ... they wouldn't allow it. They said it's a safety issue. I did talk to a lawyer about it, but I guess Chester would have to be a service animal for a physical disability or something for us to win that one. Trust me, I've fought with them on this, even considered home-schooling.

DEF ATTY: And Stevie has not failed out of school, correct?

MEADOWS: It's a struggle every day to get him out of bed and to that school ... It helps that I am there with him some days that I teach.

DEF ATTY: And Chester was not with your son on the night of July 29, when Stevie was at your ex-husband's place?

MEADOWS: Well no, don't even get me started on that! That bimbo that my ex shacked up with says she's got allergies, so the last couple years when Stevie's over there he can't take Chester with him. Even though I've told them many times that ferrets are really much better for allergies, she probably doesn't even know for sure.

DEF ATTY: So when you say that Stevie took Chester everywhere, that's not completely accurate, right? Your son was physically capable of being without Chester?

MEADOWS: Well, he didn't have much of a choice ... the courts gave my ex joint custody for some god-forsaken reason, and she didn't allow Chester in that house.

DEF ATTY: Ms. Meadows, you said that you took Chester to a training. What did you have to do in order to complete that training?

MEADOWS: Well they had all kinds of people speaking, and I showed him to a few of the handlers ...

DEF ATTY: Did anyone actually evaluate Chester's temperament?

MEADOWS: What do you mean?

DEF ATTY: I mean did Chester have to take any kind of test, respond to any certain commands, meet any actual requirements to receive the certificate?

MEADOWS: Mmm no, I mean like I said we brought him with us, but no one there really tested him ... It was more like people talking to us, telling us how an animal like Chester can help a kid like Stevie.

DEF ATTY: Ms. Meadows, did Chester wear any kind of identifying clothing, tags, anything identifying him as an assistance or therapy animal?

MEADOWS: He always had his collar on, and we put his harness on when we took him out in public, but it didn't say anything special ... just a harness.

DEF ATTY: Did Chester's collar identify him as an assistance animal?

MEADOWS: It had his name, and our phone number ... but no, nothing else.

DEF ATTY: So a person who simply looked at the ferret and his collar, his harness, could not actually know that Chester was supposedly an assistance animal?

MEADOWS: Well, not a stranger ... but people that knew us, and who knew Chester, people in the neighborhood, places we went all the time, they definitely all knew who Chester was to Stevie.

DEF ATTY: I'm sorry that this is a difficult time, and these questions can be tough. But I have to ask—did you ever see Chester dead?

MEADOWS: No ...

DEF ATTY: He did not have a microchip, correct?

MEADOWS: No.

DEF ATTY: You never saw Chester once he left your home on July 29, correct? And never actually saw what happened to him, because you let your animals roam outdoors?

MEADOWS: Well I certainly am not responsible for what happened to poor Ches, if that's what you're getting at. But no, I never saw him once he left the house that morning.

DEF ATTY: Before July 29, was it usual for Chester to stay out all night, to never come home?

MEADOWS: Definitely not usual.

DEF ATTY: But on any other night in your memory, did Chester ever *not* come home?

MEADOWS: There were a couple nights I guess ... a couple nights when Stevie wasn't there. Otherwise they always slept in bed together.

DEF ATTY: You testified that you heard a screech that night. But you don't know where that noise actually came from, correct?

MEADOWS: Like I said, it sounded just like Chester.

DEF ATTY: Couldn't that screech have been the sound of a cat? A bird? Someone else's TV?

MEADOWS: I mean, I guess anything is possible, but I really thought it was Chester.

DEF ATTY: So to recap, you really have no idea what happened to Chester that night, or who or what is responsible, correct?

MEADOWS: I didn't see it ... but I know in my heart, it was her!

DEF ATTY: Nothing further.

JUDGE: Redirect?

PROS ATTY: Ms. Meadows, you mentioned earlier that Chester wears a bell on his collar—do any of your indoor-outdoor cats wear a bell?

MEADOWS: No, only Chester did, Stevie did that. So he would always be able to find him in the house.

PROS ATTY: So you were able to hear Chester from feet, yards away, even in other rooms?

MEADOWS: Yes, it was just a little jangly thing, but we knew for sure when he was coming.

PROS ATTY: Sidebar Your Honor?

[Counsel for both sides approach the bench, out of earshot of the jury]

PROS ATTY: Your Honor, I'm afraid I'm being told that one of our key witnesses, Stevie Meadows, is having an anxiety attack and is unable to take the stand today.

JUDGE: Hmm ...

PROS ATTY: I tried to get as much on the record as I could from Ms. Meadows about Stevie's condition, but I had really hoped he could take the stand and testify as to his relationship with Chester, specifically for the assistance animal count.

JUDGE: Is there any chance the boy will be able to calm down and can take the stand later today?

PROS ATTY: I don't know; he's been having a lot of trouble since the death of his ferret. His mother says his anxiety has really amped up since then. I don't think we can bet on it.

DEF ATTY: We would object of course to any medical assessment made by Ms. Meadows on the record, as she is not a doctor.

JUDGE: No, but I'll allow for the mother to make observations about her son, as we have to this point.

PROS ATTY: Thank you Judge.

DEF ATTY: Just to warn the State that we'll be moving for judgment of acquittal given this witness has failed to show.

JUDGE: Of course, you'll have your chance to do so. Let's move along.

[End sidebar]

PROS: A couple more questions, with apologies, Ms. Meadows. How has Stevie been acting in the months since the incident, since he lost Chester?

MEADOWS: He's been a wreck ... less concentration in school, and more outbursts at home, crying a lot more, not wanting to leave the house. It's been awful. That ferret was his best friend in the world. He helped Stevie cope every day with things that were hard for him to do.

PROS ATTY: And where is Stevie today?

MEADOWS: I was with him earlier this morning of course, right before I came in here ... he was really panicking. He hasn't been able to talk about Chester.

PROS ATTY: Thank you, Ms. Meadows, you may step down.

JUDGE: Your next witness?

PROS ATTY: The State calls Officer Buddy Boxer to the stand.

CLERK: Please approach the witness stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

BOXER: I do.

CLERK: Please state your full name and spell your last for the record.

BOXER: Well my legal name is Burt Boxer, B-U-R-T B-O-X-E-R, but everyone calls me Buddy.

PROS ATTY: Officer Boxer, what is your occupation?

BOXER: I'm an Animal Control Officer in Solar County in the State of Mined.

PROS ATTY: And how long have you been in your position?

BOXER: I've been an ACO for about 4 years now.

PROS ATTY: What training did you receive for this position?

BOXER: Well, after high school, I took odd jobs here and there for a few years, but never really found my fit, you know. Then I was hired on by Solar Animal Control as an assistant officer. You really learn on the job in this line of work. My first year I never worked a case alone, was always with my supervisor. But I also did some more formal-type training with the Mined Animal Control Association, classes here and there when I could fit 'em in, I think it was 20 hours total.

PROS ATTY: Tell us more about what you do as an animal control officer—are you more than just a “dog catcher”?

BOXER: Absolutely, common mistake. We do a lot more than just chase stray dogs. I really see anything and everything when it comes to animals: loose dogs that jumped a fence, sure, but also rats in the house, raccoon in the backyard, you name it. Some really gruesome abuse cases too ... cats set on fire, horses starved to death ... I really see some of the worst in people.

PROS ATTY: So to state the obvious, you respond to a lot of animal cruelty complaints?

BOXER: Yes.

PROS ATTY: About how many calls would you say you respond to every week?

BOXER: Oh, dozens ... maybe 30, 40 on busy weeks.

PROS ATTY: What would you say is the most common complaint you get?

BOXER: Lots of neighbor dispute stuff. This person has loud roosters, this person's dog barks all day ...

PROS ATTY: And how do you deal with those sorts of calls, neighbor disputes?

BOXER: You have to be ready for anything. Not just the animals—one time I responded to a stray dog call and ended up takin' out a porcupine from a backyard! But also the people. People get real emotional when it comes to animals, one way or another. They're either scared to death and want

whatever it is gone, or they won't let you leave if they think you're gonna have to put the animal down. I'm a people person, which is really key for this job, so I really try to get chummy with 'em, let them know I understand, that kind of thing.

PROS ATTY: Officer, have you ever responded to a call at the home of the Defendant, Kaitlin Landley?

BOXER: Yes ... twice in fact.

PROS ATTY: Can you tell us about the first incident and when that occurred?

BOXER: Yes, she had complained about the number of cats on her neighbor's property. That was July ... excuse me, may I reference my report?

PROS ATTY: This is the report you made on July 14, after responding to the call from Ms. Landley?

BOXER: Yes.

JUDGE: Go ahead, the witness may refresh his memory.

BOXER: Oh yeah, Kaitlin had called about a "cat hoarder" next door on July 14 and I responded to the call that same day. She complained that there were too many cats at Ms. Meadows's place. There's a county ordinance that says a person can't own more than 10 animals like that, dogs and cats, but I explained to her that Ms. Meadows wasn't over that number. I said that leaving out feed for ferals passing through wasn't against the law. Kaitlin went on and on about her own birds and how the feral cats were scaring the birds away, and said she thought the cats had been eating some of the birds. I explained at that time there was really nothing I could do, and went on my way.

PROS ATTY: Did you hear from the Defendant again?

BOXER: Yes, about two weeks later, we got another call from her, on July 29.

PROS ATTY: Tell us about that call.

BOXER: Well, we're only on duty 9 to 5, but we do get a lot of calls in the evening that go to voicemail. So I got in the morning of July 30 and started checking the answering machine, like I do every day. And there was a message from Kait Landley.

PROS ATTY: And what did the Defendant say?

BOXER: She said, "I think I got one here, please help me!" I didn't really know what that meant at the time, you know? I just thought a cat had got in her yard, but she sounded kind of upset, so I had a bad feeling it was something more.

PROS ATTY: Officer, are your voicemails time-stamped?

BOXER: Oh yeah that voicemail was labeled 10:15 P.M, July 29.

PROS ATTY: What did you do after listening to the voicemail on the morning of July 30th?

BOXER: Well I didn't have any other emergencies, so I headed on over to Kait's place, and she pointed me to the backyard, but whatever it was was gone. Only an imprint in the ground where the animal might have been.

PROS ATTY: Officer, did you find any trace of the ferret Chester on the Defendant's property?

BOXER: Not initially, no. No blood, no fur, nothing. Kait told me she had shot at a something but was so freaked she didn't even go to identify it.

PROS ATTY: So Officer, would you say the Defendant cooperated with you?

BOXER: Sort of, she was only giving really short answers when I went over that morning. She seemed really tired; her eyes were bloodshot and she had huge bags under her eyes, as if she had been up a lot of the night. Since she wasn't saying much, I ended up leaving to go file the paperwork.

PROS ATTY: So after you finished with the Defendant, what did you do?

BOXER: Well I went back to my office to start the paperwork, and turns out that Lakeview Police had been notified about a Twitter post the previous night.

PROS ATTY: Tell us about that post.

BOXER: Well she had Tweeted about killing an animal the night of July 29, around 9 P.M., but it had been taken down by July 30 when we began our investigation. Luckily we got a screenshot of the Tweet before it was deleted, sent in to PD on a tip on the 29th. I hadn't seen that Tweet before I went out there to her place, it hadn't made it to Animal Control yet.

PROS ATTY: Officer, can you describe what I'm holding up here?

BOXER: Yes, that's a copy of the Tweet.

PROS ATTY: Can you read for us what it says there?

BOXER: It says, "My first bow kill, caught the sucker red-handed ... L-O-L ... hashtag feral pests, hashtag vet of the year." The Twitter handle is BirdGirl914, which we confirmed belongs to the Defendant, Kaitlin Landley.

PROS ATTY: Thank you Officer. The State moves to enter this as Exhibit 104.

DEF ATTY: No objections.

JUDGE: Exhibit 104 received.

PROS ATTY: Officer, what did you do after you discovered the Twitter post?

BOXER: Well by the end of the day on the 30th the post was all over social media, even though she had taken it down it was already out there, and we were getting lot of calls from the public asking what we were doing about the case. I had a boatload of other questions, but she was no longer available to us. So we got a search warrant and went back to her property, on July 31. That's when we found the arrow.

PROS ATTY: Officer, can you tell me what's in this photo I'm holding up?

BOXER: That's the arrow we found in the Defendant's trashcan during the warrant execution.

PROS ATTY: The State moves to enter this photo as Exhibit 105.

DEF ATTY: No objections.

JUDGE: Exhibit received.

PROS ATTY: And we're going to talk to Dr. Cheever in a moment about the DNA testing on the arrow. But Officer, can just you tell us what the results were?

BOXER: Full disclosure, we got a grant from the Animal Legal Defense Fund for forensic testing on the arrow, they sent us a letter offering a bunch of assistance. But anyway, it came back a match—the arrow had Chester's DNA on it.

PROS ATTY: Thank you Officer, nothing further.

JUDGE: Counsel, your witness.

DEF ATTY: Thank you, Your Honor. Officer Boxer, would you say that you're an experienced animal control officer?

BOXER: Well, I'm sure there's always more to learn, but like I said I've responded to all sorts of calls—

DEF ATTY: Officer, when you went to my client's house on the morning of July 30, you did not take a statement from her about what allegedly occurred, is that correct?

BOXER: Yes, like I said, she wasn't really talking—

DEF ATTY: You also didn't do any investigating at the scene, did you? You didn't look in the trash, you didn't search the backyard thoroughly, you didn't even ask her if you could search her house, so you don't know if she would have willingly given you permission to do so?

BOXER: No, but like I said, once we got a warrant—

DEF ATTY: About that warrant. When exactly did you actually get around to going back to my client's home and executing the warrant?

BOXER: We went back Friday afternoon—July 31. Around 2 PM.

DEF ATTY: So more than 24 hours passed between the time you left on July 30 and when you returned on July 31. You didn't freeze the scene, correct? Anyone was free to come and go during that time?

BOXER: When I left Ms. Landley's place, I didn't have any reason to believe there was any foul play. But once we also heard that the neighbor's ferret was missing, given their history, and all the social media stuff, my boss demanded a full investigation.

DEF ATTY: So for the record, you did not freeze the scene.

BOXER: No, I did not.

DEF ATTY: And let's be perfectly clear—at *no* point did you find or remove a dead ferret from the scene, from my client's property?

BOXER: No, we never found the body.

DEF ATTY: Officer Boxer, you said you've been in your current position for 4 years now?

BOXER: Yes.

DEF ATTY: And pardon my saying so, but you look quite young—how old are you?

BOXER: 27 ... 28 next month. I know, I look young—people down at the office call me "baby-face Boxer." I'm used to it.

DEF ATTY: So you're about the same age as the Defendant, correct? In fact, you knew the Defendant from high school?

BOXER: That's right, we both went to Taft High School. Graduated the same year.

DEF ATTY: And actually, you had a prior relationship with the Defendant that went sour, right?

BOXER: We used to date, but that was ages ago ... we graduated in 2006.

DEF ATTY: Is it accurate to say that my client broke your heart?

PROS ATTY: Objection, Your Honor, please ... relevance?

DEF ATTY: Your Honor, I'm trying to make it clear that the Officer failed to handle this case with professionalism at least in part because of his feelings for my client.

JUDGE: I'll allow, but let's move on quickly, shall we? The witness will answer the last question.

BOXER: Yeah, she dumped me when she went off to college, but like I said that was a lifetime ago. I didn't know she had moved back to town until I responded to her call that first day.

DEF ATTY: Thank you, nothing further.

JUDGE: Redirect?

PROS ATTY: Officer, did you handle this case any differently than you would any other case because of your prior relationship with the Defendant?

BOXER: No, absolutely not.

PROS ATTY: Thank you, nothing further.

JUDGE: Any more witnesses for the State?

PROS ATTY: Yes Your Honor, the State calls Dr. Mildred Cheever.

CLERK: Please approach the witness stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

CHEEVER: I do.

CLERK: Please state your full name and spell your last for the record.

CHEEVER: Mildred Cheever, M-I-L-D-R-E-D C-H-E-E-V-E-R.

PROS ATTY: What is your occupation?

CHEEVER: I'm a forensic veterinarian and a tenured professor at the University of Clementine.

PROS ATTY: Where did you attend school?

CHEEVER: I got my undergrad degree at Mined State, and then attended the University of Caroline Veterinary School. I did

my residency at the University of Clementine Veterinary Hospital and am proud to say I've been there ever since.

PROS ATTY: How long have you been a veterinarian?

CHEEVER: 11 years.

PROS ATTY: And how long have you worked in veterinary forensics?

CHEEVER: About 3 years. It's a really fast-growing field.

PROS ATTY: Can you tell us about your publications?

CHEEVER: I just published my first book, *More Bite than Bark: Using Veterinary Forensics in your Animal Cruelty Cases*, last year with Pendant Publishing. I specialize in trauma wounds for animals—particularly distinguishing accidental trauma from intentional or human-induced trauma. I've also been actively involved in launching our new ferret DNA database.

PROS ATTY: At this time, Your Honor, I would offer Dr. Cheever as an expert in veterinary forensics.

DEF ATTY: No objection.

JUDGE: Dr. Cheever is accepted as an expert witness in veterinary forensics and may render expert opinions.

PROS ATTY: Dr. Cheever, can you tell us how DNA works regarding ferrets?

CHEEVER: Well, ferrets—or dogs or cats, for that matter—have unique DNA “fingerprints” just like humans, which not many people realize. So a forensic analyst like me can look at a DNA sample for an animal, identify certain markers, and can say with varying degrees of certainty if the DNA matches a particular animal.

PROS ATTY: Doctor, you conducted DNA testing on the arrow recovered from the Defendant's trash, correct?

CHEEVER: Yes, we ran a DNA test on the arrow. We found traces of ferret DNA.

PROS ATTY: Were you able to make a match to a specific ferret?

CHEEVER: Yes, we can say with reasonable certainty that the DNA matched the sample for Chester.

PROS ATTY: Can you quantify for the jury what “reasonable certainty” means?

CHEEVER: Yes, our results show that the odds of the trace DNA from the arrow matching an animal other than Chester are one in 10,000.

PROS ATTY: What did you use to compare to the DNA on the arrow?

CHEEVER: The owner provided a sample, some hair from the ferret’s brush. We compared the hair from the brush to the sample in evidence.

PROS ATTY: Thank you Doctor, nothing further.

JUDGE: Your witness, counsel?

DEF ATTY: Dr. Cheever, how accurate is the DNA testing for ferrets?

CHEEVER: Pretty accurate, and getting better and better with each passing year as we continue to build on our population statistical database. It’s amazing how far the science has come in the last few years.

DEF ATTY: But in this case, you said that the odds that you have a match in DNA to the swab from the arrow are one in 10,000. That is not an exact match to this particular ferret, is it?

CHEEVER: Well that’s true. However, mind you, the trace sample off the arrow wasn’t great ... but, as I noted a moment ago, we also don’t yet have extensive DNA population statistical databases for ferrets at this point like we do for dogs or even cats. But one in 10,000 is pretty darn good.

DEF ATTY: Yet, you would have to concede that statistical odds in play in this case are dwarfed by the statistics driving a DNA match in humans, right?

CHEEVER: Yes, I would. I read the literature and have seen the numbers. I recall one homicide case where the odds of the match being from a source other than suspect were one in ten billion—the global population is under eight billion.

DEF ATTY: One in 10,000 is a very far cry from one in ten billion.

CHEEVER: Yes it is, but there aren't eight billion ferrets in the State of Mined, either.

DEF ATTY: You said that you tested the arrow allegedly found in my client's trash. Let's presume that you're correct, that there was ferret DNA on that arrow. Do you know how it got there?

CHEEVER: No, I can't testify as to where the arrow was found or why. We're just given the evidence in a sealed container, and do our job of testing that evidence.

DEF ATTY: Was the arrow bloody?

CHEEVER: No ...

DEF ATTY: Not one drop of blood that you found on the entire arrow? Wouldn't you suspect there to be some trace of blood if the arrow allegedly went through a ferret?

CHEEVER: Well, the arrow was surprisingly clean, if it did come from the trash. The source of the DNA wasn't blood, it was saliva.

DEF ATTY: Do your tests account for cross-contamination of evidence? Isn't it highly possible that while in the trash, the arrow was contaminated by other items?

CHEEVER: I can't speak to that. I can only say that I received the arrow in a separate, sealed evidence bag, and I personally followed our routine procedure when I swabbed DNA from the arrow and tested that DNA against the sample law enforcement provided.

DEF ATTY: Thank you Doctor, nothing further.

PROS ATTY: The State rests.

DEF ATTY: Your Honor, we have a motion, if we could discuss outside the presence of the jury ...

JUDGE: Yes, jurors you are excused for now. We'll call you back in a bit. Thank you.

[Outside jury's presence]

DEF ATTY: Your Honor, at this time, we would like to move for judgment of acquittal on counts 1 and 2. The State failed to present a full case as to both the animal cruelty charge and the assistance animal charge. I mean really, they don't even have the body! Plus the kid didn't take the stand. They just haven't shown that this was an assistance animal.

PROS ATTY: Your Honor, we believe we have presented a full and complete case. We were able to get on the record through Ms. Meadows's testimony facts to support the assistance animal charge, and on the cruelty charge, well, we don't have a body, but we do have the Twitter confession from the Defendant, as well as the other testimony about what occurred.

JUDGE: Thank you. I'm going to deny the motion as to both counts ... I know this is a different kind of case, but I think the State has presented sufficient evidence here to support the charges. Let's bring the jurors back in ...

[Jury reenters.]

JUDGE: Defense, your first witness?

DEF ATTY: We call the Defendant, Kaitlin Landley, to the stand.

CLERK: Please approach the witness stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

LANDLEY: I do.

CLERK: Please state your full name and spell your last for the record.

LANDLEY: Kaitlin Landley, K-A-I-T-L-I-N L-A-N-D-L-E-Y.

DEF ATTY: Ms. Landley, what do you do for a living?

LANDLEY: I'm a veterinarian. I've always loved animals, and I've known since I was a little girl that I wanted to work with animals and help them in some way.

DEF ATTY: Where did you go to school?

LANDLEY: I went to the University of Mined for undergrad (go Panthers!), and then Willow State Veterinary College. I

moved back last year to finish my residency at Lakeview Veterinary Clinic, because I wanted to be close to my parents. My dog Milo was getting really old, had arthritis and just wasn't really himself anymore, and we didn't know how long he had. I had taken Milo with me to school, but I wanted to be back with my folks for help with him while I was working long days.

DEF ATTY: Can you identify this photograph?

LANDLEY: Yes, that's me and Milo, poor guy. Our Christmas card from last year. He passed away last month, from kidney disease.

DEF ATTY: The Defense moves to enter this photo as Exhibit 201.

PROS ATTY: No objections.

JUDGE: Exhibit 201 received.

DEF ATTY: Where are you currently employed?

LANDLEY: I'm an avian vet at Lakeview Vet Clinic.

DEF ATTY: So you specialize in birds?

LANDLEY: Yes, I've always been a bird lover. People don't realize how smart they are! And in my spare time I volunteer at the Avian Society headquarters downtown.

DEF ATTY: Can you describe how Lakeview Vet Clinic is set up, in terms of departments?

LANDLEY: Yes, LVC is a beautiful facility, really large. We have different wings for different animals. So, if you're bringing in a dog, you'd go to the Green Pod; I'm in Red Pod, where all the birds are—the avian "wing" we like to joke, pun intended ... sorry, I have a weird sense of humor.

DEF ATTY: So if a patient brought in a ferret, is it likely you would cross paths with them?

LANDLEY: Not likely at all. They'd be in Blue Pod, other end of the building. Like I said we're a large facility, and I'm stuck up in Red Pod all day—I mean not stuck, I love my job! But no I don't really see other kinds of animals, though I do have friends down in Green Pod.

DEF ATTY: Do you have birds of your own?

LANDLEY: I have two parakeets, Linus and Lucy. They're hilarious—they keep me entertained for hours. But I also love birdwatching—Lakeview actually has really diverse bird population. It helps me unwind from my day at the vet hospital, which can be pretty stressful.

DEF ATTY: Where do you do most of your birdwatching?

LANDLEY: So many hiking trails around here, there are many places I go ... but being in a really wooded neighborhood, I had hoped that I would see a lot of birds in my own backyard.

DEF ATTY: And do you?

LANDLEY: Sometimes, but not as many as I expected ... At first I thought it was the food source—I tried out different types of bird feed, but I was only getting sparrows, wrens, nothing unusual. After a month living there, I started noticing feathers here and there in my yard. I didn't think much of it, until one time I found an entire wing, and then a dead sparrow. I took a picture on my phone.

DEF ATTY: Is this the dead sparrow you found in your yard?

LANDLEY: Yes.

DEF ATTY: The Defense moves to enter this photo as Exhibit 202.

PROS ATTY: No objections.

JUDGE: Exhibit 202 received.

PROS ATTY: Request for sidebar, Your Honor?

JUDGE: Approach counsel.

[Begin sidebar]

PROS ATTY: For the record, I must renew the State's objection from pretrial motions Your Honor, about the relevance of this line of questioning and also the relevance of the photo.

JUDGE: Overruled, and the exhibit is received. As we discussed during motions, Defendant claims the birds' deaths are relevant to the ferret's death. Counsel, you may continue.

[End sidebar]

DEF ATTY: Did you identify what was causing the birds' deaths?

LANDLEY: I knew it wasn't Milo, he was so old and stiff at that point he could barely make it to the door to do his business. But then I realized the cats ...

DEF ATTY: Which cats?

LANDLEY: The colony of cats Ms. Meadows feeds next door. She leaves out food for feral cats, and they congregate around her back door. I can see it from my house, but always thought the chain-link fence kept them out. When I found that dead bird, after all those feathers had been left for months, I knew that those cats were eating birds on my property, and probably that ferret too.

DEF ATTY: Did you have any other concerns about your neighbor having those animals on her property?

LANDLEY: Yeah, ferals like that carry all sorts of diseases. Rabies, distemper, you name it. I had a sick old dog to take care of, and I was worried about them ever getting to Milo.

DEF ATTY: Kaitlin, what happened on July 29, 2015.

LANDLEY: I was finishing up dinner, and had just given Milo his pain meds. I guess it was around 8, 8:30—it was starting to get dark. I brought some dishes over to the sink ... there's a window over the sink that looks out on my backyard. So I looked up and I saw a dark object moving slowly along the ground, going toward my bird feeder. There was a beautiful blue-gray gnatcatcher sitting on top, and my heart just dropped when I saw that thing heading right toward it!

DEF ATTY: So what did you do then?

LANDLEY: I didn't think—I just grabbed my bow, which was leaning against the wall there in the kitchen. I opened the back door, and I took a shot. I really just meant to scare the cat or

whatever it was away. And I had no idea if it belonged to someone, I thought it was one of those ferals!

DEF ATTY: Kaitlin, some people may not understand why you posted about this on social media.

LANDLEY: In the moment, I was so riled up, I couldn't believe what had happened ... I was surprised but also really happy I had saved that bird. So I posted about it on Twitter, and used some language I regret ... It was a joke really. I had been complaining to some of my friends about this situation, so I was just excited to tell them that I had actually got one—I mean, that I had actually saved one of the birds.

DEF ATTY: What did you do next?

LANDLEY: Well, I realized after awhile that I should probably get someone to take the carcass, so I called animal control. I never thought that would land me here. They didn't even show up until the next morning, and the body was gone. Probably a coyote got to it.

DEF ATTY: Kaitlin some people might ask, why do you keep a bow and arrow in your house?

LANDLEY: *[chuckles]* Well, I've been taking archery classes down at the community college for a couple of months, every Monday night. I always drop it in the kitchen when I get home, and I still had it there from that Monday. Like I said, in that moment, when I saw the animal pouncing, I didn't really think. I was just trying to protect the birds from these wild beasts.

DEF ATTY: You used to date Officer Boxer, who responded to your call on July 30, is that correct?

LANDLEY: Sure, me and Buddy dated for like a minute in high school, but that was a lifetime ago. We went to prom together, but you know, I was moving onto college, and it was clear he was going nowhere with his life. Pretty awkward when he showed up at my door back in July that first time, he looked like a deer in headlights. Then on July 30, he barely asked me any questions at all, and just left. Seemed pretty shy, I guess he's still not over me.

DEF ATTY: Thank you Kaitlin, nothing further.

PROS ATTY: Ms. Landley, you claim that you're an animal lover?

LANDLEY: Yes, absolutely. That's why I devoted my life to helping them.

PROS ATTY: Unless it suits your fancy to kill an animal for your own entertainment, correct?

LANDLEY: I didn't kill that thing on purpose for my own fun, there was certainly nothing fun about watching it try to kill that beautiful bird, and all the others!

PROS ATTY: It was entertaining enough that you Tweeted about it, though, correct?

LANDLEY: I already explained that I regret that. It was an impulse move that I regret.

PROS ATTY: But you at least thought yourself justified in killing the ferret—no matter who it belonged to—to save a bird?

LANDLEY: Like I said, I didn't think—this had been going on for months and months, and I had to put a stop to it.

PROS ATTY: And by "it," you mean the animal or animals that were killing birds in your yard?

LANDLEY: Exactly. Plus I was worried about the diseases they were probably carrying.

PROS ATTY: Did any of the animals that you saw in Ms. Meadows's yard ever exhibit in your professional opinion any signs of disease?

LANDLEY: Well, I never got too close, I wouldn't really know.

PROS ATTY: And had you never actually caught a cat, or ferret, or any other animals killing a bird in your yard, including the bird in Exhibit 202, correct?

LANDLEY: I didn't have to, I saw the evidence ...

PROS ATTY: You said in your Tweet that you had never before made a "kill" with that bow and arrow, right?

LANDLEY: That's right, so I never really expected to hit it, only to scare it.

PROS ATTY: You had never made a shot before, so you claim, and yet, in the dark, you picked up the bow and arrow, opened your back door, took aim at the ferret with such precision that you killed it?

LANDLEY: I didn't mean to actually hit it, I wanted to scare it away. And I have no idea what happened to it, even if it died, or who it really belonged to. It was nearly dark, I could hardly see.

PROS ATTY: So you didn't know if you had killed the ferret, but after taking a shot, you didn't even bother to see if it was hurt or dead?

LANDLEY: I was pretty shocked in the moment, I don't remember what I did.

PROS ATTY: But within minutes, you bragged about killing it on Twitter?

LANDLEY: Like I said, it really was a bad joke. I didn't know if it was dead or not.

PROS ATTY: You testified that this event occurred somewhere between 8:30 and 9, and your deleted Twitter post is marked 9:07 PM. But we heard from Officer Boxer that you left the message for animal control after 10 PM. Why did it take you more than an hour to call animal control?

LANDLEY: I didn't think of it, really. I thought a coyote would come and take care of it, I just didn't think to call the police until one of my friends called me after seeing my Tweet. I realized people might misunderstand my sarcasm, and so I deleted it, and called animal control.

PROS ATTY: You knew that cats came and went from Ms. Meadows's property, including her own pets, isn't that correct?

LANDLEY: I had seen lots of cats coming and going, it was impossible to know which was which.

PROS ATTY: Had you seen a ferret at the Meadows house before?

LANDLEY: I think so. But I didn't know there was anything special about it. There were always so many animals over there.

PROS ATTY: You don't recall seeing Ms. Meadows's son Stevie with a ferret, here in Exhibit 102, ever on the Meadows property, or walking down the street?

LANDLEY: I remember running into that kid once with a ferret on a leash. You don't forget something like that, super weird. But I don't know the kid had special issues.

PROS ATTY: Officer Boxer testified that he found an arrow in your garbage that had traces of Chester's DNA on it. Do you deny throwing the arrow away?

LANDLEY: Of course I deny it—I have no idea how it got there.

PROS ATTY: Officer Boxer testified that your eyes were bloodshot that morning. Had you been upset the night before, perhaps you realized what kind of trouble you'd be in for killing Chester in cold blood?

LANDLEY: If my eyes were red it was because I was up with Milo that night, he was a pretty restless sleeper near the end. I was upset about him being sick. And yeah, ok, the whole thing with shooting at the animal shook me a little bit. But like I've said a million times, I didn't know that it belonged to the Meadows.

PROS ATTY: Nothing further.

JUDGE: Next witness?

DEF ATTY: We call Todd Olson to the stand.

CLERK: Please approach the witness stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

OLSON: I do.

CLERK: Please state your full name and spell your last for the record.

OLSON: Todd Olson, T-O-D-D O-L-S-O-N.

DEF ATTY: Thank you Mr. Olson, you can have a seat. Can you tell us your occupation please?

OLSON: I'm an adjunct professor at Lakeview Community College, where I teach archery. I'm also a bartender down at The Ship on the waterfront.

DEF ATTY: How long have you taught at LCC?

OLSON: Going on 3 years now.

DEF ATTY: What levels of archery do you teach?

OLSON: Beginner through advanced. I really get a mixed bag, some kids working toward a degree, some middle-aged folks in the community wanting to learn a new hobby. I also have some private students, people that have gone through my other classes but are pretty advanced.

DEF ATTY: Is one of your former students in the courtroom today?

OLSON: Yes, sitting there, Kait Landley.

DEF ATTY: Please note for the record that the witness has identified my client, the Defendant.

DEF ATTY: Mr. Olson, how long was the Defendant your student?

OLSON: Just for the summer of 2015, and summer classes are 10 weeks on average, so I'd say ... 2, 2 1/2 months.

DEF ATTY: And when did the summer session begin in 2015?

OLSON: June 1.

DEF ATTY: So as of July 29, 2015, how long had the Defendant been taking your class?

OLSON: That was week 9, so about 8 1/2 weeks.

DEF ATTY: To your knowledge, did the Defendant have any previous training with archery?

OLSON: No, she was a newbie for sure. She was in the beginner group too.

DEF ATTY: What types of equipment do you recommend for beginners?

OLSON: Well, we have a bunch of gear at the college in the gym, but I usually tell the new students if they want a beginner's set, to buy a basic recurve bow and some arrows.

DEF ATTY: Any type of arrows in particular?

OLSON: Yeah aluminum. I know some instructors will tell you wood for beginners because they're cheap, but they break super easily, and they can splinter into a million shards that can damage your bow. So I always say aluminum to start, while you're learning technique ... They're more expensive up front, but it'll save you money in the long run.

DEF ATTY: In your observation, what type of arrows did Kaitlin Landley use in your class?

OLSON: She used aluminum, just like I recommend.

DEF ATTY: Did you have the opportunity to examine the arrow in evidence that was allegedly found in my client's trash, Exhibit 105?

OLSON: I did.

DEF ATTY: What can you tell us about that arrow?

OLSON: Well, it's wood for one thing. Definitely cheaper, but like I said, they break so easily.

DEF ATTY: In your experience, would an arrow like that have remained intact if shot into a living animal?

OLSON: Maybe, but probably not if you're taking an arrow that fragile out of a carcass. I'd say it would probably break when removed.

DEF ATTY: One more question, Mr. Olson. Given your experience with Kaitlin Landley, would you say she was an experienced shot as of July 2015?

OLSON: At that point, no—she was in the beginner's class, like I said.

DEF ATTY: Thank you Mr. Olson.

JUDGE: Cross?

PROS ATTY: Mr. Olson, you said that you recommend your beginner students use aluminum arrows, but it's not required, correct?

OLSON: No, not required.

PROS ATTY: And you mentioned that the college has a supply of equipment that the students can use, yes?

OLSON: Correct.

PROS ATTY: And does that equipment include all kinds of bows and arrows—or just aluminum arrows?

OLSON: All kinds I guess, wood, carbon, aluminum, whatever's donated. Take what we can get.

PROS ATTY: So regardless of the fact that students can buy wood arrows at their leisure, and use them in your class or outside of class, the college also supplies wood arrows to students like the Defendant?

OLSON: Yeah there's a lot of equipment available, we get some donated. So yes, I guess.

PROS ATTY: You also mentioned that the Defendant was only a beginner. But would you say that she picked up archery fairly quickly?

OLSON: She was a pretty good student, yeah.

PROS ATTY: So good, in fact, that after finishing your 10-week beginner course, she skipped the intermediate course and you gave her a pass into the advanced class, is that correct?

OLSON: Now that you say that ... yes, I think she skipped a course in there. She took the advanced class in fall 2015.

PROS ATTY: Thank you Mr. Olson.

JUDGE: Any other witnesses for the Defense?

DEF ATTY: The Defense calls Glenda Fritz to the stand.

CLERK: Please approach the witness stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

FRITZ: I do.

CLERK: Please state your full name and spell your last for the record.

FRITZ: Glenda Fritz, G-L-E-N-D-A, F-R-I-T-Z.

DEF ATTY: Ms. Fritz, what is your occupation?

FRITZ: I'm a veterinarian at the Lakeview Vet Clinic.

DEF ATTY: How long have you been practicing veterinary medicine?

FRITZ: About 10 years now. I'm also on the board of the American Veterinary Medical Group, AVMG.

DEF ATTY: Just for the record, what does AVMG do?

FRITZ: Well most people know us, but AVMG is a nonprofit group ... we represent 100,000 veterinarians nationwide, and we're kind of a go-to for information and resources for vets, meetings, publications, news.

DEF ATTY: Do you have a specialty in your practice?

FRITZ: Yes, I handle small pets—rabbits, rodents, ferrets.

DEF ATTY: Do ferrets make good pets?

FRITZ: Absolutely, with the right care. They're very sweet and low maintenance.

DEF ATTY: Do you recommend that your clients keep ferrets outdoors?

FRITZ: Definitely not! Domesticated ferrets don't have the skills to survive on their own in the wild. I'd be surprised if a ferret made it more than a day or two outside. So many predators can get to them, raptors, coyotes, you name it. So I recommend that people only take them outside if they're supervised.

DEF ATTY: Do you work with Kaitlin Landley at the Lakeview Vet Clinic?

FRITZ: Yes, I'm in Purple Pod—that's exotics and other small pets. Kaitlin's in Red Pod, but our offices happen to be right next to each other, so we chat a lot. She's like a daughter I never had—sweetest girl! She would never hurt a fly.

DEF ATTY: Did Kaitlin ever discuss her neighbor with you?

FRITZ: Yeah, it sounded like that lady was quite a nuisance. All those roaming cats ...

DEF ATTY: In your professional opinion, did Solar County have a rabies problem in the summer of 2015?

FRITZ: Yeah, we all got notices at LVC to remind all our clients that the rabies vaccine was mandatory in the county, because we had been hearing on the news that there was a rabies problem with cats.

DEF ATTY: Dr. Fritz, you mentioned that you are on the board for the American Veterinary Medical Group. Can you tell us what AVMG's policy is for euthanasia of a potentially rabid animal?

FRITZ: Well, when an animal is rabid, you have to take into account the safety of everyone around, including humans and animals.

DEF ATTY: Would a bow and arrow be an appropriate method of euthanasia of a rabid animal?

FRITZ: If an animal was rabid or carrying other disease, then I would say yes, because that would be a threat to other people, and animals too.

DEF ATTY: Thank you Doctor, nothing further.

JUDGE: Cross?

PROS ATTY: Dr. Fritz, were you present at Ms. Landley's home on July 29?

FRITZ: No, I wasn't.

PROS ATTY: So you cannot and are not testifying to whether or not she shot an arrow at a *rabid* animal, correct?

FRITZ: No, I can't say if it was rabid.

PROS ATTY: Over the summer of 2015, how many animals were brought to your clinic due to rabies bites?

FRITZ: I can't recall any.

PROS ATTY: Do you have any firsthand knowledge of a rabies outbreak in summer 2015?

FRITZ: Beyond what the Clinic told us, no.

PROS ATTY: To your knowledge, did the Clinic have any documented cases of rabies in July 2015?

FRITZ: I can't recall.

PROS ATTY: What is AVMG's position on euthanasia of a non-rabid animal? Can you use any method that will stop the animal?

FRITZ: Well no, in a normal case, without any extenuating circumstances like rabies, we recommend a quick method that minimizes any pain to the animal, like a captive bolt gun or something similar.

PROS ATTY: So a bow and arrow is *not* a legitimate method of humane euthanasia of a healthy, non-rabid animal?

FRITZ: I would have to say no. But I don't know what the state of the animal was that night. And I trust Kaitlin's judgment.

PROS ATTY: Thank you, no further questions.

JUDGE: Counsel, does the defense have any other witnesses?

DEF ATTY: Thank you, Dr. Fritz was our last—we have no further witnesses, Your Honor. The Defense rests.

JUDGE: Thank you counselor. Let's adjourn for the day and then reconvene for closing arguments tomorrow.

****END TRIAL TRANSCRIPT****

STATE'S EXHIBITS

EXHIBIT 101



EXHIBIT 102



EXHIBIT 103

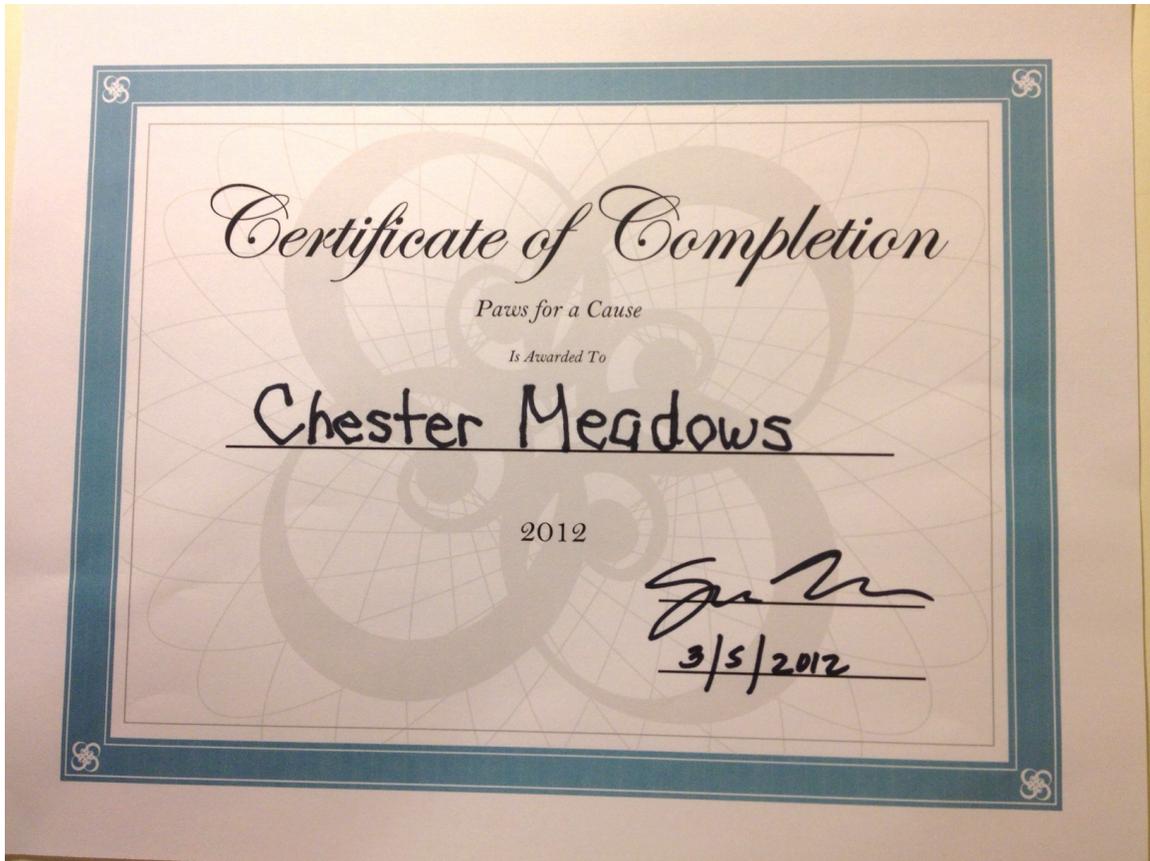


EXHIBIT 104



Kait Landley

@BirdGirl914



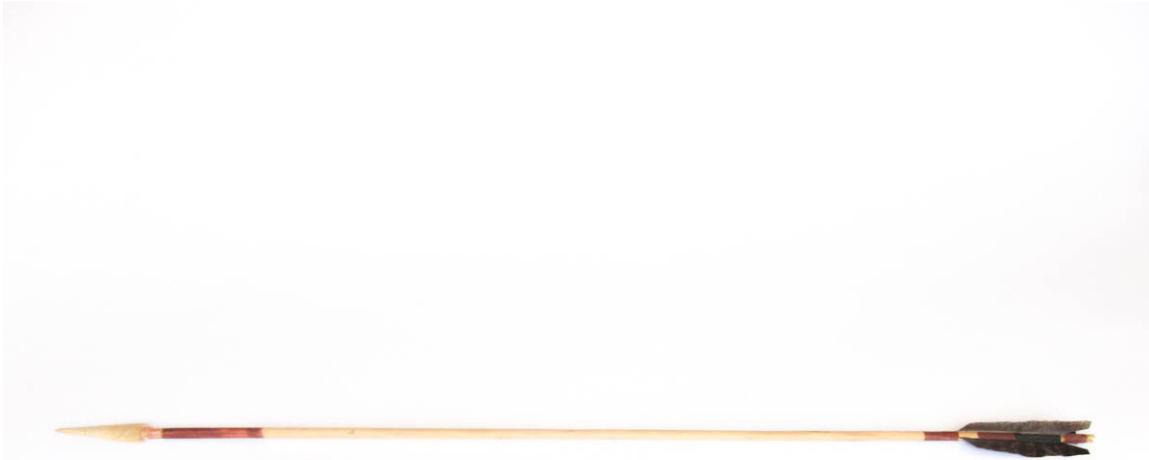
 Follow

My first bow kill, caught the sucker red-handed! lol #feralpests #vetoftheyear

 Reply  Retweet  Favorite  More

9:07 PM - 29 July 15 · Embed this Tweet

EXHIBIT 105



DEFENSE EXHIBITS

EXHIBIT 201

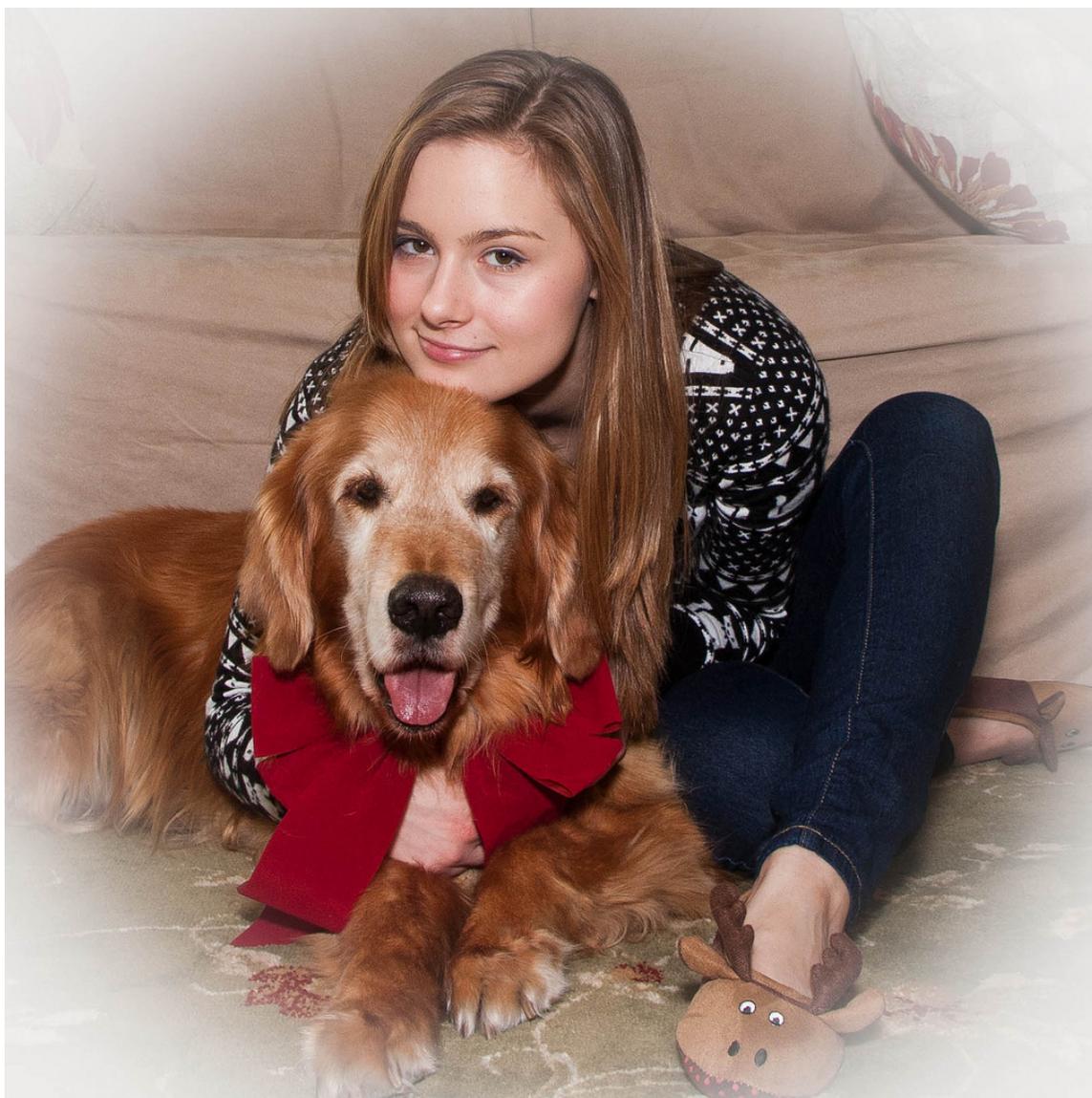


EXHIBIT 202



****END EXHIBITS****

JURY INSTRUCTIONS

INSTRUCTION No. 1 PRELIMINARY INSTRUCTIONS

(Note: Instruction No. 1 was given by the Court to the members of the jury prior to taking testimony)

Introductory Paragraphs

Ladies and gentlemen: You are now the jury in this case, and I want to take a few minutes to tell you something about your duties as jurors and to give you some instructions.

At the end of the trial, I will give you more detailed instructions. Those instructions will control your deliberations.

One of my duties is to decide all questions of law and procedure. From time to time during the trial and at the end of the trial, I will instruct you on the rules of law that you must follow in making your decision. You should not take anything I may say or do during the trial as indicating what I think of the evidence or what your verdict should be.

Order of Trial

The trial will proceed in the following manner:

First, the State's attorney may make an opening statement. Next, Defendant's attorney may make an opening statement. An opening statement is not evidence but is simply a summary of what the attorney expects the evidence to be.

After the opening statements, the State will call witnesses and present evidence. Then, the Defendant will have an opportunity to call witnesses and present evidence. After the parties' main cases are completed, the State may be permitted to present rebuttal evidence. After the evidence has been presented, I will instruct you on the law that applies to the case and the attorneys will make closing arguments. After that, you will go to the jury room to deliberate on your verdict.

Charges and Defenses

The positions of the parties can be summarized as follows:

This case involves criminal charges by the State of Mined against the Defendant, Kaitlin Landley. The Defendant has been charged with Animal Cruelty (Count I of the Indictment), Interference with an Assistance or Therapy Animal (Count II of the Indictment) and Unlawful Use of a Weapon (Count III of the Indictment).

Defendant has pleaded not guilty to each of these three charges.

Evidence in the Case

The evidence consists of the testimony of the witnesses, the exhibits admitted into evidence, and any facts that I may instruct you to find or that the parties may agree or stipulate to. A stipulation is an agreement between both sides that certain facts are true.

Credibility of Witnesses

You will have to decide whether the testimony of each of the witnesses is truthful and accurate – in part, in whole, or not at all. You also have to decide what weight, if any, you give to the testimony of each witness.

Inferences

You should use common sense in weighing the evidence and consider the evidence in light of your own observations in life.

In our lives, we often look at one fact and conclude from it that another fact exists. In law we call this “inference.” A jury is allowed to make reasonable inferences. Any inference you make must be reasonable and must be based on the evidence in the case.

What is Not Evidence; Evidence for Limited Purpose

The following things are not evidence, and you must not consider them as evidence in deciding the facts of this case: the attorneys’ statements, arguments, questions, and objections of the attorneys; any testimony that I instruct you to disregard; and anything you may see or hear when the court is not in session even if what you see or hear is done or said by one of the parties or by one of the witnesses.

Rulings on Objections

From time to time during the trial I may be called upon to make rulings of law on objections or motions made by the lawyers. You should not infer or conclude from any ruling or other comment I may make that I have any opinions about how you should decide this case. And if I should sustain an objection to a question that goes unanswered by a witness, you should not guess or speculate what the answer might have been, and you should not draw any inferences or conclusions from the question itself.

Objections of Counsel

The lawyers for the parties in this trial have a duty to object to what they feel are improper questions asked of the witnesses. You should not draw any conclusion for either side from the fact that an objection was made to any question, and that the witness may not have been permitted to answer it.

Jury Conduct

All jurors must follow certain rules of conduct, and you must follow them, too.

First, you must not discuss this case with anyone – including your fellow jurors, members of your family, people involved in the trial, or anyone else. You must not let others discuss the case with you. If anyone tries to talk to you about the case please let me know about it immediately.

Second, you must not read any news stories or articles or listen to any radio or television reports about the case or about anyone who has anything to do with it.

Third, you must not do any research, such as consulting dictionaries, searching the Internet or using other reference materials, and do not make any investigation about the case on your own.

Fourth, you must not make up your mind about what the verdict should be until after you have gone to the jury room to decide this case and you and your fellow jurors have discussed the evidence. Keep an open mind until then.

INSTRUCTION No. 2 FUNCTIONS OF THE COURT AND THE JURY

Members of the jury, you have seen and heard all the evidence and arguments from the attorneys. Now I will instruct you on the law.

You have two duties as a jury. Your first duty is to decide the facts from the evidence in the case. This is your job, and yours alone.

Your second duty is to apply the law that I give you to the facts. You must follow these instructions, even if you disagree with them. Each of the instructions is important, and you must follow all of them.

Perform these duties fairly and impartially.

Nothing I say now, and nothing I said or did during the trial, is meant to indicate any opinion on my part about what the facts are, or about what your verdict should be.

INSTRUCTION No. 3
PRESUMPTION OF INNOCENCE OF DEFENDANT
AND PROOF BEYOND A REASONABLE DOUBT

The defendant is presumed innocent unless and until the defendant is proven guilty beyond a reasonable doubt. The burden is on the State to prove the guilt of the defendant beyond a reasonable doubt.

Reasonable doubt is doubt based on common sense and reason. Reasonable doubt means an honest uncertainty as to the guilt of the defendant. Reasonable doubt exists when, after careful and impartial consideration of all the evidence in the case, you are not convinced to a moral certainty that the defendant is guilty. The defendant is never required to prove her innocence or to produce any evidence at all.

INSTRUCTION No. 4
DEFINITION OF “DIRECT” AND “CIRCUMSTANTIAL” EVIDENCE

Direct evidence is proof that does not require an inference, such as the testimony of someone who claims to have personal knowledge of a fact. Circumstantial evidence is proof of a fact, or a series of facts, that tends to show that some other fact is true.

As an example, direct evidence that it is raining is testimony from a witness who says, “I was outside a minute ago and I saw it raining.” Circumstantial evidence that it is raining is the observation of someone entering a room carrying a wet umbrella.

The law makes no distinction between the weight to be given to either direct or circumstantial evidence. You should decide how much weight to give to any evidence. In reaching your verdict, you should consider all the evidence in the case, including the circumstantial evidence.

INSTRUCTION No. 5
TESTIMONY OF WITNESSES (DECIDING WHAT TO BELIEVE)

You must decide whether the testimony of each of the witnesses is truthful and accurate—in part, in whole, or not at all. You also must decide what weight, if any, you give to the testimony of each witness.

In evaluating the testimony of any witness, including any party to the case, you may consider, among other things:

- the ability and opportunity the witness had to see, hear, or know the things that the witness testified about
- the witness's memory
- any interest, bias, or prejudice the witness may have
- the witness's intelligence
- the manner of the witness while testifying
- the reasonableness of the witness's testimony in light of all the evidence in the case

INSTRUCTION No. 6
DEFENDANT'S STATEMENTS

When a witness testifies about statements made by the defendant, you should consider such testimony with caution.

In reviewing such testimony, you should consider, among other things, the following:

- (1) Did the defendant make the statement, and, if so, did the defendant clearly express what she intended to say?
- (2) Did the witness correctly hear and understand what the defendant said?
- (3) Did the witness correctly remember and relate what the defendant said?
- (4) Did the witness intentionally or mistakenly alter some of the words used by the defendant, thereby changing the meaning of what was actually said?

If, after weighing such factors, you conclude that the defendant said what she intended to say and that the witness to the statement correctly understood, remembered, and related to you what the defendant said, then you are authorized to consider such statements for what you deem them to be worth.

INSTRUCTION No. 7
WITNESS FALSE IN PART

A witness who lies under oath in some part of his or her testimony is likely to lie in other parts of his or her testimony. Therefore, if you find that a witness has lied in some part of his or her testimony, then you may distrust the rest of that witness's testimony.

Sometimes witnesses who are not lying may give incorrect testimony. They may forget matters or may contradict themselves. Also, different witnesses may observe or remember an event differently.

You have the sole responsibility to determine what testimony, or portions of testimony, you will or will not rely on in reaching your verdict.

INSTRUCTION No. 8
ABSENCE OF EVIDENCE

The law does not require any party to call as a witness every person who might have knowledge of the facts related to this trial. Similarly, the law does not require any party to present as exhibits all papers and things mentioned during this trial.

INSTRUCTION No. 9
EXPERT WITNESSES

You have heard witnesses give opinions about matters requiring special knowledge or skill. You should judge this testimony in the same way that you judge the testimony of any other witness. The fact that such person has given an opinion does not mean that you are required to accept it. Give the testimony whatever weight you think it deserves, considering the reasons given for the opinion, the witness's qualifications, and all of the other evidence in the case.

INSTRUCTION No. 10
NONEXPERT OPINION EVIDENCE

Although a witness may be allowed to state his or her opinion, you are not required to accept that opinion. To determine what value, if any, you will give to a witness's opinion you should consider such things as the witness's opportunity and ability to form the opinion, the witness's believability, and how the witness reached the opinion.

**INSTRUCTION No. 12
CRIMINAL CHARGES**

COUNT 1: ANIMAL CRUELTY

A person commits the crime of cruelty to animals if that person intentionally, knowingly, or recklessly kills or causes serious physical injury to an animal in a cruel manner without the animal owner's consent.

COUNT 2: INTERFERENCE WITH AN ASSISTANCE OR THERAPY ANIMAL

A person commits the crime of interference with an assistance or therapy animal if that person intentionally or knowingly (1) injures an assistance or therapy animal that the person knows or reasonably should know is an assistance or therapy animal, or (2) interferes with an assistance or therapy animal while that animal is being used by its owner for assistance or therapy purposes.

COUNT 3: UNLAWFUL USE OF A WEAPON

A person commits the crime of unlawful use of a weapon if that person attempts to use unlawfully against another any dangerous or deadly weapon, or if that person discharges a firearm, blowgun, bow and arrow, crossbow or explosive device within the city limits or residential areas without having legal authority for such discharge.

DEFINITIONS

"Animal" means any domesticated living creature, not including any uncaptured wild living creature, livestock animal, vermin or pest.

"Assistance animal" or "therapy animal" means an animal that has been trained for, and is actively used for, assistance or therapy purposes.

"Cruel manner" means a manner that is likely to cause unjustified or unwarranted pain or suffering.

A person acts "intentionally" if that person acts with a conscious object to (1) engage in particular conduct, or (2) cause a particular result.

A person acts "knowingly" if that person is aware that he or she is (1) engaging in particular conduct, or (2) will cause a particular result.

A person acts "recklessly" if that person consciously regards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

****END JURY INSTRUCTIONS****