

VIRGINIA

IN THE CIRCUIT COURT OF  
WISE COUNTY

KIMBERLY BUCKLES,

Plaintiff,

vs.

CL180000433-00

SANDY BLANTON,

Defendant.

Thursday, April 19, 2018

Wise, Virginia

The above entitled matter came on to be heard before the Honorable Chadwick S. Dotson, Judge to the Circuit Court of Wise County, at the Wise County Courthouse, Wise, Virginia.

For the Plaintiff:

KIMBERLY BUCKLES, PRO SE

For the Defendant:

DAVID BARY, ESQUIRE

**LINDA C. MILLER**  
**Court Reporter**  
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WITNESS	Direct	Cross	Rec	Red
Leon Humphrey.....	16	38	79	83
Gavin Doyle.....	88	100	113	
Kimberly Buckles.....	115	124		
Margaret Morris.....	145	164	169	
Wendy Mathes.....	170	181	186	189
Freddie Turner.....	193	203		
Stacey Heiden.....	207	226	239	
Paula Alexander.....	243	259		
Ashley Eisenback.....	265	285		
Sandy Blanton.....	298			

## 1 PROCEEDINGS

2 [The court reporter was sworn.]

3 THE COURT: The court is going to  
4 call the case of Kimberly Buckles vs. Sandy  
5 Blanton. This case number is CL18-433.  
6 The parties are present in the courtroom.7 What we have today is a warrant in  
8 detinue filed by Ms. Buckles.

9 Parties, are we ready to proceed?

10 MS. BUCKLES: Yes, sir.

11 MR. BARY: Yes, Your Honor.

12 THE COURT: Do you wish to make  
13 an opening statement?14 MR. BARY: Your Honor, if I may I  
15 do have a pretrial motion that I would like  
16 to make.

17 THE COURT: Okay.

18 MR. BARY: Your Honor, both the  
19 General District Court level, while the case  
20 has been on appeal, I had attempted at both  
21 levels to have the Plaintiff complete a Bill of  
22 Particulars at the General District Court  
23 level failed to comply with the Bill of  
24 Particulars and I have also failed to get a

1 response from the Bill of Particulars again  
2 while the case has been on appeal.

3 I would ask that you consider  
4 dismissing the action based on the lack of  
5 cooperation and if not I ask that you keep  
6 under advisement, as well as take into  
7 consideration any additional evidence that  
8 may be produced today that I have not had  
9 an opportunity to review or look at.

10 THE COURT: Okay. You had a trial  
11 on this?

12 MR. BARY: We did, Your Honor, at  
13 the General District level.

14 THE COURT: Did you file a Bill of  
15 Particular in this court?

16 MR. BARY: I did. Yes, Your Honor.

17 THE COURT: Anything else you  
18 have to say?

19 MR. BARY: If you didn't have a  
20 copy I have a copy.

21 THE COURT: He filed a Bill of  
22 Particulars requesting that you respond to  
23 that.

24 MS. BUCKLES: Your Honor, I did

1 not receive any such thing. To be honest  
2 with that, as a general citizen, I'm not even  
3 sure what that is, but I do have copies of  
4 everything that I received from Ms. Blanton's  
5 attorney.

6 I never received anything other than,  
7 you know, there had been an appeal. That  
8 was not sent to me directly. That was  
9 actually sent to Mayor Humphrey's Office, so  
10 the only reason I have a copy of that was  
11 because I received that yesterday when I  
12 visited with him. He did not send anything  
13 such as that actually to me directly.

14 THE COURT: You say you did not  
15 receive it. I do see the Bill of Particular in  
16 the file.

17 MS. BUCKLES: Yes, sir. I didn't  
18 receive that Bill of Particulars to me  
19 directly.

20 MR. BARY: Your Honor, the address  
21 that the Bill of Particulars was sent to is  
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED], Smithville,  
23 Tennessee, that is the address that Ms.  
24 Buckles put on the original warrant in

1       detinue. We did not file anything, did not  
2       send anything to the Mayor's office other  
3       than the FOIA request, but with regards to  
4       any type of pleadings that has been sent  
5       directly to that Smithville, Tennessee  
6       address.

7               THE COURT: I see a certificate  
8       served a true and correct copy, certified  
9       mail, did you get confirmation of that?

10              MR. BARY: The ones that we filed  
11       with regards to this appeal, Your Honor, was  
12       returned unclaimed on April 13. It stayed at  
13       that address for a period of time and then  
14       the Post Office returned it. The Bill of  
15       Particulars, Your Honor, that was filed at  
16       General District Court level did not come.  
17       It was received.

18              THE COURT: Did you all have this  
19       argument before the General District Court?

20              MR. BARY: No, Your Honor.

21              THE COURT: I'm not going to  
22       dismiss the charge at this time. I will take  
23       it under advisement. I will hear the  
24       evidence today.

1 MR. BARY: Your Honor, all I ask  
2 that you take in consideration anything  
3 produced today that I haven't had an  
4 opportunity to review.

5 THE COURT: The court will consider  
6 that along with everything else we hear here  
7 today.

8 Do you have an opening statement  
9 you would like to make regarding this?

10 MS. BUCKLES: Yes, sir, Your  
11 Honor. Your Honor, I would just like to say  
12 that there are going to be many things  
13 brought up here today that I don't feel are  
14 relevant to the case because, you know, I  
15 would object to anything that is brought in  
16 regards to neglect of these dogs because  
17 there is no case for it.

18 Actually every attempt to file neglect  
19 charges to get these was thwarted because  
20 officers that came out did not find even  
21 Officers of the Clark County Animal Shelter,  
22 you know, came out. The dogs were healthy.  
23 They were well cared and fed, so on and so  
24 forth.

1           Also I'm just going to ask the court  
2 to take under advisement that, yes, I was  
3 not there. They were under the care of my  
4 son and my father due to incarceration  
5 because of, you know, and rehab voluntary.  
6 All evidence that we have actually has been  
7 turned over to the attorney.

8           These dogs were under my son's  
9 care and removed illegally. I have done  
10 everything that I possibly could to find them  
11 and it actually took us a year and a half to  
12 get to this point, but I have been searching  
13 since day one. Thank you, Your Honor.

14           THE COURT: The terms of evidence  
15 is relevant or not relevant I'll hold my  
16 determination whether the --

17           MS. BUCKLES: Thank you, sir.

18           THE COURT: And I will consider  
19 anything that is not relevant. I will also  
20 remind the parties that I don't know anything  
21 about the facts of this case. All I know is  
22 I read the warrant in detinue but this a  
23 brand new trial. So I haven't reviewed  
24 anything further than that.



1 Do you prefer to make an opening  
2 statement, Mr. Bary?

3 MR. BARY: Yes, Your Honor.

4 Your Honor, first I'd like to go  
5 ahead and enforce the rule, have the  
6 witnesses sequestered please. I do have an  
7 exception, I have two witnesses that I intend  
8 to qualify as experts, that being the master  
9 pet groomer, Paula Alexander, as well as the  
10 veterinarian, Dr. Ashley Eisenback, so I  
11 would ask that those two be allowed to  
12 remain.

13 THE COURT: There will be an  
14 exception.

15 Anyone who may be testifying in this  
16 case must stand at this time and raise your  
17 right hand. If there's a chance you are  
18 going to testify stand and raise your right  
19 hand. Everyone if you don't get sworn in  
20 now you're not going to be able to testify.

21 [The witnesses were sworn.]

22 THE COURT: You are permitted to  
23 stay, the two of you mentioned. Everyone  
24 else I'm going to ask you at this time you

1 will be required to leave the courtroom.  
2 Here's the reason why, we want your  
3 testimony to be based on your personal  
4 knowledge, not on what you hear in here.

5 When you are outside the courtroom  
6 don't speak to anyone about the case or  
7 don't remain within earshot of anyone that's  
8 talking about the case and after you testify  
9 don't go out and tell everybody what you  
10 testified to. You will be called when it's  
11 your turn to testify. So just step outside at  
12 this time please. Thank you.

13 [The witnesses leave the courtroom.]

14 MR BARY: Your Honor, if I may,  
15 this warrant in detinue arises out of the  
16 action or events that occurred on May 27,  
17 2016. Ms. Buckles alleges that on or about  
18 that date that someone entered her father's  
19 property, Danny Buckles on [REDACTED] Powder  
20 Branch Road, entered his property basically  
21 opened up the pen where two female Shih  
22 Tzu dogs were kept and basically stole those  
23 dogs from the residence.

24 It has been alleged by both Ms.

1 Buckles as well as her sole witness that has  
2 testified previously, Carter County Mayor  
3 Leon Humphreys, that the theft was related  
4 or was committed by individuals either with  
5 Carter County Animal Control or with some  
6 affiliations of the Elizabethton/Carter County  
7 Animal Shelter.

8 Ms. Buckles, as well as her witness  
9 Mayor Humphrey, has also alleged that the  
10 documentation that was compiled in and  
11 around that rescue of those two animals  
12 were forged documents. There is an Intake  
13 Form that is dated May 27, 2016 that  
14 indicates that two Shih Tzu dogs were  
15 running loose on Powder Branch Road and  
16 that they were picked up by Animal Control  
17 and then transported to the  
18 Elizabethton/Carter County Animal Shelter.

19 Ms. Buckles and her witness  
20 maintains that that document is a forgery  
21 and, in fact, Mayor Humphrey her witness  
22 testified, at the lower court level, General  
23 District Court level that not only were those  
24 documents falsified but that the signature at

1 the bottom of that form that contains the  
2 signature of a Margaret Morris was, in fact,  
3 forced by former Shelter Director Stacey  
4 Heiden.

5 In addition and, as Ms. Buckles  
6 indicated in her opening, they also maintain  
7 that these animals showed no signs of any  
8 type of neglect. We are not necessarily  
9 saying this rises to a level of animal cruelty  
10 but the evidence will show today that there  
11 was clear indication of some sort of neglect.

12 Your Honor, in order for Ms. Buckles  
13 to prevail there are four elements in a  
14 detinue case that she must meet. Of course  
15 has to indicate or prove that she had title  
16 and rights and immediate possession.

17 She also has to be able to  
18 demonstrate that the property, the dogs here  
19 much be of some value. She must be able  
20 and capable of identification of the animals.  
21 The fourth element would be that the  
22 Defendant must have possession of the  
23 property at some time prior to the initiation  
24 of the suit. Those are the four elements.

1           The reason that we are here is that  
2 there were allegations that were made by  
3 Ms. Buckles, as well as the witness Mayor  
4 Humphrey, at the lower court than we did not  
5 expect. These were allegations that in our  
6 investigation and on appeal we have been  
7 able to determine that the evidence will show  
8 that at best these statements and allegations  
9 were made were misguided, misinformed, at  
10 worse which is outright fabrications.

11           The evidence and the testimony that  
12 you will hear from today, Your Honor, we  
13 have multiple witnesses here today but most  
14 importantly you will hear from Ms. Morris,  
15 the individual who signed the Intake Form,  
16 that where the allegations have been made  
17 that that was a forgery.

18           Ms. Morris going to testify today in  
19 regards to the fact that that is her signature  
20 and that in fact she did contact Animal  
21 Control on or about May 27, 2016 and those  
22 animals were running loose, that they were  
23 not kept a pen, they were not in a pen,  
24 anything of that nature.

1           So we are going to be able to  
2 demonstrate, one, and the evidence will  
3 show, one, that the animals were loose  
4 running about and they were picked up by  
5 Animal Control; two, that the documentation  
6 that Ms. Buckles and her witness claims was  
7 a forgery is in fact the true and correct  
8 document.

9           Also you will hear from both Dr.  
10 Ashley Eisenback, who is a veterinarian, as  
11 well as master pet goomer, Paula Alexander.  
12 Ms. Alexander actually performed emergency  
13 pet grooming on the animals on or about May  
14 29, 2016. Her testimony will be that in fact  
15 that the animals did show evidence of  
16 neglect.

17           Dr. Eisenback will reiterate that  
18 point and will comment with regards to the  
19 level of neglect as well as the proper care  
20 for that breed of animal.

21           So in sum, Your Honor, we feel that  
22 the evidence that will be presented today  
23 will clearly show that the allegations that  
24 have been made are unfounded and in fact

1 this was a proper transfer.

2 Just to close, or the last comment,  
3 Tennessee Statute basically it is one of the  
4 controlling issues here. Tennessee Code  
5 Section 68-8-107, I've already provided that  
6 to the court in our Grounds of Defense, Your  
7 Honor, but that indicates and references the  
8 hold period.

9 The hold period for the Tennessee  
10 Code Section is five days. Evidence will  
11 show, the testimony will show that when the  
12 pet owner may be known to the Shelter that  
13 the Shelter extended that hold period to ten  
14 days. The hold period was clearly satisfied  
15 in this case.

16 The Animal Shelter did everything  
17 correct. At the end of that ten-day hold  
18 period those animals became property of the  
19 Shelter. The Shelter didn't have the ability  
20 to, one, adopt animals out which they did or,  
21 two, euthanize the animals.

22 So based on Tennessee law, based  
23 on the elements Ms. Buckles would have to  
24 prove, that in testimony that would be shown

1 today clearly indicates that my client legally  
2 adopted these dogs back on July 1, 2016.

3 THE COURT: Okay. Thank you.

4 At this time, Ms. Buckles, I'll let  
5 you call your first witness or if you wish to  
6 testify you take the witness stand.

7 MS. BUCKLES: I would actually like  
8 to open with Leon, Mayor Humphrey.

9 THE COURT: You were sworn in a  
10 moment ago, if you will just have a seat up  
11 here on the witness stand please.

12 THE COURT: Proceed. Ms. Buckles.  
13 Thereupon,

14 LEON HUMPHREY,  
15 a witness, was called for examination and  
16 after having been duly sworn was examined  
17 and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. BUCKLES:

20 Q May I please, as you are aware of  
21 the situation of the dog being removed from  
22 my father's property and the investigation,  
23 when I contacted you, I made you aware of  
24 what had happened --



1 MR. BARY: She is testifying.

2 MS. BUCKLES: I was just trying to  
3 give an opening statement.

4 BY MS. BUCKLES: When did I  
5 contact you --

6 THE COURT: Ms. Buckles, hold on  
7 just a second. Okay. I know you are  
8 operating without an attorney and that's fine.  
9 Okay. We will give you leeway. The stuff  
10 that you are saying is basically testifying

11 MS. BUCKLES: Okay.

12 THE COURT: You are not under  
13 oath. If you have questions ask them. If  
14 you had rather testify first and say whatever  
15 you like about the case you certainly  
16 welcome to do that as well. At this time  
17 you just ask questions.

18 BY MS. BUCKLES:

19 Q When did I contact your office with  
20 regards to my dogs?

21 A Can I reference the documents, Your  
22 Honor?

23 THE COURT: What are these  
24 documents?

1 THE WITNESS: These are  
2 documents that support the exact dates and  
3 times that Ms. Buckles had made the request  
4 for assistance in locating her dogs.

5 THE COURT: Records that you keep  
6 as part of your business?

7 THE WITNESS: Well, this is part of  
8 this particular incident and as I would do for  
9 any other constituent that had a concern.  
10 They are pertaining to the case, all of these  
11 are pertaining to the case.

12 THE COURT: Explain what you mean  
13 by that. What kind of documents are they?

14 THE WITNESS: I don't have to but,  
15 yes, I can answer the question. In October  
16 4 of last year, 2017, Ms. Buckles sent me an  
17 email indicating that she was in search of  
18 her dogs that had been sold for well over a  
19 year and she had exhausted all avenues at  
20 that time, Your Honor, and asked if I could  
21 help.

22 BY MS. BUCKLES:

23 Q Okay. What did you do when you  
24 received that complaint?

1           A     The first thing that I did was to try  
2 to get as much information as I could on Ms.  
3 Buckles because part of the concern and the  
4 information that I had been provided was, at  
5 that time, that the dogs had been properly  
6 cared for.

7           So the first thing I did was  
8 contacted our Circuit Court Clerk in the  
9 County to see if there had been any animal  
10 cruelty or neglect charges placed against Ms.  
11 Buckles or her father for the care and  
12 custody of those dogs. I did not find any.

13           The next thing that we did was I  
14 contacted the Comptroller's Office and asked  
15 them for any Animal Shelter records that  
16 they had pertaining to the two animals in  
17 question.

18           They submitted to me photo copies  
19 of the Intake Forms for those two animals.  
20 Once I received those Intake Forms I started  
21 backing through the system to see if I could  
22 determine the location of the two dogs in  
23 question.

24           MR. BARY:     Your Honor, again the

1 witness is flipping through documentation I  
2 had no idea what he has got and what. I  
3 don't even know what he is looking at.

4 THE COURT: I think you should just  
5 testify on your memory.

6 THE WITNESS: Okay. I can do  
7 that.

8 THE COURT: If this is a document  
9 that you need to refresh your memory, we  
10 can address it at that time.

11 THE WITNESS: That's not --

12 THE COURT: I prefer you testify  
13 from your memory right now.

14 THE WITNESS: Okay. I can do  
15 that.

16 Once we did we found out that there  
17 was a rescue contract for Friday's Rescue in  
18 Connecticut. So I reach out and made  
19 contact with the owner proprietor operator of  
20 that particular rescue, Ms. Heidi Martin, to  
21 see if she had actually received the animals.

22 Ms. Martin made clear to me that  
23 she had not, even though the rescue contract  
24 with the Shelter indicate that's where the

1 animals went.

2 Ms. Martin sent me some information  
3 indicating that they had been offered to her  
4 by a lady by the name of Tabitha VanWinkle  
5 but she refused those two dogs for whatever  
6 reason. She also sent me photos of those  
7 dogs, as they appeared at the time they  
8 were to be transferred to her, because Ms.  
9 VanWinkle had contacted Ms. Martin.

10 So we went one step farther. The  
11 Intake Form, seeing that those dogs weren't  
12 in Connecticut, where the contract said that  
13 they were going, we backed up and looked at  
14 the Intake Form.

15 MR. BARY: Your Honor, if I may the  
16 testimony that is being offered has no  
17 relevance to this particular claim. The issue  
18 here is whether or not Ms. Buckles had a  
19 property right in the animals during the time  
20 that they were that were at the Animal  
21 Shelter.

22 What the Mayor is testifying to, Your  
23 Honor, is what events that transpired after  
24 that period of time. Whatever may have

1 happened between the Shelter and the  
2 transport or a rescue agency, Your Honor, is  
3 after the fact. It had no relevancy to this  
4 particular case.

5 The question is whether or not Ms.  
6 Buckles maintained a property right in those  
7 animals during the 10-day, 14-day stay at  
8 the Shelter. At that period of time they  
9 become property of the Shelter. The Shelter  
10 can then get to adopt them or euthanize the  
11 animals.

12 That is not the facts, the particular  
13 facts that are the essence of this case. My  
14 objection is it's based on relevancy, Your  
15 Honor.

16 THE COURT: Let's start getting to  
17 the point.

18 MS. BUCKLES: Okay.

19 BY MS. BUCKLES:

20 Q Mayor Humphrey, did I provide you  
21 with proper records as proof, prior to your  
22 investigation, that these dogs had, in fact,  
23 belonged to me?

24 A You did. Yes.

1 MR. BARY: Your Honor, again, there  
2 has been no evidence introduced as far as  
3 any proper proof of anything that Ms.  
4 Buckles has reference to.

5 THE COURT: Okay. I understand. I  
6 note your ongoing objection. I'm not going  
7 to hear it.

8 MS. BUCKLES: Your Honor, I would  
9 like to introduce and I have the originals,  
10 the copy from the breeder, a signed copy  
11 from her, letter showing and it was provided  
12 to Ms. Blanton's attorney and that copy of,  
13 you know, purchase of these particular two  
14 dogs.

15 I'm sorry, I'm a little nervous.

16 BY MS. BUCKLES:

17 Q Mayor Humphrey, I did also provide  
18 your office with a copy of this; is that  
19 correct?

20 A That's correct.

21 Q Along with pictures of these dogs.  
22 Mayor Humphrey, when you received this  
23 documentation and, Your Honor, part of our  
24 argument is that these dogs were not only

1 my property was illegally removed, and steps  
2 that were taken were fraudulent. While I  
3 understand that the attorney, and Mayor  
4 Humphrey is testifying to this, this is where  
5 this is going.

6 Ms. Morris is here to testify. We  
7 have record of Ms. Morris saying she did  
8 not.

9 MR. BARY: Your Honor, again she  
10 is testifying. I asked to have the witness  
11 sequestered, and what's she done now she  
12 has revealed the name of one of my  
13 witnesses.

14 THE COURT: The objection is that  
15 she has revealed the name of one of your  
16 witnesses?

17 MR. BARY: No. The objection is  
18 that she's testifying, Your Honor.

19 THE COURT: I understand and know  
20 that you are not represented. We do have  
21 rules that we have to follow.

22 MS. BUCKLES: Yes, sir.

23 THE COURT: I've got to require you  
24 follow the same rules. If you want to testify



1 we will let you testify. You do one or the  
2 other but you can't do both.

3 BY MS. BUCKLES:

4 Q Mayor Humphrey, I was going to ask  
5 you, obviously, your investigation, not only  
6 proved that these were my animals, I'm  
7 asking you to please testify as to what the  
8 --

9 THE COURT: Just tell what you  
10 know.

11 THE WITNESS: Your Honor, I'm  
12 sorry.

13 THE COURT: Let's focus on how  
14 these animals got where they got, when they  
15 got there or why they got there, what  
16 knowledge you had about them.

17 THE WITNESS: Part of the  
18 investigation in the office is, as I've already  
19 stated, we went to verify the validity of Ms.  
20 Buckles' claim, the Clerk cleared her of that.  
21 We checked the Intake Form and the actual  
22 adoption contract.

23 Once we looked at the intake form,  
24 knowing that those dogs were not in

1 Connecticut, then we backed up and made  
2 contact with Ms. Morris. I had a phone  
3 interview with her and I do have the audio,  
4 sir, that we would like to play statements of  
5 that, that will give the court a very good  
6 idea as to what went wrong with these  
7 animals, the legal transfer of the animals to  
8 the Shelter.

9 It never happened. Ms. Morris had  
10 signed the contract when, in fact, Ms. Morris  
11 did not sign that contract and she stated as  
12 such.

13 We also went back and pulled the  
14 911 recordings for the Officers that were at  
15 the scene that will affirm the condition of  
16 the dogs prior to them being taken from the  
17 property.

18 So that within itself, Your Honor,  
19 makes it clear to me that these animals were  
20 not --

21 THE COURT: I'm sorry, I'm the one  
22 that needs to make the determination as to  
23 whether or not they were --

24 THE WITNESS: Correct, but I just

1 trying to relay to you what I did.

2 THE COURT: Just the facts.

3 THE WITNESS: Okay. The facts  
4 are we have an Intake Form that was signed  
5 by Ms. Morris which, in fact, Ms. Morris did  
6 not sign it saying that she relinquished these  
7 animals running at large. That's what was  
8 signed by someone at the Shelter.

9 The facts, as I know them at this  
10 point in time, Ms. Buckles' father made  
11 contact with the Shelter to collect those  
12 dogs that were picked up on Friday, May 27,  
13 they contacted that Shelter immediately.

14 They were told by the Shelter that  
15 those animals were did not, were not at the  
16 Shelter. Then as early as Monday, Tuesday  
17 of the next week they called back and they  
18 acknowledged that the animals were there  
19 but they couldn't have them.

20 MR. BARY: Your Honor, that's quite  
21 a bit of hearsay.

22 THE COURT: Yeah, I can't let you  
23 tell me what somebody else said. You are  
24 here to testify what you know by personal

1 knowledge or personal observation.

2 THE WITNESS: Okay. The personal  
3 knowledge that I have is a audio recording  
4 of Ms. Morris admitting that she did not sign  
5 those animals into that Shelter.

6 THE COURT: Is this a conversation  
7 with you?

8 THE WITNESS: No, it was a  
9 conversation with my Administrative Assistant  
10 who did the bulk of the investigation, sir.

11 THE COURT: Do you have other  
12 questions of this witness?

13 BY MS. BUCKLES:

14 Q Once you completed the investigation  
15 and contacted me back, what steps were  
16 taken by your office to help me with return  
17 of these animals once you determined that  
18 they had been illegally seized?

19 A We made a number of calls. We  
20 looked into where the animals were actually  
21 at the time. We did an investigation. We  
22 found out that the animals were in fact not  
23 in Connecticut but were in Wise County,  
24 Virginia.

1 Ms. Tabitha VanWinkle had taken  
2 those dogs, even though the contract said  
3 that they going to Friday's in Connecticut.  
4 We know for a fact that that was not the  
5 case.

6 I have photos that were provided to  
7 me by Ms. Martin at the time that will show  
8 the overall condition of the animals. So  
9 with that we worked with Ms. Buckles to  
10 notify her that those dogs were in fact in  
11 Wise County, Virginia, at least at the time of  
12 the transfer and not in Connecticut or any  
13 other state because we had no clue.

14 As a result the detinue warrants  
15 were filed at that time, by Ms. Buckles, to  
16 get possession of those animals.

17 Q Mayor Humphrey, what are these or  
18 Carter County Statutes regarding the Animal  
19 Shelter coming onto this property?

20 A At no point in time is an Animal  
21 Control Officer allowed to go on someone's  
22 property without valid justification.

23 Q Okay. And if they do, when they do  
24 go onto the property are they suppose to

1 leave any kind of notifications?

2 A Yes, there is a hang tag they are  
3 suppose to leave notifying the purpose of the  
4 visit to this property.

5 Q And were there any indications, in  
6 your records, that Animal Control Officers  
7 had been sent to my father's property?

8 A There were no indications that I had  
9 that they had been there. I did -- we  
10 chased the address through 911 to see if  
11 there had been any calls. We did find a  
12 number, we obtained that log of calls and  
13 the recordings so that we could get some  
14 idea, as to the overall condition of the  
15 animals, at the time the Officers noted. The  
16 last recording that we have the Officer was  
17 having difficulty finding --

18 MR. BARY: Your Honor, he is  
19 basically testifying facts that has not been  
20 not admitted. It's not made part of the  
21 record.

22 THE COURT: Yeah, I'm going to  
23 sustain that objection.

24 Do you have another question?

1 MS. BUCKLES: Yes, sir.

2 BY MS. BUCKLES:

3 Q There have been statements made in  
4 the evidence that you found and of course  
5 evidence that they have the Intake Forms  
6 that the animals were found, in the road,  
7 when in fact Ms. Morris had turned them in  
8 and that it was raining.

9 Did you guys find any evidence and  
10 your assistant kind of looked into the  
11 Farmers Almanac and stuff?

12 A The records that we were able to  
13 obtain that day indicated that there was no  
14 rain on that particular day May 27.

15 Q Okay. Let me see here. Did you  
16 find any evidence of other situations possibly  
17 such as mine in your searching?

18 MR. BARY: Your Honor, that has no  
19 relevancy.

20 THE COURT: I agree. It is not  
21 relevant to what happened here.

22 BY MS. BUCKLES:

23 Q So Friday's Rescue it was a  
24 fraudulent signature; is that correct?

1           A    Yeah.

2           Q    What did you find at the Vet's Office

3           --

4                   MR. BARY:  I don't understand that  
5           fraudulent signature.    What are we talking  
6           about?

7                   MS. BUCKLES:  It's about the claim  
8           and the fraudulent taking of the dogs where  
9           they were suppose to be.

10                  THE COURT:  You said Friday's a  
11           minute ago?

12                  MS. BUCKLES:  Friday's Rescue.

13                  THE COURT:  Oh, Friday's Rescue.  
14           Okay.  Who supposedly --

15                  MS. BUCKLES:  Okay.  The time --

16                  THE COURT:  Hold it a minute.  
17           That's fine.  I don't know anything about this  
18           case.  I'm brand new here today.  You all  
19           have lived with it.  I try to explain it the  
20           best way I can.

21                  BY MS. BUCKLES:

22                  Q    Mayor Humphrey, is there any other  
23           evidence that you found that would lead you  
24           to believe that these animals were -- that



1 there was anything illegal that took place in  
2 the removal of these animals?

3 A The information that was collected  
4 through my office, the review of the  
5 recordings from 911 listening to the Officers  
6 on the scene, review of the Intake Form, the  
7 actual interview with the person that  
8 allegedly signed the form, knowing full well  
9 now that, in her own words, that she did not  
10 sign it. She did not give them the names of  
11 Basil and Clover that were noted on the  
12 Intake Forms.

13 The statements that were made by  
14 her indicating that the Elizabethton/Carter  
15 County Animal Shelter had been trying on  
16 numerous occasions to get those particular  
17 dogs because they were of a certain breed  
18 that could go immediately to rescue and  
19 would bring substantial dollar amount. The  
20 number of calls to the Elizabethton PD, to  
21 that particular location, and then the Officer  
22 making clear --

23 MR. BARY: Your Honor, once again  
24 he's testifying to facts that are not part of

1 the record and have not been introduced.

2 THE COURT: Yeah.

3 THE WITNESS: Your Honor, I would  
4 gladly produce the disk if the court will  
5 allow.

6 THE COURT: Let's just get quickly  
7 what you know.

8 THE WITNESS: Well, that's  
9 basically it. I mean based on those  
10 interviews and the information that I've  
11 collected, it made clear to me that the  
12 animals were not -- the animals were not  
13 running at large. The animals were in a  
14 well kept cage, a kennel, large kennel with  
15 doghouse with blankets, with food and water  
16 based on the audios that the Officers  
17 communicated with dispatch.

18 The Officer went as far to say, Your  
19 Honor, that these animals --

20 MR. BARY: Hearsay. That's  
21 hearsay, Your Honor.

22 THE COURT: Yes. You cannot say  
23 what the Officer said, the Officer is not here  
24 to testify to that.

1           THE WITNESS:     Okay.     But  
2     nonetheless based on that information that it  
3     was clear to me that the animals were not  
4     running at large. They were at Ms. Buckles'  
5     home. She made me call to the Animal  
6     Shelter to have those picked up.

7           Ms. Morris -- Ms. Morris stated --

8           THE COURT: You cannot say what he  
9     said. I'm sorry. These rules are rules and  
10    we've got to follow them.

11          THE WITNESS: I understand.

12          THE COURT:     Basically what you  
13    said and based on your investigation they  
14    weren't running at large and they were at  
15    her place.

16          THE WITNESS:   They were at her  
17    place. They were well maintained and kept  
18    and they should not have been removed from  
19    the property at any point in time. There  
20    was no evidence, no evidence based on my  
21    investigation that those animals left the  
22    kennel, Your Honor.

23          THE COURT:     Okay. That's your  
24    belief based upon your investigation?

1 THE WITNESS: Yes.

2 BY MS. BUCKLES:

3 Q Mayor Humphrey, why did the  
4 Comptroller have these records? You said  
5 that you to get them from the Comptroller,  
6 why were they not in the property of the  
7 Animal Shelter?

8 A In June of 2016 there were a number  
9 of calls that came in to my office from  
10 constituents pertaining to the overall  
11 operation of the Animal Shelter, not one but  
12 many. The Animal Shelter Advisory Board  
13 had to deal with several of those situations.  
14 The Director, at the time, was taking matters  
15 into her own hands and she was creating  
16 laws ordinances that did not exist and had  
17 not been passed by the Carter County --

18 MR. BARY: Your Honor, again I  
19 don't see the relevancy. We are getting into  
20 the politics of Carter County and the  
21 operation of the Animal Shelter.

22 THE COURT: That's not in response  
23 to the question. These documents you are  
24 talking about were not in the file of the

1 Animal Shelters is that what you asked?

2 MS. BUCKLES: Yes. They had to  
3 be retrieved from the Comptroller.

4 THE COURT: Are these documents  
5 that would ordinarily be kept by the Animal  
6 Control?

7 THE WITNESS: They would be kept  
8 in the Animal Shelter, Your Honor, but in  
9 August, early August I filed a report with the  
10 Comptroller's Office. They sent an  
11 investigator up and immediately confiscated  
12 the bulk of the records there for their review  
13 as part of this investigation was going on.

14 The Finance Department of the  
15 County had many, many concerns and that's  
16 why the records weren't there at the Shelter.  
17 I had to make contact with them to get these  
18 records so that I could do my investigation  
19 otherwise.

20 BY MS. BUCKLES:

21 Q And I guess it's because of the --  
22 due to these issues at the Animal Shelter, I  
23 understand there's going to be -- why was  
24 the Director at the time my dogs were

1 seized, why was she removed? That Director  
2 was removed and she is the one that ordered  
3 the seizure of my dogs?

4 THE COURT: That was testimony.  
5 Ask the question.

6 BY MS. BUCKLES:

7 Q Why was the Animal Shelter Director  
8 removed?

9 A There was a number of items,  
10 ma'am, that I would prefer not to go into.  
11 It was a termination at will in the State of  
12 Tennessee. So it's a termination.

13 MS. BUCKLES: I guess at this time  
14 that's all the questions I have of Mayor  
15 Humphreys.

16 THE COURT: Thank you.

17 Mr. Bary, do you have any  
18 questions?

19 MR. BARY: I do, Your Honor.

20 CROSS-EXAMINATION

21 BY MR. BARY:

22 Q Good morning, Mayor Humphrey.

23 A Good morning, sir.

24 Q I'm not quite sure where to start.

1 Let's just start with a few basics. You were  
2 here today testifying under basically  
3 voluntarily, you are not under subpoena or  
4 anything of that nature; correct?

5 A No, sir.

6 Q And based on your testimony  
7 presented today I kind of make the  
8 assumption that you are testifying in the  
9 capacity of the Mayor of Carter County in  
10 your official capacity; is that fair to say?

11 A Every day of my life as Mayor since  
12 elected, it's a 24/7 job and this is a  
13 constituent complaint so I'm doing a  
14 followup. So, yes, sir.

15 Q It's interesting that you mentioned a  
16 constituent complaint. Ms. Buckles is  
17 technical not a constituent of Carter County;  
18 is that correct?

19 A Not to my knowledge, sir. She  
20 resides in Carter County now.

21 Q But at the time that this happened,  
22 at the time of this lawsuit or this warrant in  
23 detinue was initiated, sir, she was not a  
24 constituent of Carter County?

1           A     She didn't but her father and her  
2 son were.

3           Q     And her father and her son were not  
4 the ones that brought this action, Ms.  
5 Buckles is the one that has brought this  
6 action?

7           A     She brought the action. Yes.

8           Q     All right. Mayor Humphrey, if you  
9 could I'm curious, do you basically  
10 investigate and take claims like this and  
11 handle claims personally with people,  
12 especially non constituents?

13          A     Anyone that walks into my office  
14 with a concern and I do my utmost best to  
15 service constituent, or otherwise, because  
16 I'm elected by the people to represent all  
17 people.

18          Q     And you mentioned that when you  
19 were contacted by Ms. Buckles, I'm not sure  
20 if that's correct. Your office reached out to  
21 Ms. Buckles initially, you were -- I think you  
22 referenced your secretary Ms. Robinson  
23 reached out to Ms. Buckles initially?

24          A     That's not correct, sir. I have an



1 email from Ms. Buckles on October 4, if  
2 memory serves me correctly, when she raised  
3 the issue and asked for help.

4 Q And as far as the help that you have  
5 provided Ms. Buckles, you are aware that  
6 she's on parole?

7 A I'm not aware --

8 THE COURT: How is that relevant?

9 MR. BARY: One, it goes to the  
10 reason or the relationship that we have with  
11 the Mayor and Ms. Buckles as to why this  
12 claim has been investigated, Your Honor.  
13 And I also have a couple of followup  
14 questions.

15 THE COURT: I'll let you continue  
16 and show me how it's relevant.

17 MR. BARY: I understand.

18 THE WITNESS: Your Honor, can I  
19 answer?

20 THE COURT: Yes. Yes, you can  
21 answer it.

22 THE WITNESS: The thing about it  
23 is at no point in time do I ever get to that  
24 depth with an individual. I did -- I did the

1 investigation to see if there were any  
2 charges, within our County, through the  
3 Circuit Court's Clerk's Office, but at far as  
4 Ms. Buckles' personal situation that is no  
5 concern of mine. It has no bearing on this  
6 case.

7 BY MR. BARY:

8 Q And I understand that. But would it  
9 not be relevant to your investigation, sir,  
10 based on the fact that she was incarcerated  
11 at the time that the animals were rescued by  
12 Animal Control. Is that not a consideration?

13 A No, sir. And you are assuming that  
14 they were rescued. My records indicate --

15 Q We will get to that here in just a  
16 minute, Mayor Humphrey. In fact, not only  
17 did you investigate this for Ms. Buckles but  
18 I think on January 25<sup>th</sup> at a hearing, in the  
19 General District Court, as well as the  
20 hearing on February 22<sup>nd</sup>, not only did you  
21 come over but you also transported Ms.  
22 Buckles, brought her over to the courthouse;  
23 correct?

24 A Ms. Buckles has always transported

1 herself just as today.

2 Q All right. Well, the reason why I  
3 ask is that after the court ruling in General  
4 District Court ruled, you had actually given  
5 your card with your cell phone number as far  
6 as to arrange a meeting time to be able to  
7 pick the animals up; is that correct? Do you  
8 remember that?

9 A I remember that exactly because  
10 once Judge Phillips --

11 Q I'm just asking you to answer the  
12 question. I have the business card that you  
13 gave me here with your cell phone number  
14 on it.

15 A That's correct. I did because that  
16 was the understanding that all of us had  
17 when we were before the bench with Judge  
18 Phillips that we would go to hall and make  
19 arrangements for the transfer of the animals  
20 on Saturday.

21 Q Right. And one of the reasons why  
22 we thought we might have to make those  
23 arrangements were based on some of things  
24 that you testified to, under oath, that day in

1 General District Court. So I would like to  
2 just kind of walk you through just a few  
3 things and you've referenced some of them  
4 already.

5 But that it is your position and you  
6 testified previously, Mayor Humphrey, that  
7 basically both of these animals were in fact  
8 stolen?

9 A I never testified to that point that  
10 they were stolen.

11 Q The position of Ms. Buckles that the  
12 animals were stolen. In fact, you have even  
13 stated in the press that the court had ruled  
14 that these animals were stolen. In essence  
15 you agreed to that fact; correct?

16 A I haven't stated it in the press. The  
17 press states many things that aren't true.

18 Q Mayor Humphrey, is it your position  
19 that the animals were not stolen?

20 A Excuse me?

21 Q It is your position then that the  
22 animals are not stolen; you said you didn't  
23 testify to that fact?

24 A Sir, we are talking about another

1 court. This is a new court and this is a  
2 new day.

3 Q Right. But you testified under oath  
4 so I'm asking you about your testimony at  
5 that time. Let me just put it to you this  
6 way, Mayor Humphrey. Ms. Buckles alleges  
7 that someone entered her father's property  
8 on [REDACTED] Powder Branch Road on M a y 2 7 ,  
9 2016, opened the pen, picked up the two  
10 dogs and left with them.

11 I'm asking you did you agree with  
12 that statement?

13 A Based on the investigation --

14 Q I'm just asking you if you agree with  
15 this statement?

16 A Yes. Yes, I do.

17 Q Okay. All right. Next you also  
18 testified that day in General District Court in  
19 regards to the intake, it wasn't moved into  
20 evidence but you banded about the May 27<sup>th</sup>  
21 intake. In fact, you showed it to me when  
22 asked. You said, Mayor Humphrey, you said  
23 that this intake, that it was a forged  
24 document. In fact, I think your words were

1 everything was illegal that was done that day  
2 or any paperwork that was put forth or  
3 compiled that day.

4 A What I said that day was that the  
5 information that I have obtained, in my  
6 investigation, leads me to believe that it was  
7 not signed by Ms. Morris because she  
8 admitted in phone conversation with my  
9 Administrative Assistant that she had not  
10 signed it.

11 Q That phone conversation, Mayor  
12 Humphrey, has not been made a part of the  
13 record.

14 A I'd like to make it a part of the  
15 record now.

16 Q Well, Mayor Humphrey, let me make  
17 sure we're on the same page. As a result  
18 of some of the things that you testified to  
19 on February the 22<sup>nd</sup> and I had to file a  
20 FOIA request with your office and you  
21 promptly responded to that FOIA request.  
22 Correct?

23 A I did in every --

24 Q If I may.

1 THE COURT: Let him finish his  
2 answer.

3 THE WITNESS: Sir, you made the  
4 request and I very promptly replied.

5 MR. BARY: And you did.

6 THE WITNESS: With all of those  
7 recordings. So you had those.

8 MR. BARY: Okay.

9 THE WITNESS: You had them for  
10 quite some time and you reviewed them  
11 yourself.

12 MR. BARY: I have. I have. And  
13 that was going to be my next question.

14 BY MR. BARY:

15 Q What you sent me in that FOIA  
16 request was everything in its entirety  
17 because, as you know, since you've  
18 referenced that you listened to them, Mayor  
19 Humphrey, it's not the entire conversation.

20 What I received was basically from  
21 the middle point of the conversation. Both  
22 parties -- neither party identified on the  
23 recording. The one party that was recording  
24 at no time told the other party that she was

1 even recording the conversation. Correct?  
2 If you are referring to what you provided me  
3 in the FOIA request, Mayor Humphrey, it was  
4 not the entirety of the conversation. It was  
5 a partial part of the conversation.

6 THE COURT: Is this the question?

7 MR. BARY: It is. I'm sorry.

8 BY MR. BARY:

9 Q Is that correct? What you provided  
10 with my FOIA request was not an entirety of  
11 the conversation that you referred to multiple  
12 times today?

13 A What you received, sir, were those  
14 portions of that conversation that are  
15 pertinent to the case.

16 Q So you cherry picked?

17 A There was no intention of cherry  
18 picking.

19 Q With all due respect, you just said  
20 what was pertinent to the case.

21 MS. BUCKLES: Your Honor, he's  
22 badgering my witness.

23 THE COURT: I do think you need to  
24 give him a chance to answer but I do need



1 as well you to listen to the question that's  
2 asked and just answer the question that's  
3 asked.

4 MR. BARY: I'll try and do better.  
5 I'm sorry.

6 BY MR. BARY:

7 Q Mayor Humphrey, let's try this again.

8 A Okay.

9 Q You mentioned pertinent  
10 conversations -- pertinent points. I'm sorry  
11 but that leads me to believe that if you're  
12 talking about you sent me pertinent points,  
13 that you basically picked out what you  
14 thought I needed to hear and sent that to  
15 me. I mean is that a fair statement, based  
16 on what you just said?

17 A I sent those segments that pertained  
18 to the case.

19 Q My FOIA request, and with all due  
20 respect, Mayor Humphrey, did not ask for  
21 pertinent segments, it asked for anything and  
22 everything related to this, as you call it a  
23 seizure and as I call it a rescue of these  
24 two animals. Correct?

1           A     Correct, sir.

2           Q     That's the problem we've had from  
3 the beginning. I want to go ahead and show  
4 you, Mayor Humphrey --

5                     Your Honor, how are we going to  
6 start marking.

7                     THE COURT: I've got stickers.

8                     MR. BARY: May I approach, Your  
9 Honor?

10                    THE COURT: Yes.

11                    MR. BARY: May I approach the  
12 witness?

13                    THE COURT: You may.

14                    BY MR. BARY:

15            Q     Mayor Humphrey, what I just handed  
16 you I know you're familiar with. That is the  
17 Intake Form --

18                    MR. BARY: Your Honor, I have a  
19 copy for the court, too.

20                    THE COURT: I assume the plaintiff  
21 has it as well.

22                    BY MR. BARY:

23            Q     You've got the Intake Form?

24            A     Yes, sir.

1 Q The infamous Intake Form.

2 A Yes, sir.

3 Q This is the Intake Form that's dated  
4 5-27-2016. It is titled Elizabethton/Carter  
5 County Animal Shelter and out beside is  
6 intake. You testified in General District  
7 Court, in essence, that this Intake Form was  
8 a forged document. This is the form that  
9 you showed me that day and said, Mr. Bary,  
10 this document is a forgery.

11 A I did not say that to that extent. I  
12 said that the signature of Ms. Morris, based  
13 on the information that I had, is not her  
14 signature.

15 Q Okay. So you would not consider  
16 that to be a forgery? If that's not her  
17 signature, then that's a forged signature. In  
18 fact, you said that it was the handwriting of  
19 the former Shelter Director?

20 A That was my opinion, sir. Yes.

21 MR. BARY: Your Honor, may I  
22 approach?

23 THE COURT: You may.

24 MR. BARY: I'd like to have that

1 marked Exhibit 2 please.

2 BY MR. BARY:

3 Q Mayor Humphrey, I'd like you to look  
4 at the signature on the exhibit that I've just  
5 handed you and I realize you're not a  
6 handwriting expert, but if you would look at  
7 that signature that I just handed you and  
8 match it up with the signature on the bottom  
9 of the Intake Form. Do those signatures  
10 look similar?

11 A You're absolutely correct. I'm not a  
12 handwriting expert. They are similar but  
13 they don't appear to be the same.

14 Q If you could, I'm going to just follow  
15 along. I'm going to read for you that  
16 Affidavit, Section 7. Actually if you want to  
17 read. You're probably a better reader than  
18 I am, Mayor Humphrey. Just read Section 7  
19 for us, please, sir.

20 A I have reviewed the attached  
21 Elizabethton/Carter County Animal Shelter  
22 Intake Form dated May 27, 2016. This is my  
23 signature on the bottom of the form.

24 Q And that it is signed by?

1           A     Ms. Margaret Morris.

2           Q     All right. Ms. Morris. So, in fact, it  
3 would appear that Ms. Morris did sign that  
4 form?

5           A     Based on the Affidavit, sir, yes.

6           Q     Mayor Humphrey, you've also  
7 testified, I know you touched on it in  
8 regards to the Tennessee Comptroller. From  
9 what I've been able to gather at some point  
10 in 2017, you requested that the Tennessee  
11 Comptroller come in and do an evaluation or  
12 review some issues that you had or that the  
13 County had with the Shelter. Is that correct,  
14 sir?

15          A     Yes, that's correct, early August of  
16 2016.

17          Q     The Tennessee Comptroller  
18 completed their investigation of the Shelter  
19 somewhere in the first part of December of  
20 2017. Is that correct?

21          A     That's correct, sir.

22          Q     Upon completion of that  
23 investigation, you made some comments to  
24 the -- not only did you make comments to

1 the press but you also, I think you filed a --  
2 you put out a response for immediate  
3 release.

4 MR. BARY: Let me go ahead. Your  
5 Honor, may I approach?

6 THE COURT: You may. Exhibit 3.

7 BY MR. BARY:

8 Q Now, Mayor Humphrey, what I've  
9 handed you, of course, I know you'll  
10 recognize it. It actually contains your  
11 signature. This is your response dated  
12 December the 7<sup>th</sup> in regards to the  
13 Comptroller's report and I'm going to ask  
14 you to turn to the second page. Your  
15 statement notes, the second to the last  
16 paragraph -- well, let's start with the  
17 paragraph that starts with "while."

18 While I'm pleased with the  
19 Comptroller's Office and their staff are  
20 diligent in their investigation of my reported  
21 concerns, there are many things that I and  
22 they found that fall outside the scope of  
23 their authority, from what I've been advised  
24 by the Comptroller's investigator and

1 consequently are not contained in the  
2 Comptroller's Report. My investigation is  
3 still ongoing and I'm currently working with  
4 State officials not only in Tennessee but in  
5 other states to address several matters to  
6 try and bring them to closure involving harm  
7 to the citizens of Carter County and others  
8 in the region as well as other states,  
9 basically doing what a good Mayor should  
10 do.

11 A Exactly, because the scope of the  
12 Comptroller's Office, sir, their investigation  
13 was limited only to financial and procedural.  
14 It did not include the items that we're  
15 talking about here today.

16 Q All right. You have an investigative  
17 arm in the Mayor's Office and you have  
18 investigators in the Mayor's Office?

19 A Every day of my life I'm doing some  
20 sort of investigating, following up on a  
21 question or query by constituents. So am I  
22 a certified investigator. No, sir.

23 Q And you don't have any -- you don't  
24 have a certified investigator that works or is

1 attached to the Mayor's Office?

2 A No, sir.

3 Q That wasn't a certified investigator  
4 that you assert contacted Ms. Morris as well,  
5 correct?

6 A That's correct.

7 Q That was your secretary, Ms.  
8 Robinson?

9 A That was my Administrative  
10 Assistant.

11 Q I apologize.

12 A Who is also our Director of  
13 Economic and Community Development. She  
14 comes with the highest credentials.

15 Q I'm sure she does, but does she  
16 have and any credentials and background in  
17 investigating?

18 A She has many years of experience in  
19 corporate America in investigative audits.  
20 Audits and investigation are one and the  
21 same, sir.

22 Q They are. So, investigation --

23 A Very similar.

24 Q If you can investigate audits, you



1 can investigate criminal activity as far as  
2 the Mayor's office goes?

3 A Based on the files from the office,  
4 she was more than capable of taking these  
5 documents and backtracking through the  
6 system to help in this particular case. I've  
7 had no doubt whatsoever.

8 Q The Comptroller's Office basically  
9 just concluded that there were about 14  
10 operational deficiencies, correct?

11 A Operational, yes, and financial.

12 Q There were no findings of animal  
13 trafficking in the Comptroller's report?

14 A It's outside the scope of their  
15 investigation.

16 Q There were no findings of any type  
17 of forgery of documents in the Comptroller's  
18 report?

19 A Outside of the scope. They were  
20 financial procedures.

21 Q No findings of stolen animals in the  
22 Comptroller's report?

23 A No, sir.

24 Q Now you just testified today, Mayor

1 Humphrey, that that's outside the scope of  
2 the Comptroller. I wonder how you reconcile  
3 that with your statements to news media  
4 outlets that the Intake Form that you've just  
5 reviewed, that you received back from the  
6 Comptroller's Office, is evidence of animal  
7 trafficking? I don't -- I can't reconcile those  
8 two statements.

9 You just said it's outside the scope,  
10 but nevertheless you have used the fact that  
11 the Comptroller's Office had sent that back  
12 to you and that that's evidence, that  
13 document that is evidence of animal  
14 trafficking?

15 A At the time that press release was  
16 sent out and the conversations that I was  
17 having with the State Investigator, they had  
18 submitted at that time a list, a sidebar list  
19 of items of concern to them that were  
20 outside the scope of their investigation.

21 It's my understanding at that point  
22 in time that they submitted that list to then  
23 Attorney General Clark for his review.

24 Q And unfortunately, you know, I was

1 very saddened to hear the news that  
2 Attorney General Clark had passed away just  
3 a few weeks ago. Is that correct?

4 A That's correct.

5 Q But it is my understanding though in  
6 December of 2017 that Attorney General  
7 Clark's office issue the statement that in  
8 looking through this, referring to the  
9 Comptroller's report, meeting with the  
10 auditors, I don't find anything criminal for us  
11 to proceed.

12 A At that point in time this particular  
13 case --

14 Q Mayor Humphrey, that was just a few  
15 months ago -- I'm sorry. Go ahead and  
16 answer the question, sir.

17 A This particular case and all of the  
18 items had never been submitted to General  
19 Clark and I was working with the  
20 Comptroller's office to get an appointment to  
21 sit down individually with them so that they  
22 could review it.

23 At no point in time had an Attorney  
24 General reviewed this particular information.

1 Q Mayor Humphrey, you refer to the  
2 Comptroller's Office. Previously, you stated  
3 that anything in regards to any criminal  
4 activity or any wrongdoing was outside the  
5 scope of the Comptroller's Office.

6 So again I'm trying to reconcile  
7 your statements. You've made two different  
8 comments --

9 A No, sir. If you'll let me finish.

10 Q By all means.

11 A As I told you earlier, the  
12 Comptroller, the Investigator made clear to  
13 me that there were a number of items that  
14 were outside the scope of their authority and  
15 investigation, a sidebar list that was going  
16 to the Attorney General's Office. So they  
17 were to refer these items over so that the  
18 Attorney General could either -- he could  
19 make a decision then whether or not he  
20 wanted to proceed or he could call in the  
21 TBI to do that investigation. It never  
22 happened.

23 Q Okay. As --

24 A Especially with his untimely passing.

1           Q     Sure.  But as of December the 8<sup>th</sup>,  
2     just a few months ago, he stated to the  
3     Elizabethton Star he had met with the  
4     Comptroller multiple times.  Only a very  
5     small amount of money was missing and that  
6     none of that falls under the criminal realm  
7     as of December 8<sup>th</sup> when the Comptroller's  
8     report was issued on or about that time?

9           A     Well \$10,000, sir, is not a small  
10    amount of money.

11          Q     I'm not -- I don't have any fault with  
12    you over that, Mayor Humphrey.  What I'm  
13    asking is that's what the Attorney General's  
14    Office, the statement that they put out is  
15    that there was nothing at that time that fell  
16    under the criminal realm and that the  
17    Attorney General had met multiple times with  
18    the auditors.  That's what I -- I'm not asking  
19    your opinion in that and I would agree with  
20    that.

21                 What I'm saying is that the Attorney  
22    General basically said that there was nothing  
23    at that time criminally for him to proceed.

24          A     But I had not had the opportunity to

1 meet with the Attorney General at that time  
2 and Mr. Jerreau, the State Comptrollers to  
3 go over these items and submit this evidence  
4 which the Comptroller did not have this  
5 particular evidence.

6 Q I would assume the evidence that  
7 you're talking about is the Intake Form that  
8 you claim was a forged document which is  
9 actually the true and correct document and  
10 you are also referring to audios that you  
11 refer to, that's not the complete  
12 conversation, you picked out pertinent  
13 points. Is that what you were going to take  
14 to the Attorney General?

15 A No, sir. There's more than that, sir.  
16 There's more than that. That's not  
17 pertaining.

18 Q Does it pertain to this case?

19 A It does.

20 Q Mayor Humphrey, in all due respect,  
21 sir, I filed a FOIA request asking for every  
22 shred of documentation in regards to this  
23 case. As you can see I have multiple  
24 binders but from what I'm hearing from you

1 today, sir, is that there are apparently  
2 additional documentation or evidence that I  
3 have not received.

4 A Well, sir, the information I'm  
5 referring to we also looked into Ms.  
6 VanWinkle's history and she's the person  
7 that was in possession of the animals and  
8 here in Wise County, Virginia which you have  
9 access to, sir, you can go on line. You can  
10 see her history 12, 13, 14 numerous charges  
11 against her for animal cruelty and neglect.  
12 Animal cruelty and neglect and abuse.

13 THE COURT: Okay. I need for you  
14 to listen to the question that he's asking and  
15 answer the question.

16 BY MR. BARY:

17 Q Mayor Humphrey, I realize you have  
18 some issues with that individual. Okay. But  
19 I want to make something clear for the court  
20 and I want to make something clear with  
21 you, you are a witness here today. All  
22 right. As Mayor of Carter County or as far  
23 as Carter County goes, you have brought no  
24 type of action against that third party that

1       you keep referring to, as far as transporter  
2       or the rescue. I'm not talking about what  
3       may happen in the future. What I'm saying  
4       is, as you sit here today in the courtroom,  
5       sir, you have brought no action on behalf of  
6       Carter County against any type of  
7       wrongdoing committed by a transporter or  
8       rescue agency?

9           A     This is a civil case that --

10          Q     I didn't ask that.

11           THE COURT: Answer the question  
12          and if you want to clarify you can but  
13          answer first.

14           THE WITNESS: I'm sorry, Your  
15          Honor. No, sir. The reason being this is a  
16          civil matter. This is not a County matter.  
17          This was a matter to help a constituent  
18          recover her property and Judge Phillips  
19          agreed with that.

20           THE COURT: That's not relevant.  
21          I understand. I'm not taking into  
22          consideration anything about another Judge  
23          about this case.

24           BY MR. BARY:



1           Q     Mayor Humphrey, let's set that  
2     aside. All right. The issue that we have  
3     before us, sir, is the point in time from May  
4     27 to what happened, at the point in time,  
5     that the animals were given over to a  
6     transporter or rescue agency. All right. I  
7     just want to make sure that we are clear on  
8     that set of circumstances.

9           You still maintain as you said earlier  
10    that the animals were stolen from the  
11    Buckles' property and I'm sure, as you sit  
12    there today, are you still maintaining that  
13    this document is a forged document? I'm  
14    just asking you a question, just your position  
15    --

16           MS. BUCKLES:     Your Honor, I  
17    object. He is not a writing expert and due  
18    to his testimony --

19           THE COURT:     I understand but I'm  
20    going to overrule because he has taken a  
21    position on that.

22           THE WITNESS:     Based on the  
23    Affidavit that Ms. Morris has signed, then  
24    anyone would have to agree that this may be

1 a valid document.

2 BY MR. BARY:

3 Q I want to show you and one of the  
4 other things and I'm going to promise Your  
5 Honor, we will wrap it up here in a minute.  
6 One of the other things, Mayor Humphrey,  
7 that you've referenced, Ms. Buckles has  
8 referenced is that these animals were well  
9 maintained, that they were in good shape,  
10 that they showed no signs of any type of  
11 neglect, abuse, or cruelty; is that correct?

12 A That's correct based on the  
13 information I have and I have some photos  
14 that I would like to enter in if the Judge or  
15 the Court would allow.

16 THE COURT: Maybe in a moment.

17 BY MR. BARY:

18 Q One thing I want to ask you about  
19 before we get to the photos then going back  
20 to what you've provided me, in regards to my  
21 FOIA request, going back to the press. I  
22 want to give you an opportunity to clarify  
23 this statement.

24 You made a statement I think to the

1 Elizabethton Star on March 30<sup>th</sup> that basically  
2 at no point in time, as your previous  
3 testimony, that anything to harm Carter  
4 County and its citizens. You also stated  
5 that when you looked into this matter by Ms.  
6 Buckles, again you referenced the State  
7 Comptroller's Office, you say the Shelter's  
8 medical records that were obtained show no  
9 indication of abuse, cruelty or neglect.

10 My question for you, Mayor  
11 Humphrey, is despite my FOIA request,  
12 despite by request that had been made to  
13 Ms. Buckles, at no time, sir, have I ever  
14 received any medical records pertaining to  
15 the Shelter.

16 So I would like know again, you're  
17 making statements to the press that you  
18 reviewed the Shelter's medical records, but  
19 I have not seen that documentation.

20 A This is the Shelter's medical  
21 records. It's an Intake Form but it gives all  
22 of the overall condition of the dog when it  
23 came in, when it came in he gave -- it lists  
24 the vaccines that were administered. It does

1 not indicate at any point in time that there  
2 was anything wrong with these animals other  
3 than the fact that they needed an emergency  
4 grooming and a haircut.

5 Q Mayor Humphreys, did you see those  
6 animals? Were you a part of this, had  
7 played any role in this actually back in May  
8 of 2016?

9 A No, sir. No, sir.

10 Q You didn't actually see the animals  
11 firsthand; correct?

12 A I did not.

13 Q Did you talk to Danny Buckles at  
14 that point in time?

15 A I did not. No, sir.

16 Q You've referenced the 911 calls and  
17 audio. I have yet to see or yet hear  
18 anybody say anything about a 911 call being  
19 placed from the Buckles' residence on May  
20 27<sup>th</sup> reporting a theft. I have yet to see a  
21 police report that was filed regarding a theft  
22 of the animals. Do you have anything like  
23 that in your binders that you can show us  
24 today?

1           A     Not that I have is direct information.

2           MR. BARY:     Your Honor, may I  
3     approach?

4           THE COURT:   You may.

5           BY MR. BARY:

6           Q     Mayor Humphrey, you've got some  
7     photographs there; correct?

8           A     Are you talking about the ones that  
9     I have?

10          A     I do have some photographs. Yes,  
11     sir.

12          Q     May I see those?

13          A     If you will give me one second we'll  
14     see.

15          Q     Those are the same photographs that  
16     you were shown in the prior hearing. So  
17     you should be familiar with those  
18     photographs.

19          A     The only thing about these  
20     photographs, sir, is there is nothing that will  
21     positively identify the dogs in question.  
22     There is no facial --

23          THE COURT:   He's not asked you  
24     about the photos yet.

1 THE WITNESS: Okay. Yes, sir.

2 BY MR. BARY:

3 Q You have some photographs there?

4 A I do. Yes.

5 Q Again for the sake of being  
6 complete, what do you have there?

7 A I have the photos that were provided  
8 to me by Ms. Heidi Martin of Friday's Rescue  
9 Foundation. I immediately asked her the  
10 dogs were taken by Ms. VanWinkle for  
11 Friday's.

12 Q Are those pictures of the dogs while  
13 there were -- do you have anything pictures  
14 of the dogs when they were actually at  
15 Elizabethton/Carter County Animal Shelter?

16 A I do not, sir.

17 Q Okay. I'm not interested in that.  
18 The pictures that you have do you recognize  
19 those pictures?

20 A I do.

21 Q The ones that I've shown you?

22 A I do not recognize these pictures  
23 and again, sir, I can't determine that these  
24 are the dogs in question. There's nothing

1 here that can prove. The photos that I  
2 have, sir, make clear that all of these items  
3 here that are noted, as far as hardening and  
4 matted footing, solid matting, tip rot. There  
5 is nothing in the photographs that I have  
6 indicate that at all.

7 Q Let's backtrack just a little bit.  
8 There were photographs that I showed to you  
9 previously at the prior hearing. Do you  
10 recall that, the pictures that I showed to  
11 you?

12 A I do not, sir. To be honest with you,  
13 I do not.

14 Q You don't have any --

15 A I don't recall those photos. The  
16 only photos that I recall from the previous  
17 hearing were those that were taken from  
18 social media that tracked the dogs.

19 Q So you have no recollection of  
20 looking at those photographs and then  
21 testifying that --

22 A Not these photos, sir.

23 Q No recollection of testifying that  
24 those pictures showed no evidence of

1 neglect. I just wanted to make sure.

2 A The only photos that I recall seeing  
3 are the photos that I had at that time which  
4 clearly would make anyone believe that  
5 there's no serious neglect and abuse. A  
6 haircut, needing a trimming is one thing but  
7 the medical records that we have at the time  
8 did not indicate that there were any other  
9 concerns with that -- those two dogs other  
10 than the emergency groom.

11 Q What is your background in  
12 veterinarian medicine?

13 A I have no background in veterinarian  
14 medicine.

15 Q Okay. Just a couple more things,  
16 Mayor Humphrey. If we are to understand  
17 you correctly, individuals associated with  
18 Carter County, as far as individuals affiliated  
19 with the Shelter, Carter County Animal  
20 Control Officers basically committed both  
21 negligent acts, as well as criminal acts with  
22 regards to stealing of property, forging  
23 documents and basically turning, negligently  
24 turning these over, the dogs over to a



1 rescuer or agency that you claim was not  
2 approved. Is that --

3 A No, that's not a fair statement, sir.

4 Q Okay. So that's changed a little bit  
5 from the last time. Who was it -- do you  
6 have a position or an opinion as to who  
7 stole the animals?

8 A Here is my position based on the  
9 information that I have and the audios that  
10 I've listened to the Officers at the scene --

11 Q Were there Officers at the scene on  
12 May 27<sup>th</sup>?

13 A No, sir. No, sir.

14 Q Okay. I want to take you back to  
15 May the 27<sup>th</sup>, Mayor Humphreys, not -- I'm  
16 asking you. That is the heart of this case.  
17 I don't mean to talk over you but what I'm  
18 asking, sir --

19 MS. BUCKLES: Your Honor, he's  
20 trying to testify to what lead up to that.

21 THE COURT: I would like for the  
22 witness to answer that question which is do  
23 you have a position on who took these  
24 animals. That's the question.

1 THE WITNESS: I have a position  
2 that Ms. Morris collected those animals and  
3 she called the Animal Shelter and in turn Mr.  
4 Freddie Turner went out and picked the  
5 animals up, based on the limited information  
6 I have and took them to the Shelter. Those  
7 animals were not running at loose based on  
8 information I collected.

9 I know that Ms. Morris has had  
10 issues with the Buckleses and their animals  
11 for many years just based on the interview  
12 I referenced earlier.

13 It's my understanding that Ms. Morris  
14 actually wanted the dogs herself. And, Your  
15 Honor, if I may --

16 THE COURT: No. You respond to  
17 the question. We will disregard that.

18 BY MR. BARY:

19 Q Again, we are in a whole new realm,  
20 Mayor Humphrey, this is the first that I've  
21 heard any allegations made that Ms. Morris  
22 was the individual that stole these animals.  
23 Are you saying here today, under oath, that  
24 Margaret Morris entered the Buckles'

1 property and stole those animals?

2 A No, I'm not. I'm just saying that  
3 she was in possession of the dogs when she  
4 placed a call to the Animal Shelter and Ms.  
5 Morris in the audio that I sent you, sir,  
6 which you have a copy of --

7 Q The pertinent parts?

8 A Well the part is that's important is  
9 that Ms. Stacey Heiden the Director that was  
10 terminated had actually sent Ms. Morris a  
11 thank you note and she made statements that  
12 she had been looking for these dogs for a  
13 long time.

14 MR. BARY: That's not in evidence,  
15 Your Honor.

16 THE COURT: I agree.

17 BY MR. BARY:

18 Q One other thing, Mayor Humphrey,  
19 you've mentioned 911 calls. I just want to  
20 make sure that we are clear because we kind  
21 of got off of the beaten path there. You  
22 have nothing that is contemporaneous to May  
23 27, 2016?

24 A No. These calls were made prior to

1 May 27<sup>th</sup>. Sir, could we go ahead and enter  
2 these again, these photographs.

3 MR. BARY: Your Honor, first off I  
4 would like to go ahead and move the  
5 evidence into the record. I can hold the  
6 pictures for now and I will move them at a  
7 later time, but I would like to move the  
8 additional evidence into the record.

9 THE WITNESS: Sir, do you want to  
10 pass it --

11 THE COURT: You hang onto your  
12 pictures for now.

13 THE WITNESS: Here is all of the  
14 other documentation.

15 THE COURT: Mark these 1, 2, 3  
16 and 4. You hang onto these.

17 BY MR. BARY:

18 Q One other thing, Mayor Humphreys,  
19 that I didn't get as far as my FOIA request  
20 is that there were actually a couple of  
21 callout sheets from the Animal Shelter.

22 Your Honor, may I approach the  
23 witness?

24 THE COURT: You may.

1           Q    What I've handed you, Mayor  
2   Humphreys, was another thing that I really  
3   expected to get from my FOIA request, but I  
4   finally got it with a subpoena that I issued  
5   to the Shelter. These are what I've handed  
6   to you, sir, is a callout sheet. It's a call  
7   daytime March 8<sup>th</sup>, a call daytime of March  
8   11<sup>th</sup> and it looks like the dispatch time of  
9   March 16<sup>th</sup>. That is not a 911 call, that is  
10   a callout sheet from the Animal Shelter.

11                Would you agree with me that both  
12   of those documents that callout was in  
13   regards to a cruelty check, as well as a  
14   potential of an injured animal, at [REDACTED] Powder  
15   Branch Road?

16           A    Yes, sir.

17           Q    Why didn't I get these two callout  
18   sheets in my FOIA request?

19           A    Sir, I didn't have these documents.

20           Q    You didn't have these at the time?

21           A    No, to my knowledge they were not  
22   in the files that I would have pertaining to  
23   this case.

24           Q    But you do agree that's basically

1        what these two documents contain are  
2        callouts from the Shelter. It looks like on  
3        March 16<sup>th</sup> the Shelter dispatched someone  
4        out to take a look at the two Shih Tzu  
5        animals?

6            A     Yes.

7            Q     Okay. And the concern was that  
8        water is filling up almost completely over the  
9        kennel, three starving horses, dumps food on  
10       the ground, horses eating bark off the trees?

11          A     That's correct.

12          Q     Then at the bottom it said Shih Tzu  
13        need grooming, young kid, minor carrying for  
14        the animals. He needs help with them.

15          A     That's what it says, but I haven't  
16        seen this document, sir.

17          Q     Okay. But you've seen it today?

18          A     Oh, yeah.

19                MR. BARY: Your Honor, I would like  
20        to move that into evidence.

21                THE COURT: I'll receive it into  
22        evidence.

23                Do you have any further questions of  
24        this witness?

1 MR. BARY: That's it. Your Honor,  
2 thank you. Thank you Mayor.

3 THE COURT: Do you want to ask  
4 him about the pictures?

5 MS. BUCKLES: Yes.

6 REDIRECT EXAMINATION

7 BY MS. BUCKLES:

8 Q Mayor Humphreys, we've just been  
9 handed this evidence. Have you ever seen  
10 this before?

11 A No.

12 Q Was this in any of the records?

13 A Not that I have seen. Of course  
14 there are a volume of records. There are  
15 about eight boxes that were in the  
16 Comptroller's possession. So it's very  
17 possible that they there, but I did not have  
18 that with all of the other documents pertain  
19 to these particular printouts.

20 Q Do you see any evidence of who  
21 might have completed this?

22 A No.

23 Q Or if this is even an actual form?  
24 Have you ever seen these forms at the

1 Shelter?

2 A I have seen the forms. Yes.

3 Q Okay. Okay. Is it common practice  
4 for Animal Control to talk to minor children  
5 or County officials to talk to minor children?

6 A I don't think that it would be proper  
7 for a County official to consult with a minor  
8 child. They need to be talking to the  
9 responsible party, the owner --

10 Q And I guess -- I'm sorry, go ahead.

11 A Adult owner.

12 Q Yes. Okay. Which goes back to their  
13 procedures of hang tag and such. But my  
14 final question that I need to ask what is the  
15 fee for owner recovery at the Carter County  
16 Animal Shelter and what you know the --

17 A Within the time frame that we are  
18 talking here based on the fact that the  
19 animals were picked up on Friday and they  
20 were contacted on Saturday and then on  
21 Monday, it should have been no more than a  
22 \$35 return to owner fee.

23 In some cases not even that if it's  
24 a first offender, at least while I was there,



1 we would waive that fee. If it was a repeat  
2 offender, then we would charge the fees.

3 Q Was there any evidence of my  
4 animals ever being in the Shelter before?

5 A None that I could find.

6 Q Okay. All right. And the whole  
7 period when you have, do you know who the  
8 owner is? When the owner is contacted  
9 what is the hold period?

10 A Seven days in the State of  
11 Tennessee. The policy at the time at the  
12 Shelter was 10 day hold for those that have  
13 not been, if they were running at large or  
14 whatever, give the owner an opportunity to  
15 reclaim their property because that was one  
16 of the major reasons that we started the top  
17 to bottom review at the Shelter in July  
18 because of the number of complaints that we  
19 were getting from citizens that had not been  
20 properly treated at the Shelter.

21 Q So you had an issue with that whole  
22 period of others?

23 A The number of calls that came into  
24 my office in June, that started coming in,

1 the issues at hand. It all started with a  
2 hunting dog by the name of Ruby and her  
3 owner or his. Yeah. So as a result many,  
4 many calls came in that things weren't going  
5 properly at the Shelter. That's why I  
6 intervened.

7 The policies that we had in place,  
8 the Mayor was the ultimate overseer or the  
9 supervisor, but there was an Advisory Board.  
10 The Advisory Board nor the Mayor went down  
11 on a regular basis.

12 We entrusted the Director to do  
13 things properly. You know we were not  
14 micro managing at the time.

15 So with the record number of calls  
16 that were coming, the complaints from the  
17 citizens I started a top to bottom review of  
18 that facility in July 11 and it ran through  
19 November 18.

20 We hired Ms. Shannon Pasada, her  
21 first day on the job I think was November 14  
22 so there was no need for me or any of my  
23 staff to be there to oversee. We had a new  
24 Director that we felt that could take care of

1 the operations.

2 Q I'm glad to hear that.

3 MS. BUCKLES: I think that's the  
4 only questions. I do appreciate you, Mayor  
5 Humphrey. Thank you very much for coming  
6 in today.

7 MR. BARY: Just a quick couple of  
8 questions.

9 THE COURT: Quickly please.

10 RE-CROSS EXAMINATION

11 BY MR. BARY:

12 Q Mayor Humphrey, you referenced  
13 Tennessee State law. It doesn't sound like  
14 unless I've got an old statute, which I don't  
15 believe I do, you said that the hold period is  
16 seven days. Section 68-80-107 in regards to  
17 seizure of dogs running at large, it clearly  
18 states that it's a five day hold. Has that  
19 statute been changed or were you mistaken?

20 A I may have been mistaken as far as  
21 the statute date, but that's been the policy  
22 at our facility. That's why we extended it to  
23 ten days to make certain. There were a  
24 great number of people that had contacted

1 us that did not have the opportunity to  
2 reclaim their property.

3 Q Sure. I just --

4 A Even those that had tags on them  
5 with phone numbers so as a result --

6 Q I understand. I just want to clarify  
7 because you had said Tennessee law was  
8 seven days and in fact Tennessee law was  
9 five days.

10 A I haven't checked the statute as of  
11 late and I don't know when that was revised.

12 Q The policy at the Shelter at the time  
13 back in 2016 the hold period would have ten  
14 days; correct?

15 A Ten days.

16 Q Also you mentioned the pound fee.  
17 I just want to be fairly quick with that too.  
18 I'm sure you're familiar with the Town  
19 Ordinances. It looks like Ordinance 10-206  
20 that's the pound master and pound fees. I  
21 have a copy here.

22 A I am familiar with that, sir, but that  
23 is the City of Elizabethton. This is a  
24 County. That would pertain only to those

1 that fall within the City. That does not  
2 pertain to the Carter County Animal Shelter.  
3 We do not have ordinances in place for that.  
4 I know that the Shelter is working on them  
5 and have been for years, but there are no  
6 policies.

7 Q By question would be then who sets  
8 the pound fee? As you said there should  
9 have been a \$35 per dog pound fee. If it's  
10 not by this particular Ordinance, sir, then  
11 how is that done?

12 A At the time and it's a totally  
13 different operation now. At the time there  
14 was an Advisory Board. The Advisory Board  
15 was made up of two County Commissioners,  
16 two City Councilmen, the Humane Society  
17 and two people from the Friends Group  
18 because it took all of those to build it and  
19 as a result they would discuss and set those  
20 policies on a case by case basis normally at  
21 the request of the Director.

22 The Director took the lead on most  
23 of that. Then they would establish the  
24 policy.

1           Q     So it sounds to me like the typical  
2 pound fee would have been \$35?

3           A     The return to owner fee would have  
4 been \$35. A return to owner fee.

5           Q     Okay. And also the last question as  
6 far as when someone comes in to claim their  
7 particular animal, in addition to having to  
8 pay that return on owner fee, they also have  
9 to be able to provide some type of  
10 vaccination record; is that correct?

11           I noticed that Tennessee statute  
12 references that as far as the individual has  
13 to provide vaccinated, proof of current  
14 vaccinations; is that correct?

15           A     That may be the statute but it has  
16 never been adhered at the Carter County  
17 Animal Shelter at that time.

18           MR. BARY: All right. Thank you,  
19 Mayor Humphrey.

20           THE COURT: All right. You can  
21 step down.

22           Let's take a brief recess.

23                           [Brief recess.]

24           THE COURT: Do you wish to testify

1 or do you have another witness?

2 MS. BUCKLES: I have another  
3 witness that I would like to testify, Your  
4 Honor.

5 THE COURT: Okay. Call your next  
6 witness then it you'd like.

7 MS. BUCKLES: Gavin Doyle.

8 MR. BARY: Your Honor, we're still  
9 enforcing the rule, aren't we?

10 THE COURT: Yes. I'm going to  
11 have to ask you, you testified, Mr.  
12 Humphrey, if you would step back outside.  
13 You may have to testify again.

14 MR. HUMPHREY: Thank you, sir.

15 [Mr. Humphrey left the courtroom.]

16 MR. BARY: If I may again, this is  
17 a witness that I was not expecting and not  
18 prepared for.

19 Well, we're ready to proceed. Come  
20 forward, please. Did you raise your right  
21 hand and were you sworn in over here?

22 THE WITNESS: Yes.

23 THE COURT: I thought so. If you'll  
24 just have a seat at the witness stand please.

1 Proceed when you're ready.

2 Thereupon,

3 GAVIN DOYLE

4 a witness, was called for examination by  
5 counsel and after having been duly sworn  
6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MS. BUCKLES:

9 Q All right, Gavin, first I'd like to  
10 verify who you are and what's your  
11 relationship is?

12 A I'm Gavin and here with my mom.

13 Q Okay.

14 THE COURT: How old are you,  
15 Gavin?

16 THE WITNESS: I'm 16.

17 BY MS. BUCKLES:

18 Q How old were you at the time this  
19 took place?

20 A Fourteen.

21 Q You were caring for these two dogs  
22 as well as --

23 A Tabitha, my other dog, three horses,  
24 a bunch of goats and some chickens.



1 Q So, a farm?

2 A Yes.

3 Q What did you do every morning?  
4 What was your -- before school or when  
5 school was out, what did you do when got  
6 up?

7 A I got ready. I went over to feed all  
8 of the animals and water them and stuff and  
9 make sure they're okay.

10 Q Okay. In care of Nippet and Nessa,  
11 what did you do to ensure their comfort?

12 A I would take them out all the time,  
13 let them pay around and stuff. I would let  
14 Tabby run with them sometimes they had a  
15 dog -- like they could fall and stuff. I would  
16 just go down there and sit with them, after  
17 school sometimes, when I got off the bus  
18 because they would be barking when I was  
19 walking by.

20 So I'd go down there and comfort  
21 them. I'd pet them and stuff. I would give  
22 them treats all the time, anything that they  
23 would like. I don't know.

24 Q Did they have toys to play fetch?

1           A    Yes.  Yes.

2           Q    During severe weather, cold, storms,  
3 did they remain in the pen or did you have  
4 somewhere else to take them?

5           A    No.  They would go into a stall in  
6 the barn that we had filled with hay and  
7 stuff so they would be warm and out of any  
8 kind of rain or anything like that, severe  
9 rains.

10          Q    All right, moving forward, I just  
11 wanted to establish that you cared for them.

12                Moving forward to May the 27<sup>th</sup> --  
13 well, first let's actually go back to  
14 February/March.  You were home from school  
15 one day.  Would you like, in your own  
16 words, to tell us what happened that day  
17 that you happened to be home from school?

18          A    You're talking about when I was  
19 grooming them or --

20          Q    No.  When the Animal Shelter came.

21          A    Oh.  Well, there was a cleaning lady  
22 at the house and she answered the door and  
23 it was two people, a grownup guy.  One of  
24 them's name was Heith and I can't exactly

1 remember the other one's name.

2 Q That's okay.

3 A They were asking me about the dogs  
4 and everything. So I took them down there  
5 and let them inside and let them look at  
6 them and everything. These two said the  
7 only problem there was was that they were  
8 in a pond and they could get in the water  
9 and drown or anything and that they needed  
10 to be groomed.

11 It was the middle of February. So  
12 it was very cold. So they couldn't be  
13 groomed right then and that he would help  
14 me find a groomer when it could be done.

15 Q So these two county officials spoke  
16 to you with the housekeeper out there?

17 A No. It was just me.

18 Q Just you. And you were how old  
19 again?

20 A Fourteen.

21 Q So he said -- what did he say the  
22 complaint -- he told you that there was a  
23 complaint made or a concern?

24 A Yes.

1 Q Why was he there?

2 A Someone had called in and said that  
3 they were worried about the dogs, that they  
4 were being neglected or something like that.

5 Q Okay.

6 A Then --

7 Q Go ahead.

8 A He said that in his opinion that they  
9 weren't.

10 MR. BARY: I'm sorry. I didn't  
11 catch that.

12 THE COURT: Can you speak up a  
13 little bit for us.

14 THE WITNESS: He said that in his  
15 opinion that they weren't, they were cared  
16 for properly.

17 BY MS. BUCKLES:

18 Q So, Heith, the gentleman --

19 A Yeah.

20 Q Told you that the dogs were cared  
21 for, that they just needed to be groomed?

22 A Yeah.

23 Q And he spoke to you without an  
24 adult present, correct? Fourteen.

1           A    Yes.

2           Q    Okay.    So did you hear anything  
3 else?

4           A    No.

5           Q    Was there a tag left, police come to  
6 you guys, you or Pap?

7           A    No.

8           Q    Danny Buckles.    Sorry.    Your  
9 grandfather, who was at the time your legal  
10 guardian.

11          A    No.

12          Q    But there was an adult present on  
13 the grounds at that time?    I'm saying that  
14 day when he come and spoke to you, there  
15 was an adult present?

16          A    Yes.

17          Q    But not included in the conversation.

18          A    Not included.    She was just in the  
19 house.

20          Q    Okay.    So we're moving forward to  
21 May.    It's warmed up and on May the 27<sup>th</sup>  
22 you groomed the dogs?

23          A    I started grooming them.    Yeah.

24          Q    You started to.

1           A    Yeah.

2           Q    Where did you start at?

3           A    I started on their faces getting all  
4 that hair off their ears and around from their  
5 eyes and stuff.

6           Q    Yeah.

7           A    It was kind of matted. So one day  
8 Pap went and got mineral oil. It was the  
9 next day Pap went and got mineral oil and  
10 that was there.

11          Q    So you called Pap, Danny Buckles,  
12 your guardian and you told him --

13          A    That they were gone. They were  
14 gone. And then --

15          Q    We're talking about the matting.  
16 You had a concern?

17          A    Yeah. I was concerned. It was kind  
18 of big and it was hard to cut and I couldn't  
19 do it. So he said he would do it.

20          Q    But you had already cut it?

21          A    I had already cut around their face  
22 and stuff.

23          Q    And cut some more off?

24          A    Yeah, I cut a lot off.

1 Q So the grooming had began?

2 A Yes.

3 Q Which had been their complaint?

4 A It was just near the skin. So I was  
5 getting worried. I didn't want to cut them or  
6 anything.

7 Q Right. So you called Pap and said  
8 I need help. He said I'm going to --

9 A Get mineral oil for --

10 THE COURT: Okay. I know you're  
11 not trying to but you're what we call leading  
12 the witness. Let him tell the story.

13 BY MS. BUCKLES:

14 Q So what happened on the 28<sup>th</sup>,  
15 Saturday morning?

16 A I started grooming the dogs and I  
17 got most of it off except for when it was  
18 getting close to skin because I was scared  
19 I was going to cut them or anything and I  
20 didn't want to do that and take a chance on  
21 it getting infected or anything like that.

22 So I called him and he said he  
23 would work on it and that he was going to  
24 get mineral oil the next day to do it. The

1 next day they were gone.

2 Q So Saturday morning you went out to  
3 get them and --

4 A They were gone.

5 Q What did you do?

6 A I called the Animal Shelter.

7 Q What were you told?

8 A That they did not have them.

9 Q So on Saturday, the 28<sup>th</sup> of May --

10 MR. BARY: I didn't get that last  
11 answer.

12 THE WITNESS: I called them --

13 MS. BUCKLES: And you were told --

14 MR. BARY: And that's hearsay, Your  
15 Honor.

16 THE COURT: It is. It is. I'm not  
17 going to take it for the truth of the matter  
18 asserted.

19 MR. BARY: Okay.

20 BY MS. BUCKLES:

21 Q But this is what you were told. Did  
22 you search for them?

23 A Me and Pap got in the car and we  
24 drove like all over Power Branch Road



1 looking for them, calling their names and  
2 stuff and went to different houses asking if  
3 they had seen them.

4 I went up on the mountain and  
5 everything, hiked around and looked for  
6 them. I went to Ms. Morris' house and  
7 asked her. She said that she didn't have  
8 them.

9 Personally after a couple days I  
10 would walk around and stuff looking for them  
11 when Pap was at work or something and  
12 never did find them or anything.

13 Q The Shelter was closed on Monday;  
14 is that right?

15 A [Nodding head.]

16 Q On Tuesday the Shelter is open.  
17 What did you do?

18 A I called them and they said that they  
19 had them.

20 Q So you went with -- what did you do  
21 after you found out they had them?

22 A We -- I told Pap that they had them  
23 and he called them and they were talking  
24 about how it would be \$400 each and he

1 would have to take a neglect charge.

2 MR. BARY: Your Honor, that's  
3 hearsay.

4 THE COURT: It is hearsay. I'm not  
5 going to take it or accept it for the truth of  
6 the matter asserted.

7 BY MS. BUCKLES:

8 Q So at that point you were kind of  
9 out of it at that point, right?

10 A Yeah.

11 Q Did you post on Facebook?

12 A Yeah. I posted it on my Facebook,  
13 Instagram and Snapchat as well.

14 Q With pictures or just -- so you  
15 searched pretty hard. You asked the  
16 neighbors?

17 A Yeah.

18 Q Was there anything else that you felt  
19 that you could have done personally to find  
20 your dogs?

21 A Not really. At the age that I was,  
22 I couldn't really do anything else.

23 Q How long have you had those dogs?

24 A Since I was a kid. I've had Nessa

1 since she was a puppy and Nippet as well.

2 Q So you raised them?

3 A Yeah.

4 Q A strong emotional attachment, right?

5 A [Nodding head.]

6 Q I'm trying to not make you cry here,  
7 son. I'm not going to lie.

8 Were you there when they were  
9 bought and picked up?

10 A Uh-huh.

11 Q So they were equally identifiable to  
12 you?

13 A Yeah.

14 Q When you were presented with a  
15 picture of them groomed, do you recognize  
16 them?

17 A Yes.

18 Q Immediately? There were pictures  
19 entered into evidence that --

20 MR. BARY: Pictures you entered --

21 MS. BUCKLES: No, that you entered  
22 into evidence.

23 MR. BARY: No. I have those.  
24 They have been entered yet.

1 BY MS. BUCKLES:

2 Q Anyway, that's about all I have. I  
3 feel like -- I think that's all that I have for  
4 him right now.

5 THE COURT: Okay. Thank you very  
6 much. There are some other questions for  
7 you. Just a second. Okay.

8 CROSS EXAMINATION

9 BY MR. BARY:

10 Q Gavin, I realize that this is difficult  
11 for you. I'm just going to ask you just a  
12 few questions. It sounds to me like those  
13 actually were more your dogs than your  
14 mother's dogs?

15 A Nessa was. Nippet was kind of more  
16 her dog. Nippet would always lean towards  
17 more mom but Nessa was really more my  
18 dog.

19 Q Was there a point in time that they  
20 were -- both of those dogs were indoor  
21 dogs?

22 A Yes, sir.

23 Q How long would you say that both of  
24 those dogs were indoors, were they were

1 kept indoors and was an indoor pet?

2 A They were indoor most of their life  
3 except for when dad moved over there.

4 Q When you say over there, you're  
5 referring to your grandfather's property that  
6 was I guess on Powder Branch Road. Is  
7 that right?

8 A Yes, sir.

9 Q Can you give us an idea of how long  
10 they were kept outside?

11 A A little over a year and a half or  
12 two years.

13 Q So they went from being indoor pets  
14 to them being placed outside for over a  
15 year. Is that correct?

16 A [Nodding head.]

17 Q You're nodding your head yes.

18 THE COURT: Answer out loud.  
19 We're recording this.

20 THE WITNESS: Okay. Yes, sir.

21 BY MR. BARY:

22 Q How did they do with that adjustment  
23 with that type of breed, I mean the Shih Tzu  
24 dogs?

1           A    They did fairly well.  I mean the  
2           only problem was with the fur coat where  
3           they have such a thick coat.  I tried to keep  
4           it down as much as I could, but when it got  
5           to winter, I didn't want to cut them and them  
6           get cold or anything.

7           Q    It sounds like you had your hands  
8           full.  I mean not only did you have three  
9           dogs, but you said you had goats and did  
10          you say horse as well?

11          A    Yeah, goats, horses and stuff, yeah.

12          Q    And horses as well?

13          A    Yeah.

14          Q    So at 14 that's a lot of  
15          responsibility.  Would you agree with that?

16          A    Yes, sir.

17          Q    I'm curious.  When they were indoor  
18          dogs, Gavin, do you recall -- I don't know  
19          how old you would have been for sure at the  
20          time, maybe 12 or 13, do you remember how  
21          often that you or your mother would take to  
22          have them groomed when they were inside?

23          A    Yes.  She took them to get them  
24          groomed a lot, very very often.  She didn't

1 want them getting too long.

2 Q Sure.

3 A Because she liked having them  
4 stylish.

5 Q You don't want them to overheat  
6 either.

7 A Yeah. That either.

8 Q So it sounds to me like after they  
9 became outdoor dogs and they started  
10 staying at your father's property, that they  
11 weren't being groomed all the time like what  
12 they were when you and your mother had  
13 them. Is that fair to say?

14 A No, because I couldn't and I didn't  
15 have the money to take them.

16 Q I understand. I know a lot of kids  
17 your age and even a lot adults would all use  
18 Facebook and social media now. After all  
19 this happened with all this court mumbo-  
20 jumbo stuff, did you make a post of  
21 Facebook that you tried to do the best that  
22 you could by the dogs? Do you remember  
23 making that post?

24 A Yes.

1           Q    You had said something in that post  
2           about an eye infection, that one of the dogs  
3           had a pretty serious eye infection. Can you  
4           tell us about that?

5           A    Nippet and her had -- it was either  
6           her and the cat or her and Nippet. I'm not  
7           sure. I can't remember. I was young. And  
8           it injured her eye and I kept it doctored as  
9           much as I could and Pap did it as well using  
10          his remedies and stuff that he has. Other  
11          than that, we really couldn't do anything else  
12          to help it.

13          Q    You weren't able and you didn't have  
14          the money to be able to get her out to see  
15          a vet for the eye infection?

16          A    No, sir.

17          Q    So as a 14 year old, you were kind  
18          of responsible for any home remedies or  
19          trying to care for the eye infection as best  
20          as you could?

21          A    Yes, sir.

22          Q    The grooming. Did I understand you  
23          correctly, you tried to groom them?

24          A    Yes, sir.



1 Q In May?

2 A I think so, yes.

3 Q So they went several months then --  
4 and I realize it was the wintertime, but they  
5 went several months before you were able to  
6 even try and groom them?

7 A I mean I kept it down. I just didn't  
8 want to shave them shave them or anything.

9 Q You mentioned an individual by the  
10 name Heith. Were those police officers or  
11 were they Shelter employees or who were  
12 they?

13 A Animal Shelter. They came from the  
14 Animal Shelter.

15 Q Heith and I think you said you don't  
16 recall --

17 A I don't remember her name. No.

18 Q Who did you speak to most on that  
19 day when they came out? Did you talk more  
20 to Heith or was it the lady?

21 A Yes, more to Heith.

22 Q He told you that they were there  
23 because they had gotten a call from a  
24 concerned citizen?

1           A     Yes.

2           Q     Can you tell us what was the issue  
3 with the water gathering in the pen?

4           A     It was just a pond full of water and  
5 the only issue was that he was scared that  
6 they might get too close to it and fall in or  
7 something and drown. To be honest, it's too  
8 shallow right here and they could easily have  
9 gotten out on the other side where we had  
10 had goats in there originally and they  
11 brought it kind of like a paved area where  
12 you get to the water and back.

13          Q     But that water was actually inside  
14 the pen. Is that correct?

15          A     Yes, sir.

16          Q     Would that be something that would  
17 bother you though if it would rain a lot? I  
18 mean would there then be an issue if it  
19 rained some and that water wouldn't pool up  
20 and become a pond?

21          A     It has -- there's a hill -- it's kind of  
22 a hill up here and it comes down to the  
23 pond and down here is a creek that it  
24 overflows into any time it gets more deeper

1 than usual. Their houses were up here.

2 Q Did they ever dig out under the  
3 fence and get loose?

4 A No, sir.

5 Q Did you all ever have to go and pick  
6 one or both of the animals up at the Animal  
7 Hospital over in Abingdon back in 2015?

8 A No, sir.

9 Q Your grandfather didn't go and pick  
10 one of those --

11 A Yes. Her name was Caroline but  
12 she passed away due to old age before this.

13 Q So that was another dog?

14 A That was another dog.

15 Q Okay. But it had gotten loose from  
16 that pen?

17 A Yes. I had had her out and I left  
18 her on the porch and she got loose.

19 Q Because I had seen a post about  
20 Powder Branch Road, but I wasn't sure.  
21 Was that Shih Tzu animal as well?

22 A Yes.

23 Q What about Nippet and Nessa, did  
24 they ever get loose?

1           A    No.

2           Q    Not that you recall.    Gavin, you  
3 mentioned and I just wondered about calling  
4 the Shelter.  It's my understanding that your  
5 grandfather, at some point in time, went  
6 down to the shelter to talk to somebody  
7 down there.  When did he go?

8           A    I guess he did.  I don't know.  I'm  
9 not sure.  After he went to him and it kind  
10 of left my hands, there wasn't much else I  
11 could do.

12          Q    When was that?  I mean was that  
13 like the weekend the following week after  
14 they had gone missing that you say you kind  
15 of let him handle it?

16          A    I kept going.  I kept on doing  
17 everything that I could the whole entire time.  
18 But as far as like Animal Shelter and all  
19 that kind of stuff, I left it up to him because  
20 he's the adult.

21          Q    Sure.  So I just want to make sure  
22 that we're clear.  Do you recall when he  
23 went down to the Shelter and checked on the  
24 animals?

1           A    I do not.    I don't know anything  
2           else.

3           Q    Did you ever have any other  
4           discussions with Heith or the other lady from  
5           the Shelter?

6           A    I never heard from them ever again.

7           Q    Did they tell you at that time that  
8           you were in trouble?

9           A    No.

10          Q    They didn't tell you that they were  
11          investigating anything?

12          A    No. They never said anything.

13          Q    They said they were worried about --  
14          I'm sorry. Go ahead.

15          A    They never said anything like that.  
16          In fact they were happy that they said the  
17          only thing that I needed help with was the  
18          grooming and he had said that he would help  
19          me -- and he would find a groomer to do it.

20          Q    So you didn't get the sense that you  
21          were in trouble or being investigated or  
22          anything like that?

23          A    No. Nothing.

24          Q    It sounds like they were just trying

1 to help out?

2 A Yeah.

3 MR. BARY: Gavin, thank you very  
4 much for answering my questions. I  
5 appreciate it. That's all.

6 THE COURT: Do you have any other  
7 questions?

8 MS. BUCKLES: Yeah. Gavin, sit  
9 back down.

10 THE COURT: You've been ordered  
11 to sit back down.

12 MS. BUCKLES: The momma has  
13 spoke.

14 REDIRECT EXAMINATION

15 BY MS. BUCKLES:

16 Q Gavin, there was a couple of things  
17 I kind of missed. Nippet and Nessa were in  
18 a pen. Could you kind of give us an  
19 example of how long that pen would be?

20 A Honestly, it's actually just a little bit  
21 bigger than this area right here between this  
22 wall and that one over there. It's about the  
23 same size.

24 Q It's big?

1 A Yeah. It's a really big one -- area.

2 Q It's fenced in?

3 A Yes, it's fenced in.

4 Q How tall is the fence?

5 A Taller than I am.

6 Q You are how tall, about six foot?

7 A Six foot one.

8 Q Did you check it often?

9 A Yeah.

10 Q To make sure that it was secure?

11 A We had put chicken wire around  
12 most of the areas that were iffy at all. Any  
13 kind of way they could get out, we put  
14 chicken wire around that on the ground  
15 where they couldn't go out or anything like  
16 that.

17 Q Okay. In your search did you  
18 examine the pen?

19 A Yes.

20 Q When they were gone?

21 A Yes.

22 Q Was there any sign --

23 A Nothing. No way they could have  
24 gotten out.

1 Q Was the gate shut?

2 A Yes. It was shut and latched.

3 Q Were they latched?

4 A Yeah, shut and latched.

5 Q So when Nippet and Nessa were  
6 loose and you went in, what do they do?

7 A Any time that they were loose and I  
8 went into there, they would follow me. Any  
9 time I went in there they would follow me.

10 Q Okay.

11 A So even if I left the gate open, they  
12 would have instantly came out with me.  
13 There's no way they would have stayed in  
14 there.

15 Q Would they run around if you went in  
16 the house or what would they do?

17 A They would sit on the porch.

18 Q So they weren't roamers?

19 A No. They just stayed anywhere --  
20 they stayed generally in the area. Any time  
21 I went in the house, they would stay on the  
22 porch.

23 Q When we had them at -- we -- when  
24 they lived indoors, how often --



1           A     We had a fenced-in. That whole  
2 house was fenced in around the house and  
3 we let them out and they would just stay  
4 right there. Normally they wouldn't even go  
5 out around back. They would just stay right  
6 in front of the porch where we could see  
7 them.

8           Q     Okay. Again, I just want to ask was  
9 it raining on the date in question?

10          A     No.

11          Q     No rain at all that you recall?

12          A     I don't recall any rain at all.

13          Q     So it was a clear day?

14          A     [Nodding head.]

15                MS. BUCKLES: Gavin, thank you.  
16 That's it. Thank you.

17                THE COURT: Do you have anything  
18 else?

19                MR. BARY: One quick question.

20                THE COURT: Sure.

21                RE-CROSS EXAMINATION

22                BY MR. BARY:

23                Q     Gavin, I know you said that you had  
24 made calls to the Shelter. Did you or your

1 grandfather place a call to the police I mean  
2 to report the dogs as being stolen?

3 A I did not, no. I don't know if he did  
4 or not.

5 Q Are you aware of whether or not  
6 your grandfather contacted the police?

7 A No.

8 Q You weren't contacted by the police?  
9 You weren't asked any questions in regards  
10 to the theft of the dogs?

11 A I never was, no, but I've heard that  
12 there were police that came over there.

13 Q But you don't have any knowledge,  
14 do you?

15 A No.

16 MR. BARY: Okay. All right. Thank  
17 you.

18 THE COURT: Thank you very much,  
19 Gavin. Step down. I'll ask you to step  
20 back outside the courtroom.

21 Are you ready to testify?

22 MS. BUCKLES: Yes. I would ask  
23 you to raise you right hand.

24 Thereupon,

1 KIMBERLY BUCKLES

2 the Plaintiff, was duly sworn and testified in  
3 her own behalf as follow:

4 THE COURT: I'll let you let me tell  
5 me and then he may ask some questions.

6 MS. BUCKLES: Okay. All right.

7 DIRECT EXAMINATION

8 MS. BUCKLES: I purchased these  
9 animals, individually, from my aunt, who at  
10 the time was a Shih Tzu breeder. I  
11 purchased Nippet in July of 2009 at the age  
12 of -- well, when I purchased her she was  
13 still four weeks old. I took her home a little  
14 over five weeks. So she's got a birthday  
15 coming.

16 In 2013 in December Nessa was  
17 born. I picked her out and I actually picked  
18 her up on February the 4<sup>th</sup> of 2014.

19 I will just go ahead and cover the  
20 fact that, yes, I was incarcerated when these  
21 particular events took place. My son and my  
22 father was caring for them. My son is -- my  
23 dad is allergic to animals. So while he  
24 loves them, they have to live outside.

1           They had been cared for on that  
2 property for a year and a half. There had  
3 never been any problems other than with Ms.  
4 Morris and her animals, they liked to play.  
5 Gavin was out his dog -- with our dogs. Ms.  
6 Morris' poodle would sometimes they would  
7 play together.

8           Carolina was our older Shih Tzu.  
9 She was 14 and unfortunately she did pass.  
10 When I would call home, I would talk to  
11 them. In May my son called me -- or I  
12 called my son on May 27<sup>th</sup> -- I'm sorry, May  
13 the 28<sup>th</sup> and he said, mom, the dogs are  
14 gone.

15           I had it posted on social media  
16 through friends that were outside and  
17 searched -- in search of the animals.

18           I was told that there was going to  
19 be a significant fee way above the \$35 to  
20 pick these dogs up and the neglect charges  
21 placed, but there was never any such thing.

22           About two weeks later my aunt  
23 contacted my father. The dogs had come in  
24 to Robinson's Animal Clinic, which is in

1 Johnson City, deathly ill. A hack job  
2 grooming job that had been done by the  
3 Animal Shelter and just very sick from the  
4 Animal Shelter.

5 MR. BARY: I'm sorry. What was  
6 that? What type of grooming job?

7 MS. BUCKLES: Hack job.

8 MR. BARY: A hack job.

9 MS. BUCKLES: It was rough.

10 MR. BARY: Okay. I just couldn't --  
11 I'm sorry.

12 MS. BUCKLES: There was clear  
13 notes and I have the conversation which I  
14 understand is between my cousin and I.  
15 Fortunately, my cousin worked there and  
16 recognized my dogs immediately.

17 They were supposed to go into foster  
18 care with my aunt and were instead picked  
19 up by Tabitha under the guise of the rescue,  
20 Friday's Rescue. That all came to head by  
21 the end of June. I came out January 31st.  
22 I began searching for my dogs within a  
23 couple of days, as soon as I got a phone  
24 and was able to.

1 I found them on Four Feet and Four Paws.  
2 I contacted Tabitha Wireman, who denied any  
3 knowledge of my animals.

4 THE COURT: She found them on  
5 Four Feet and Four Paws?

6 MS. BUCKLES: She had them  
7 posted.

8 THE COURT: On a website?

9 MS. BUCKLES: Yeah. She had  
10 them both on Facebook on her website, my  
11 dogs, claiming that they were part of a  
12 neglect case which it has already been  
13 established that was not the case. No  
14 neglect case was ever -- neglect charges  
15 were never placed. There was never a  
16 neglect case.

17 I asked her and she refused to  
18 answer. I sent messages to anybody that  
19 had posted, you know, like commented on  
20 that. I sent messages to them asking them  
21 do you know where my dogs are. I was lied  
22 to by both Tabitha and Paula Coffey. They  
23 both knew exactly where they were. I  
24 explained to them the situation. They lied.

1 They denied. They refused to give me any  
2 information about my animals.

3 Finally, I contacted the Mayor of  
4 Carter County.

5 THE COURT: Who is Paula Coffey?

6 MS. BUCKLES: I believe she is one  
7 of the people that had commented. She was  
8 also a witness in the previous trial. She is  
9 just -- she is part of the whole situation.

10 But when she had commented on my dogs on  
11 the picture and I didn't have anywhere to go.

12 MR. BARY: Your Honor, Paula  
13 Coffey was not a witness. She was not a  
14 witness in the General District Court hearing.

15 MS. BUCKLES: The first one she  
16 was. Tabitha was calling her as a witness.

17 MR. BARY: Your Honor, that's not  
18 before us today.

19 THE COURT: That's really not  
20 relevant. I heard the name and I just  
21 wanted to know.

22 MS. BUCKLES: I was just answering  
23 the question.

24 THE COURT: I understand.

1 MS. BUCKLES: As I said, I had  
2 exhausted my own resources, Your Honor. I  
3 had contacted everybody that I knew. The  
4 end -- I knew that they had ended up at  
5 Four Feet and Four Paws and that was the  
6 last I knew of them. No one would admit to  
7 any knowledge further.

8 So I contacted Mayor Humphrey's  
9 office and his assistant. I was aware there  
10 had been some situations with the animal --  
11 with Carter County Rescue and the Shelter,  
12 accusations made. But, you know, honestly  
13 I didn't feel that that affected me at all. I  
14 just wanted assistance in finding my dogs.

15 So, in the investigation, it so  
16 happened that they did find where my dogs  
17 had been brought in, had sat at the Animal  
18 Shelter for two days prior to being groomed  
19 for vaccinated. They have put on their  
20 records emergency groom, but like I said  
21 they sat there for two days prior to being  
22 groomed.

23 There's been a lot of things that are  
24 public record, as obviously Facebook,



1       accusations, a lot of things, they were  
2       rescued out of the road in a pouring rain,  
3       that I -- they were taken in immediately and  
4       groomed. Pictures have been shown of  
5       animals that are severely matted, but there's  
6       no evidence that those are my dogs. As you  
7       heard testimony from my son, you know, they  
8       were being groomed.

9               So I don't -- I was not there though.  
10       I did not see them, but I have not seen a  
11       picture that actually shows my animals like  
12       that. I see pictures of matted animals that  
13       do not evidence my dogs.

14               I have heard testimony and  
15       recordings that say one thing and then some  
16       that says another. I'm sorry. I've been  
17       publicly humiliated and that's because I'm  
18       trying to get my dogs back.

19               I understand that Ms. Blanton is a  
20       victim as much as I am. I even e-mailed  
21       her and told her I wish that there was an  
22       easy resolution for this. But I raised those  
23       animals and I have went through chaos in  
24       the past year and a half trying to find them.

1 They are family.

2 But anyway I contacted the Mayor's  
3 Office, who contacted -- unfortunately, I did  
4 contact him too late to be able to press  
5 charges against the Animal Director, Tabitha,  
6 in Carter County because there's a Statute  
7 of Limitations of one year for stolen  
8 property. If I had contacted him just two  
9 months earlier, I could have pressed charges  
10 for what happened, but that is what I was  
11 told by the attorney. There is an ongoing  
12 investigation, from what I understand.

13 Of course, now, you know, General  
14 Clark has passed away and it's a very sad  
15 situation, a mess over there as you can  
16 imagine. But anyway, I guess that's pretty  
17 much it.

18 You know Mayor Humphrey had his  
19 assistant begin to investigate and found that,  
20 you know, yes, they were taken in and there  
21 was an emergency groom, shots were given,  
22 and that's it. They did not have to go to  
23 the veterinary clinic. There's no record --  
24 the evidence that the paperwork, the reports

1 that were given today, were nowhere in the  
2 Animal Shelter's records. We searched for  
3 them and they were never seen until today.

4 There was never any contact with an  
5 adult, by the Animal Shelter, if there was a  
6 concern. Never any contact with an adult  
7 regarding the situation. There was never an  
8 actual police report filed. Yes, and I don't  
9 know what it was called, but it was always  
10 noted that they were well cared for.

11 As was stated by my son, this pen  
12 is very secure. It now contains goats, who  
13 are con artists, escape artists and mountain  
14 climbers and they can't get out. In fact, two  
15 of the goats are babies smaller than my  
16 dogs were.

17 So this pen was secured. The gate  
18 was closed and the latch shut when my son  
19 went to get our animals to continue their  
20 grooming and upkeep. Records indicate that  
21 they were removed from Ms. Morris' property  
22 and I'm not pointing fingers. I'm not  
23 claiming anything. I don't know how they  
24 got there and I don't know how they got out,

1 but I don't believe in magic. I guess that's  
2 -- if you have questions, I really don't know.  
3 This has been traumatic for me and my son  
4 and it's been traumatic.

5 THE COURT: Anything else you  
6 want to tell me about these events?

7 MS. BUCKLES: No. I mean what it  
8 boils down to is, yeah, they needed to be  
9 groomed. I have those pictures. I have no  
10 proof those are my dogs and I, in fact, do  
11 not believe that they were because I spoke  
12 to many people during my incarceration that  
13 I had to check on my animals. No one ever  
14 -- yeah, they had some knots but, you know,  
15 they weren't perfectly groomed but they were  
16 having to live outside unfortunately.

17 THE COURT: Mr. Bary, do you have  
18 questions at this time?

19 MR. BARY: Ms. Buckles, do you  
20 need a tissue?

21 MS. BUCKLES: I'm sorry.

22 CROSS EXAMINATION

23 BY MR. BARY:

24 Q Ms. Buckles, I realize this is

1 difficult. I know it's difficult for you and I  
2 know for my client. Unfortunately it's my  
3 job today I have to ask you a few difficult  
4 questions.

5 A Okay.

6 Q I'm not -- I promise you this is not  
7 meant to embarrass but it does have some  
8 legal significance as far as credibility and  
9 assessment that can be given.

10 You've already stated that you were  
11 incarcerated. I just want to ask one  
12 question. The nature of that incarceration  
13 was due to an embezzlement conviction?

14 A Yes, sir.

15 Q Okay. Also to make it clear that  
16 your contention in regards that the gate was  
17 closed that day and the fence surrounding  
18 that day, all of that has been given to you  
19 secondhand. I mean you clearly, as you  
20 stated, you were not there at that time,  
21 correct?

22 A That is correct.

23 Q In fact during the time that your  
24 father had possession of the animals, were

1           you there at any point in time? What I'm  
2           saying, during that year and a half that they  
3           were there were you --

4           A     Oh, no.

5           Q     Okay. So you weren't there at any  
6           point?

7           A     No.

8           Q     How did you come to see the pen?  
9           I mean was the pen in existence before you  
10          were incarcerated?

11          A     Oh, yes.

12          Q     So you were aware of the pen that  
13          was there?

14          A     Oh, yes. We had built that prior  
15          originally for chickens.

16                 THE COURT: I ask this question  
17                 not because I really care that you were  
18                 incarcerated. It doesn't matter. What are  
19                 the dates of your incarceration?

20                 THE WITNESS: That would be March  
21                 the 14<sup>th</sup> until -- March the 14<sup>th</sup> of 2014. I  
22                 was incarcerated for three years, Your  
23                 Honor.

24                 THE COURT: March the 14<sup>th</sup>.

1 THE WITNESS: Until January 31<sup>st</sup> of  
2 2017.

3 THE COURT: '17?

4 THE WITNESS: Uh-huh. So, excuse  
5 me. The animals were actually for almost  
6 two and a half years in my son's possession  
7 and cared for.

8 BY MR. BARY:

9 Q I'm not trying to belabor the point,  
10 but based on what the Judge asked you, Ms.  
11 Buckles, when I did a search of the  
12 Tennessee offender list, your date of  
13 incarceration was March the 28<sup>th</sup>, 2012  
14 through March the 12<sup>th</sup> 2015?

15 A No, it was not. I was not  
16 incarcerated that long. The original charges  
17 were 2012.

18 Q Okay.

19 A I was out and I violated probation.  
20 I failed the drug test because that is the  
21 whole -- I had an issue with narcotics with  
22 pain pills.

23 Q We don't have to get into that.

24 A Well, I just want it established that

1 I feel like this is irrelevant.

2 Q That's what I said.

3 A Other than -- I mean but if it's  
4 going to belabored there it is.

5 THE COURT: The reason I asked is  
6 I'm trying to get the time. You know --

7 MS. BUCKLES: I understand.

8 THE COURT: Being incarcerated has  
9 some legal significance but --

10 MS. BUCKLES: Thank you.

11 THE COURT: It's not going to be  
12 held against you is what I'm saying to the  
13 extent that --

14 MS. BUCKLES: I understand, Your  
15 Honor.

16 THE COURT: It's in fact what  
17 happened here.

18 BY MR. BARY:

19 Q One interesting thing that you said  
20 today, Ms. Buckles, which I am -- resolve  
21 this case. From what I've heard you say  
22 today is that the animals that have been  
23 identified in the pictures and the animals  
24 that were groomed and that were at the



1 Elizabethton/Carter County Animal Shelter  
2 you don't recognize those animals?

3 A Sir, that is incorrect. I said that  
4 the pictures that you represented of matted  
5 animals I do not recognize. The pictures of  
6 the animals that Ms. Sandy Blanton possess  
7 are my animals and has already been  
8 established even by Tabitha Wireman, it has  
9 been, sir.

10 Q My concern, Ms. Buckles, is that has  
11 not been established. All right. Today is a  
12 new hearing. So that has not been  
13 established. So what I'm asking you what I  
14 heard you say earlier with your direct  
15 testimony is that the animals that were in  
16 the pictures, as far as the severely matted  
17 animals, that showed signs of tail rot, that  
18 showed signs of embedded tick head, and  
19 things of that nature that you referred to,  
20 that basically that those -- that you don't  
21 recognize those animals as being yours.  
22 Correct?

23 We can nip this in the bud.

24 MR. BARY: May I approach the

1 witness, Your Honor?

2 THE COURT: You can.

3 BY MR. BARY:

4 Q These have already been marked as  
5 defense Exhibit 4. I want to make sure that  
6 -- I think that's what you're talking about.  
7 Are those the pictures? I'll give you a  
8 chance to look at those, Ms. Buckles.

9 Are those the pictures that you  
10 testified to earlier that you don't recognize  
11 that as being your own pets?

12 A Sir, here's the question.

13 Q I'm not asking that. I'm asking you  
14 a question.

15 A The picture. Here's my Nippet. This  
16 is Nippet. This is Nippet.

17 Q Okay. So it looks like after looking  
18 at those pictures, you will change your  
19 testimony. Those are your animals or that  
20 you claim that those are your animals?

21 A That's my baby. That's my Nippet.

22 Q Would it be fair to say, Ms. Buckles,  
23 that with that series is a series of those  
24 pets, the last pictures being the ones that

1 you say you recognize actually are the  
2 animals that were severely matted that  
3 showed signs of tail rot, that showed a  
4 pretty significant infection on the left eye --

5 A The pictures of the faces are them.

6 Q Please just let me finish. You can  
7 answer. That had over two pounds of fur  
8 removed from them, that those are indeed  
9 what you claim to be your two animals?

10 A Sir, I'm saying the picture of the  
11 faces are mine.

12 Q All right thank you.

13 MR. BARY: Your Honor, I'd go  
14 ahead and move these in.

15 THE COURT: They are already  
16 marked as Exhibit 4.

17 MR. BARY: I have a few more  
18 questions.

19 BY MR. BARY:

20 Q Ms. Buckles, you made several  
21 claims and allegations today. You've  
22 referred -- I want to make sure we're clear.  
23 At what point did Ms. Robinson or the Mayor  
24 reach out to you about your animals?

1           A     Sir, I reached out to them.

2           Q     Okay. When did you reach out? I'm  
3     sorry. When did you reach out to them?

4           A     October.

5           Q     And that was by e-mail?

6           A     Yes.

7           THE COURT: October of?

8           MS. BUCKLES: 2017. Yes, sir. I'm  
9     sorry.

10          THE COURT: That's all right.

11          BY MR. BARY:

12          Q     I was getting ready to ask you.  
13     That would have been the e-mail that's dated  
14     October the 3<sup>rd</sup>, 2017. Is that correct?

15          A     Yes, sir.

16          Q     That was an e-mail that you sent to  
17     the Mayor?

18          A     Yes, sir.

19          Q     All right. Do you recall that e-mail?

20          A     The gist of it was is exactly what I  
21     stated here today.

22          Q     Okay. So you remember that e-mail?

23          A     Uh-huh.

24          Q     Now it looks like in that e-mail that

1       you made a claim that someone tried to  
2       extort \$400 from your father?

3             A     Yeah.

4             Q     For the return of these animals.  
5       Who? That's what I'd like to know is who?

6             A     Somebody at the Animal Shelter  
7       actually, the Director of the Animal Shelter  
8       at the time.

9             Q     I need something better than  
10       somebody. Do you know that name?

11            A     The Director of the Animal Shelter at  
12       that time, Sandy --

13            Q     Stacey.

14            A     Stacey Heiden. I'm sorry, Sandy.

15            Q     So you're claiming that Stacey  
16       Heiden basically extorted or tried to extort  
17       \$400 for the return of the animals?

18            A     Yes. That's what he was told and  
19       animal charges would have to be taken.

20            Q     I assume that your father is here to  
21       testify today?

22            A     I'm sorry, sir, he's not. He owns  
23       his own business and he could not be here.

24            Q     Okay. Another thing that you

1       claimed you made claims about your cousin  
2       was going to take possession of the animals  
3       when they were at the Robinson Animal  
4       Hospital?

5             A     My aunt who's the breeder.

6             Q     Again I haven't gotten a name.  
7       Who is your aunt?

8             A     Diana Buckles.

9             Q     Have you provided or do you have  
10       any documentation in regards to that?

11            A     I have the documentation from where  
12       she purchased -- proof of purchase, but that  
13       is all.

14            Q     I'm asking if you have any  
15       documentation where she had signed anything  
16       with the Animal Hospital to take possession  
17       of the animals?

18            A     No. It was a verbal agreement.

19            Q     Do you have any documentation that  
20       you're able to provide us today in regards to  
21       the claims of extortion by the former Shelter  
22       Director?

23            A     I'm sorry, sir.     Again my father  
24       couldn't be here.

1 Q Was there any type of police report  
2 that was filed or phone call that was made  
3 in regards to what you claim to be the effect  
4 of the animals?

5 A No.

6 Q All right. You gave an interview to  
7 WJHL?

8 A Uh-huh.

9 Q Your quote was my dogs were very  
10 well taken care of, you know, very fit and  
11 healthy, fed, all of that. You also  
12 commented that you know somebody walked  
13 into my dad's yard, opened the gate and  
14 took my dogs and make false accusations.  
15 Do you remember making that statement to  
16 WJHL?

17 A Absolutely.

18 Q Let's be clear. You have no  
19 documentation, no evidence that you have  
20 today to provide any proof of a theft or  
21 anything else?

22 A Other than the facts I've already  
23 stated.

24 MR. BARY: All right, ma'am. That's

1 all the questions I have.

2 THE COURT: Anything else you  
3 want to say --

4 MS. BUCKLES: Just as I said, the  
5 evidence we had was -- it is visual that  
6 there was no way for them to have gotten  
7 out of the pen.

8 THE COURT: Okay. Thank you very  
9 much. Do you have any other witnesses?

10 MS. BUCKLES: No, sir.

11 MR. BARY: Your Honor, I make a  
12 motion to strike. As I stated in my opening  
13 that are four elements in the detinue as  
14 being able to establish the title, right to  
15 immediate possession of the property,  
16 identification of the property, I mean there is  
17 a fourth element too about whether or not  
18 the Defendant had possession of the property  
19 prior to the initiation of the suit. I'm not  
20 going to confess the fourth element since  
21 but now it's one, two and three by no  
22 stretch of the imagination, there has been no  
23 evidence that the Plaintiff has moved in,  
24 other than some testimony and I think the



1 testimony under cross of both witnesses, all  
2 three witnesses has indicated that she just  
3 hasn't been able to establish it, Your Honor,  
4 a case here.

5 MS. BUCKLES: Your Honor, I tried  
6 to put in that evidence and he wouldn't let  
7 me.

8 THE COURT: The court is going to  
9 deny the motion to strike at this time for  
10 purposes of considering a motion to strike  
11 and the plaintiff's evidence there has been  
12 some evidence presented of the elements and  
13 will deny that at the time.

14 We are going to break for lunch.

15 [Recess.]

16 MS. BUCKLES: Your Honor, I would  
17 like to recall my witness Gavin Doyle for  
18 just a couple of questions.

19 THE COURT: Any objection to that  
20 at this time?

21 You are still under oath. Come back  
22 up to the witness stand please.

23 EXAMINATION BY MS. BUCKLES:

24 Q I just want to verify with the

1 neighbors, Ms. Morris, did they ever have  
2 any interaction with Nippet and Nessa?

3 A Yeah, every time I would walk them  
4 Nippet and Nessa and she had her dogs out  
5 using the bathroom, or anything, we would  
6 both have to hold them back because I would  
7 always say their dogs are barking at each  
8 other and everything trying to get to each  
9 other.

10 So I would always have to take them  
11 back around to the other side of the property  
12 or something so there wasn't any kind of like  
13 fighting or anything like that.

14 Q She had seen you with these dogs?

15 A Yeah.

16 Q At one point the dogs were in  
17 another pen, were they visible to the  
18 neighbors at that point? Could the  
19 neighbors see that pen?

20 A Yeah.

21 Q During 2012?

22 A Yeah.

23 Q So they were able to see. They were  
24 aware of the animals --

1 THE COURT: He doesn't know  
2 whether they are aware of them or not.

3 How can you tell that they could be  
4 seen from the neighbor's property? Could  
5 you explain?

6 THE WITNESS: Okay. Say right  
7 here is the where the pen that they were at  
8 and this is our house and their house  
9 directly over here and where she would walk  
10 her dogs she could directly see straight  
11 towards over there. The fact of her actually  
12 knowing that we had them because she had  
13 seen me walking before and her dogs and my  
14 dogs had barked and stuff at each other's.

15 MR. BARY: Your Honor, objection.  
16 That is speculation and too I think the  
17 question was 2012.

18 MS. BUCKLES: That was the  
19 previous pen.

20 BY MS. BUCKLES:

21 Q In 2000 during this Nippet and  
22 Nessa, did she see you with those dogs?

23 MR. BARY: Who is she, Your  
24 Honor?

1 MS. BUCKLES: Ms. Morris, the  
2 neighbor.

3 THE WITNESS: [Nodding head.]

4 THE COURT: Yes?

5 THE WITNESS: Yes.

6 MS. BUCKLES: Okay. That's all I  
7 wanted to verify.

8 THE COURT: Mr. Bary, do you have  
9 any questions?

10 MR. BARY: Just a couple, Your  
11 Honor.

12 EXAMINATION BY MR. BARY:

13 Q Gavin, we took a break for a little  
14 while for lunch. Did you speak to anybody  
15 about your testimony during the break?

16 A No.

17 Q Did you talk to your mother or to  
18 Mayor Humphrey or anybody in regards to  
19 your testimony?

20 A No, nothing about the testimony.

21 Q So how did you come to decide or  
22 how did the Plaintiff, your mother, decide to  
23 bring you back and ask you those questions?

24 A She said that when we went to the

1 gas station she said, I'm going to be calling  
2 you back up.

3 Q And she didn't tell you why or what  
4 she was going to ask you?

5 A No.

6 Q But you all went to the gas station  
7 during the break?

8 A Yeah.

9 Q Another thing I need to ask you  
10 about this wasn't covered earlier. There was  
11 a second pen?

12 A Yes, it was the very first on the  
13 river and because previously the goats were  
14 in the other pen that they were in so we put  
15 the goats up in the barn and they went down  
16 in there.

17 Q So the year and a half that they  
18 were with your grandfather they weren't in  
19 the same pen the entire time. You gave a  
20 pretty good description of this big pen but it  
21 sounds to me like at some point --

22 A They were only in there maybe a  
23 month because the other pen it had a couple  
24 -- one, it had briar brushes in it that we

1 kept on pulling back up, but we kept pulling  
2 but they kept growing. So we put them  
3 down their with the goats in their original  
4 pen so they would eat it now. We just  
5 ended up with them in the other pen.

6 Q How did you feed the dogs? How  
7 were they fed? Did they have bowls or what  
8 did you do?

9 A Yeah, there was a big tray that had  
10 a bowl and then the other side was flat. I  
11 put the food in one side and it was inside  
12 their doghouse, one of them, and the water  
13 was in the dish.

14 Q How many dogs were you feeding at  
15 that time?

16 A The very first time or later on?

17 Q You tell me then. Let's take the  
18 very first time?

19 A The very first time --

20 Q What do you mean by that?

21 A Caroline was three.

22 Q What do you mean by very first  
23 time?

24 A Like the very first initial time they

1       were there.

2           Q     When they first came to stay with  
3     your grandfather?

4           A     Yeah.

5           Q     So how many dogs were in the pen  
6     when they first came to stay with your  
7     grandfather?

8           A     Three.

9           Q     Three dogs.

10          A     Nippet, Nessa and Caroline.

11          Q     Is that the one you said passed  
12     away?

13          A     Yes.

14          Q     Were there any other dogs you fed?

15          A     Not in that pen but up next to the  
16     house and in another pen is our dog  
17     Tabitha.

18          Q     Why did you have to move the dogs  
19     outside? Why did they have to go from  
20     indoor to outdoor dogs?

21          A     They were never indoors at the  
22     house. They were just indoors when they  
23     were at mom's.

24          Q     I'm sorry. That was a full phrased

1 question. Why when you got to your  
2 grandfather's did they have to become  
3 outdoor dogs?

4 A He's allergic to them.

5 Q Is he allergic to any other animals  
6 that are on the property?

7 A He's allergic to any kind of fur or  
8 anything like that. Yes, it makes him  
9 sneeze and swell up and stuff.

10 Q And even with his allergies he keeps  
11 goats, horses and other animals?

12 A He keeps them on the property --

13 MR. BARY: All right. Thank you,  
14 Gavin.

15 That's all the questions I have, Your  
16 Honor.

17 THE COURT: You can step down  
18 and go back outside please.

19 Any other evidence?

20 MS. BUCKLES: I rest.

21 MR. BARY: Your Honor, we call  
22 Margaret Morris.

23 THE COURT: Margaret Morris.  
24 Come forward. Were you sworn in earlier?



1 MS. MORRIS: Yes.

2 Thereupon,

3 MARGARET MORRIS,  
4 a witness, was called for examination and  
5 after having been duly sworn was examined  
6 and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. BARY:

9 Q Good afternoon, Ms. Morris, how are  
10 you?

11 A I'm good. How are you?

12 Q I'm fine. Would you just for the  
13 record would you go ahead and state your  
14 name please?

15 A Margaret Morris.

16 Q Ms. Morris, where do you reside?

17 A [REDACTED] Powder Branch Road in  
18 Elizabethton.

19 Q Can you tell us how long you have  
20 lived at that address?

21 A For 17 years.

22 Q Ms. Morris, do you work outside the  
23 home?

24 A Yes, I do.

1 Q Where are you employed?

2 A I'm employed at [REDACTED]  
[REDACTED] in Elizabethton.

4 Q What do you do at [REDACTED]  
[REDACTED]?

6 A I cook.

7 Q Are you a pet owner?

8 A Yes, I am.

9 Q What type of pets do you own?

10 A I've got a black white. I've got a  
11 Parti Pom and I had a Jack Russell  
12 Chihuahua mix but I had to put him down  
13 about a week ago.

14 Q I'm very sorry to hear that.

15 Being a pet owner do you have any  
16 type of affiliation with the Elizabethton  
17 Carter County Animal Shelter? I mean do  
18 you do any volunteer work there?

19 A No.

20 Q No association with the Shelter?

21 A No.

22 Q If you could, let me get this first  
23 and this may help you.

24 MR. BARY: Your Honor, may I

1 approach?

2 THE COURT: Yes.

3 MR. BARY: I would like to have this  
4 marked as Number 6.

5 May I approach the witness?

6 THE COURT: Yes.

7 BY MR. BARY:

8 Q I didn't know if you wore glasses or  
9 not, Ms. Morris. Are you able to see that?

10 A Now I can see some of it. Is this  
11 the place I where I could write?

12 Q I'm going to ask you that? I'm  
13 going to ask you if you recognize that? You  
14 see there is a little flag right there.

15 A Yes.

16 Q That says [REDACTED] Powder Branch Road.

17 A That's where I live.

18 Q Do you recognize that as your  
19 residence?

20 A Yes, I do.

21 Q If you want to if you could just kind  
22 of hold it up so the Judge can see. If you  
23 could just kind of describe your residence  
24 for us.

1           A     Okay. My home is right here. It's  
2 just off Powder Branch Road. When you cut  
3 off to go up in my driveway you go up like  
4 a bank and then it flattens out and there is  
5 a curve right here. We are the [REDACTED] [REDACTED]  
6 [REDACTED] [REDACTED] when you're going up  
7 Powder Branch and then it goes into the  
8 county.

9                     Where this curve right here is that's  
10 where I found the dogs. I went home one  
11 afternoon from work. I had gotten off work.

12           Q     Ms. Morris, we will get to that.

13           A     I'm sorry.

14           Q     You're doing great.

15           A     I'm sorry.

16           Q     I know you are nervous.

17           A     Yeah, I am.

18           Q     Ms. Morris, have you ever had to  
19 testify before?

20           A     No.

21           Q     In court proceedings?

22           A     No.

23           Q     Have you ever been in trouble where  
24 you had to go to court for anything?

1 A No.

2 Q This is a new experience for you?

3 A It is very new.

4 Q Okay. I promise I'm not going to  
5 beat you up or anything like that. Okay.

6 A Okay.

7 Q So I do want to ask and you kind of  
8 pointed to this road. So this road that is  
9 marked Powder Branch Road --

10 A It's Powder Branch.

11 Q Your house is facing what on that  
12 road?

13 A Powder Branch.

14 Q If you could before we get to what  
15 happened on May 27, 2016, are you familiar  
16 with who resides at [REDACTED] Powder Branch  
17 Road? Are you familiar with what we call  
18 Danny Buckles' residence?

19 A Yes, I am very familiar.

20 Q And if you could using this could  
21 you maybe point out for the Judge where the  
22 Buckles' residence is in relation to your  
23 residence?

24 A Probably right in here.

1 Q So it's fairly close together?

2 A Yes.

3 Q Are you able to see that residence  
4 from your house?

5 A I can see the back. I can't see the  
6 front and I can't see but just a little on this  
7 side. I can't see much here or I can't see  
8 the front at all.

9 Q Are you able to visualize any type of  
10 animal pen or anything like that from your  
11 residence?

12 A Just the only time I've ever seen a  
13 pen is like if we've been coming in the other  
14 way to go home, coming in the other way  
15 you can just look up and see something in  
16 the front yard. That's all.

17 Q And particularly are there animals  
18 that are kept in the pen?

19 A I think I've seen one black dog.

20 Q Has that been recently?

21 A That's been recently. They let him  
22 out ever now and then and he comes over to  
23 our house.

24 Q And what about horses or goats, do

1       you see anything like that?

2             A     Goats.

3             Q     Have there been any issues with  
4     goats getting loose and coming onto your  
5     property?

6             A     Yes. Yes.

7             Q     How often has that happened?

8             A     Well, just here recently maybe two  
9     or three weeks ago the goats were out and  
10    they came over. They destroyed our two  
11    holly bushes in the front.

12            My husband went over to talk to  
13    Danny about it. Danny wasn't home. He  
14    talked to his son and his son told him that  
15    Danny was at work. So my husband went  
16    back and called the police and they came  
17    out.

18            Q     Okay. So was there a police report  
19    filed?

20            A     Yes, there is.

21            Q     Besides that police report if I ask  
22    you to recall back or let's turn our attention  
23    back to 2016. Do you have any recollection  
24    of any visits by the Police Department to

1 your residence or to Mr. Buckles' residence?

2 A No, just the one. I had heard they  
3 had been there. I don't know.

4 Q Nothing that you saw yourself?

5 A No. The first time the goats came  
6 he didn't do anything.

7 Q Again I want to call your attention  
8 back in 2016, specifically to events  
9 surrounding two small Shih Tzu animals back  
10 on May 27, 2016. Do you recall those  
11 events, do you recall that day?

12 A I do.

13 Q In your own words can you tell us  
14 what happened that day in regards to those  
15 two dogs?

16 A Okay. I had gotten off work. I was  
17 working day shift that day. I went home, I  
18 went by my sister's. I went home about  
19 3:30. When I started up Powder Branch and  
20 got closer to my home the traffic was  
21 stopped. The traffic was stopped where this  
22 curve is right here. Well my house it goes  
23 straight and curves, there was traffic. You  
24 could see the cars back here and they were



1       like in front of my house backed up from  
2       here.

3               I didn't know what was going on. I  
4       thought maybe they were working on the  
5       road, but I noticed that the traffic was all  
6       stopped. So I just came around and went up  
7       in my driveway. When I went up in my  
8       driveway I still couldn't see anything  
9       because of the way the bank goes down.

10              So I got out of the car and walked  
11       in my yard. I walked over here and I looked  
12       over the bank. Right here in this curve  
13       there were two dogs, two small dogs. They  
14       were just running around inside, on the  
15       highway just inside that one place between  
16       the cars.

17              Q     They were on what's been marked as  
18       Powder Branch Road?

19              A     Right. They were in the curve.

20              Q     I know you said the traffic was  
21       backed up. Typically, Ms. Morris, what's the  
22       traffic level for Powder Branch Road?

23              A     On Friday afternoon very high.

24              Q     What is the speed limit on that

1 road?

2 A It's only suppose to be 35 on that  
3 road, but they go a lot faster.

4 Q So traffic was stopped --

5 A Both ways.

6 Q And why was it stopped?

7 A The two little dogs were running in  
8 the road. They were on the highway part.  
9 They were just like running in circles.

10 Q Being a pet owner yourself, do you  
11 recall or did you recognize the breed of the  
12 dogs?

13 A I couldn't tell what the breed was. I  
14 didn't know.

15 Q Was there a reason why, you just  
16 didn't recognize it or did it have anything to  
17 do with the condition of the animals?

18 A The condition of the animals, I  
19 couldn't tell what they were.

20 Q All right. Could you describe for us  
21 what did you see in regards to the condition  
22 of the two animals that were out in the  
23 middle of Powder Branch Road? What kind  
24 of condition were they?

1           A    I couldn't see what condition they  
2           were in then, but what I did I went down the  
3           bank and I knew I had to get them out of  
4           the road because the people were wanting to  
5           go, a couple of them were blowing their  
6           horns.

7                    The dogs were panicking, you know,  
8           they were running around. So I went down  
9           the bank and I started talking to them and I  
10          after I talked to them I got down and I said  
11          come here and they came to me.

12                   One of them came up first, I think it  
13          was the darker gray and white. It  
14          approached me first. I saw this big huge  
15          thing hanging on its side and the first thing  
16          I thought was a tumor or a cyst. I thought,  
17          oh, my God, somebody has set these two  
18          dogs out because there's something wrong  
19          with them. That's the first thing I thought.

20          Q    Did you recognize the animals?

21          A    No.

22          Q    Not necessarily the breed but did  
23          you recognize them?

24          A    No.

1 Q Okay. Please continue.

2 A And as it got closer the other dog  
3 came up then. I looked at them and I  
4 realized it was a mat of hair, humongous  
5 mat.

6 Q It wasn't a growth it was --

7 A Mats of hair.

8 Q What did you do next afer you  
9 approached the dogs and they came to you?

10 A They ran off from me. They ran and  
11 I was afraid they would get back in the road  
12 so I called them again and they came back.  
13 That's when I took them up, I took them up  
14 and put them in my garage.

15 Q Did you do anything at that time?

16 A I feed them. They were thirsty. I  
17 feed them. They would eat and drink. I'd  
18 go back and get more. They eat and drink.  
19 I mean I kept doing that really until right  
20 before the dog catcher or the Animal Control  
21 came to pick them up.

22 Q Let's turn our attention to that then.  
23 You said the dog catcher. So after you fed  
24 the animals and gave them some water what

1 did you do next?

2 A Well, honestly I was going to try to  
3 cut the hair off because I thought they would  
4 feel better. I mean and they smelt so bad.  
5 I mean I cried. I had never smelt -- I'm  
6 assuming it's where they used the bathroom  
7 on their selves and it couldn't get through  
8 the hair. You couldn't tell if they were boys  
9 or girls. You couldn't. You couldn't tell  
10 which one -- I didn't even know what type of  
11 dog they were.

12 Q So you said you tried --

13 A I was going to try to cut the mats  
14 off, get some of the hair off.

15 Q How did that go?

16 A I couldn't get the scissors, the  
17 scissors wouldn't cut it.

18 Q What did you do next?

19 A Well, then I decided I had to do  
20 something because I had my two small dogs  
21 in the house, you know, barking.

22 So I was upset so I went in. That's  
23 the only thing I don't remember if I called  
24 911 or my nephew. I didn't know the Animal

1 Shelter number. I couldn't find it in the  
2 book.

3 I knew that he had gotten a rescue  
4 dog down there. So what I did I went and  
5 I called one of the two. I thought I called  
6 911 and asked for the number and told them  
7 what happened or him. They gave it to me  
8 and I called the Shelter.

9 Q So we are clear so that was the  
10 number, you say asked for the number you  
11 were referring to the Shelter?

12 A The Shelter. So I could call them  
13 and called them and when I called the  
14 Shelter they told me they would send  
15 somebody up there and they did.

16 Q How long, if you recall, if you can't  
17 recall just tell me. How long did it take for  
18 the Animal Control Officer to respond or to  
19 get out to your residence?

20 A I'm going to think maybe about 30  
21 minutes maybe.

22 Q Do you recall the name?

23 A Freddie. It was Freddie. He's been  
24 with them for years.

1 Q Freddie Turner?

2 A Yes.

3 Q Did you know Mr. Turner?

4 A I know of him I don't know him  
5 personally.

6 Q Can you describe for us or tell us  
7 what did the Animal Control Officer do next?

8 A When he came I was afraid to raise  
9 the garage door because I was afraid the  
10 dogs would run out. I didn't want to risk  
11 them running in the road again and getting  
12 run over.

13 So I let him come around and come  
14 through the back of the house and we went  
15 out in the garage. He put one of the things  
16 around the neck of one them. And I carried  
17 the other one out myself.

18 Q What do you mean by the thing  
19 around the neck?

20 A The thing that they put around them  
21 to take them. And I carried one of them.  
22 I carried I think the light gray one out to  
23 the truck.

24 Q And then what happened next?

1           A    Well, he put them in and he had  
2 form that he needed me to fill out.

3           MR. BARY:   Your Honor, may I  
4 approach the witness. I think that's Exhibit  
5 1.

6           THE COURT: I've got 1 and 2 here.  
7 BY MR. BARY:

8           Q    I'm going to hand you a couple of  
9 forms, Ms. Morris.

10          MR. BARY: Your Honor, may I move  
11 that into evidence?

12          THE COURT: We will mark it.  
13 BY MR. BARY:

14          Q    What I have handed you, Ms. Morris,  
15 has been marked as Defense Exhibit 1 and  
16 2. Let me just ask you do you recognize  
17 either one of those forms?

18          A    Yes, I do.

19          Q    Can you identify that form for us?

20          A    This top part, all of this right here  
21 I filled out in this section.

22          Q    Let me just for the record when you  
23 say this part right here you've pointing to  
24 the top right-hand corner.



1           A     That has the address and it has the  
2     date and it has my name. It has the  
3     address again. It has my phone number,  
4     this part right here.

5           On this other side then I filled out  
6     the date and running at large because I  
7     didn't know really what to put down.  
8     Running at large and got them out of the  
9     road.

10          Q     The Animal Control Officer provided  
11     you this form, if I understand you correctly,  
12     you completed the right side of that top  
13     right-hand as far as the street that they  
14     were found on?

15          A     I did. Yes.

16          Q     And provided your name, your  
17     address and your phone number. Also on  
18     the left side of that in the top left corner I  
19     assume that you put the date?

20          A     Intake date and the reason.

21          Q     Running at large?

22          A     Right. Then I signed and dated it  
23     at the bottom.

24          Q     That was my next question. Not

1           only is that your handwriting at the top that  
2           you described but that is in fact your  
3           signature that's on that form?

4           A     Yes, it is.

5           Q     Okay.     After you completed that  
6           form, signed that I assume you returned to  
7           the Animal Control Officer Mr. Turner?

8           A     Yes, I did.

9           Q     What happened next after you signed  
10          and completed that form, what happened?

11          A     I was upset. I thought I kept asking  
12          him if they would put them to sleep because  
13          they were in such bad shape. He kept  
14          assuring me that they wouldn't, that they  
15          would clean them up and, you know, try to  
16          find the owner and if they could they would  
17          adopt them out is what he told me.

18          Q     Ms. Morris, I need to ask and I  
19          don't mean to embarrass or to upset you in  
20          any way but I need to ask this question: at  
21          any point in time, ma'am, did you on May  
22          27, 2016 did you enter or go onto Danny  
23          Buckles' property, open the pen and remove  
24          those two animals?

1           A     No, I did not. I did not.

2           Q     At any point in time in the last 12  
3 months have you been contacted by Mayor  
4 Humphrey's office in regards to that point  
5 that you just described?

6           A     In how long?

7           Q     In the past 12 months?

8           A     Yes, I have.

9           Q     Do you know the name of individual  
10 that called you?

11          A     Susan Robinson.

12          Q     And can you just tell us what Ms.  
13 Robinson, when she contacted you, what did  
14 she do? Were you asked questions?

15          A     Yes. She asked me about the dogs.

16          Q     Ms. Morris, did Ms. Robinson advise  
17 you before she started asking you questions  
18 that she was going to record your  
19 conversation?

20          A     No, she did not.

21          Q     And other than that, Ms. Morris,  
22 really that's your extent of involvement in  
23 regards to animals; correct?

24          A     Right.

1 MR. BARY: All right. Thank you,  
2 ma'am.

3 That's all the questions I have, Your  
4 Honor.

5 CROSS-EXAMINATION

6 BY MS. BUCKLES:

7 Q Ms. Morris, how are you?

8 A I'm good. How are you? You know,  
9 it's hard.

10 Q You and Dad?

11 A Right.

12 Q You know he had a lot of animals?

13 A Right.

14 Q I'm sure you're aware that you've  
15 seen Gavin there?

16 A Yes.

17 Q Did you ever see Gavin out with the  
18 animals?

19 A No, the only one I ever saw him run  
20 after was the black dog, the big black dog.

21 Q So your animals --

22 MR. BARY: Just asked and  
23 answered.

24 THE COURT: Overruled. I'm going

1 to let you ask the question. Go ahead.

2 BY MS. BUCKLES:

3 Q Did you ever see him with his two  
4 small animals, dogs and have contact with  
5 your dog?

6 A No, I never did. No. I never had  
7 seen those two dogs before. I looked for an  
8 ID on them because I've had dogs come  
9 there before and there's been a phone  
10 number and a name on them. Those dogs I  
11 think maybe there was a rabies thing on one,  
12 but as far as name and phone number, who  
13 to contact, there was nothing on them. So  
14 I didn't know what to do with them.

15 Q Okay. Did you ever see, have you  
16 ever seen Gavin or Danny be cruel to any of  
17 this animals?

18 A No. Never. No.

19 Q Did they ever seem underfed, the  
20 horses were always fed?

21 A I've not really seen the houses.  
22 I've heard but I've not seen. Honestly I  
23 haven't.

24 Q I know the goats got in your holly

1 and I do apologize. I felt horrible about that.  
2 They are penned up.

3 A Yes, they did bad. Well, they did  
4 that once and then let them out again and  
5 they destroyed it then.

6 Q They're escape artist. When you  
7 found Nippet and Nessa in the road, you say  
8 that you had never had any contact with  
9 them before?

10 A No, I have never seen those dogs  
11 before.

12 Q Okay.

13 A And I'm going to be honest, even  
14 and I swear I didn't know who they belonged  
15 to. I even thought once about going around  
16 and asking the neighbors to see if they knew  
17 where the dogs came from. But they were in  
18 such bad shape I really didn't want them to  
19 go back to just anywhere. I'm just being  
20 honest. They need to be took care of and  
21 they weren't. Like I said, if they had been  
22 animals that had been missing for a while. I  
23 was hoping maybe they would go to the  
24 Shelter, try to find them whatever. They

1 were just in horrible shape. Horrible.

2 Q Now, Ms. Morris, have you and I  
3 ever had contact about another animal?

4 A No.

5 Q We didn't have contact about  
6 Caroline my other Shih Tzu that had got  
7 loose?

8 A No, never have. As a matter of  
9 fact, I have never seen you before til today,  
10 honestly.

11 Q You don't remember that the other  
12 dog maybe getting loose. Okay.

13 A The only one I remember is the  
14 black one. It's a black dog.

15 MR. BARY: Your Honor, the  
16 question has been asked.

17 THE COURT: Yes.

18 THE WITNESS: The black dog is  
19 the only one I know.

20 THE COURT: When there's an  
21 objection just hang tight for a second and  
22 let me rule on it.

23 I will sustain the objection. Ask  
24 another question.

1 BY MS. BUCKLES:

2 Q Ms. Morris, when you spoke to Mayor  
3 Humphrey's assistant, did you ever show  
4 interest in how to keep them dogs yourself?

5 A No. I had told Freddie when he  
6 picked them up that I didn't want them put  
7 down. I said if it comes to the point they're  
8 going to put them down I would take them,  
9 but I said, you know, I don't know how I  
10 would have done it. I just didn't want them  
11 put down. That's all. And being in the  
12 shape they were in I figured that might  
13 happen to them. I love animals. I wouldn't  
14 ever do that.

15 Q Did you ever have any contact with  
16 the Animal Shelter Director after the dogs  
17 were picked up?

18 A No, I did not. I called there a  
19 couple of times to check on the dogs to see  
20 how they were doing, but I talked to a young  
21 man and I don't remember his name. He  
22 just when I talked to him he would go back  
23 and check on them and come back -- well,  
24 he act like he didn't want to tell me nothing



1 at first and I'd tell him who I was. He  
2 would go back and check on them and come  
3 back and tell me right after they went in.

4 MS. BUCKLES: All right. I think  
5 that's all the questions I have for you, Ms.  
6 Morris.

7 THE COURT: Redirect.

8 REDIRECT EXAMINATION

9 BY MR. BARY:

10 Q Ms. Morris, I want to make sure that  
11 we're clear. Your concern seems to be that  
12 those dogs were going to be euthanized?

13 A Yes, it was.

14 Q So any interest that you expressed  
15 in regards to taking those dogs it was  
16 basically if you are going to euthanize those  
17 --

18 A Then I would take -- I would any  
19 animal. I would.

20 MR. BARY: Thank you. That's all  
21 the questions I have.

22 THE COURT: You may step down  
23 and go back outside the courtroom.

24 Call your next witness.

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MR. BARY: Wendy Mathes.

THE COURT: You were sworn in earlier. Have a seat on the witness stand and answer any questions that are directed to you.

Thereupon,

WENDY MATHES,

a witness, having been duly sworn was called for examination by counsel and testified as follows:

DIRECT EXAMINATION

BY MR. BARY:

Q Good afternoon, Ms. Mathes, my name is David Bary. I'm the attorney for Ms. Blanton. I need to ask you just a few questions today. Okay.

A Okay.

Q If you could for the record, would you please state your name?

A Wendy Mathes.

Q Ms. Mathes, where do you live? Do you live in Carter County?

A Yes, sir.

Q And it's my understanding that you

1 work at the Elizabethton/Carter County  
2 Animal Shelter?

3 A Yes, sir.

4 Q What is your job title?

5 A I'm the Shelter Manager right now.

6 Q Many titles. Okay. I was also under  
7 the impression too that you were, and maybe  
8 no difference, but maybe Kennel Manager as  
9 well?

10 A Yes, sir.

11 Q Can you just briefly tell us as  
12 Kennel Manager and Shelter Manager what  
13 are some of your responsibilities and duties?

14 A To take care of the dogs at the  
15 Shelter and make sure that they got food,  
16 water, clean area.

17 Q Do you respond to calls or are you  
18 ever dispatched to a residence or any  
19 animals may be loose or there may be some  
20 issues with animals at the household?

21 A Yes, sir.

22 Q If you could maybe just describe or  
23 explain to us what would be some incidences  
24 or examples of why you would be dispatched

1 by the Shelter to visit a residence.

2 A Normally, animal cruelty and vicious  
3 animals running at large.

4 Q Ms. Mathes, do you enjoy your work?

5 A I do.

6 Q If you have an instance where you  
7 have an individual who may be having some  
8 issues caring for an animal, do you make  
9 attempts to try to automatically remove that  
10 animal or do you try and work with the pet  
11 owner in order to get them to the point  
12 where the pet owner is happy as well as the  
13 animal was well cared for?

14 A Yeah, well, situations are different.  
15 I mean we don't just try to go take people's  
16 dogs away, but I mean if it's bad enough we  
17 will.

18 Q Are you familiar with two female  
19 Shih Tzu dogs that were kept at Danny  
20 Buckles' residence, [REDACTED] Powder Branch Road  
21 in Elizabethton?

22 A Yes, sir.

23 Q Were you ever dispatched to that  
24 residence?

1           A    Yes, sir.  Sir, we had multiple calls  
2 out there.  It's been a long time ago so I  
3 don't know dates.

4           Q    That's fine.  I'm going to help you  
5 out with that in just a little bit.

6           MR. BARY:  Your Honor, may I  
7 approach?

8           THE COURT:  You may.

9           BY MR. BARY:

10          Q    Ms. Mathes, do you recognize the  
11 document that's been marked as Defense  
12 Exhibit 5?

13          A    I recognize the address and, of  
14 course, I know what address we're talking  
15 about.  This is not my call though, but I was  
16 out there twice at that residence.

17          Q    That's the same residence?

18          A    Yes, sir.

19          Q    I guess what I'm asking and I  
20 realize that wasn't your call, but is that  
21 typically a form that is used by the  
22 Elizabethton/Carter County Animal Shelter?

23          A    Yes, sir.

24          Q    Would there have been a form then

1 that would have been completed for your call  
2 and you were dispatched?

3 A Yes, sir. They would have been  
4 two.

5 Q When you say two?

6 A I was out there twice so anytime you  
7 go out you make a record of it in a  
8 situation.

9 Q Maybe you can help me out a little  
10 bit. I realize this wasn't your call, but I  
11 notice on these two forms that there is a  
12 call date and time of March 11, 2016, a call  
13 date and time of March 8, 2016 and then a  
14 dispatch time of 3/16/16. Does that mean  
15 that basically there were two calls that came  
16 in and then a few days later on March 16<sup>th</sup>  
17 someone from the Shelter would have been  
18 dispatched? That top right-hand corner.  
19 You see there are two different call and date  
20 times but only one dispatch date time.

21 So maybe you might be able to shed  
22 a little light on that for us.

23 A The call time is when the  
24 receptionist took the call. That's when

1 Freddie went out on this call. I recognize  
2 his handwriting.

3 Q You are saying you recognize that as  
4 Mr. Turner's, the Animal Control Officer's  
5 handwriting?

6 A Yes, sir.

7 Q What I'm saying, just from a general  
8 standpoint, that's what that means by that  
9 dispatch date?

10 A Yes, sir.

11 Q Okay. You are saying there should  
12 be other documents in regards to dispatch  
13 forms where you went out on calls?

14 A Yes, sir.

15 THE COURT: When did you go out?

16 THE WITNESS: I went out right  
17 before this, but I don't remember -- I'm  
18 thinking, as I try to remember back, I'm  
19 thinking maybe two to three weeks before  
20 this.

21 THE COURT: You say you are trying  
22 to remember back, why didn't you look at  
23 your records?

24 THE WITNESS: Our records got

1 removed from the Shelter so I don't have the  
2 copy of my records.

3 BY MR. BARY:

4 Q How did those records come to be  
5 removed?

6 A We changed directors at the Shelter  
7 and my understanding that the Mayor's Office  
8 needed them.

9 Q So you had no copies to rely on or  
10 look back to see when you were called out?

11 A No, sir.

12 Q You are working from memory?

13 A Yes, sir.

14 Q Is there anything that stands out in  
15 your memory, as far as the call that you  
16 made, you said you responded twice. Could  
17 you tell us a little bit about your two  
18 incidents or the two episodes when you went  
19 out and responded?

20 A Yes, I went out for neglect. I got  
21 several calls and I went out twice. The  
22 little dogs were like near a creek in a  
23 kennel in a dog lot. They were very matted  
24 up. Normally, you know, conditions like that



1 I would call for an officer or something.

2 Q Why would you call for an officer?

3 A Because they were really severely --

4 Q I understand but why do you need an  
5 officer there? Can you explain the process  
6 or the protocol for that? Why would you  
7 have to call for the officer?

8 A Well, because if you're going to  
9 remove them, they was just a child there at  
10 that location so that's why I went back and  
11 then I talked to him and I was going to try  
12 to maybe get him some help on grooming  
13 these dogs and seeing what, you know, what  
14 was underneath all of their hair and fur.

15 Q So you recognized the fact that when  
16 you respond to a call like that, you don't  
17 have the authority to remove animals?

18 A No, sir.

19 Q When you are on an individual's  
20 property?

21 A No, sir.

22 Q The appropriate protocol that you  
23 followed in the past and continue to follow  
24 is that call an officer?

1 THE COURT: But you didn't do that  
2 that time? Do you think it was necessary to  
3 do that at that time?

4 THE WITNESS: Well, they was no  
5 adult present at the residence at that time  
6 when I was there.

7 BY MR. BARY:

8 Q Did you talk to the child at the  
9 time?

10 A I did. I talked to him twice. I  
11 can't remember his name but I talked to him  
12 twice because I went back to try to catch  
13 his grandfather and never did get a call, you  
14 know, we always leave our name and number.  
15 No one never called us back.

16 I was trying to talk, you know, to an  
17 adult.

18 Q What did you say, what did you show  
19 to the child that was there in regards to the  
20 care of the dogs?

21 A Well, that they needed, you know, to  
22 get to a vet and they really needed to be in  
23 the house. He said his grandfather wouldn't  
24 allow the dogs in the house. You know, his

1 mother was away. And they need food and  
2 water.

3 Q Was the child concerned for his  
4 pets?

5 A He was.

6 Q Were you concerned for the pets?

7 A Yes, sir.

8 Q You said you made not one but two  
9 calls and both instances you were just able  
10 to speak to the child?

11 A Yes.

12 Q The child was under threat of any  
13 type of charge or any investigation?

14 A No, no. If I would have been  
15 talking to an adult it would have been a  
16 different situation.

17 Q Is there anybody by the first name  
18 of Heith that is employed at the  
19 Elizabethton/Carter County Animal Shelter?

20 A There was.

21 Q What was his job title?

22 A I really don't know his exact title.

23 Q Did he ever respond or go out on a  
24 call with you to the Buckles property?

1           A     No, Mr. Rainbolt went out with me.

2           Q     And who is that?

3           A     He's at the Shelter. He's with  
4 maintenance department but occasionally he  
5 goes out with us as well because we just  
6 don't like to go by yourselves.

7           Q     Ms. Mathes, in your experience as a  
8 Shelter employee or Shelter Manager or  
9 Kennel Manager, do you have an opinion as  
10 to whether or not that particular breed of  
11 dog that you saw that day on those two  
12 occasions would you consider that those  
13 dogs were being well maintained?

14          A     No, sir.

15          Q     Were they healthy?

16          A     They didn't look -- appear to be.  
17 They needed medical attention.

18          Q     Were you involved in any way in  
19 regards to the events on or about May 27<sup>th</sup>  
20 when the dogs were picked up by Animal  
21 Control at the Shelter?

22          A     No, sir.

23                 MR. BARY: Ms. Mathes, thank you  
24 very.

1           That's all the questions I have, Your  
2 Honor.

3           THE COURT:    Do you have any  
4 questions?

5           CROSS EXAMINATION

6           BY MS. BUCKLES:

7           Q    Hi, I'm Kim.  Ms. Mathes, you said  
8 that you were one of these individuals that  
9 went, you -- you went out twice to my dad's  
10 residence?

11          A    Yes, ma'am.

12          Q    Regarding the animals.  And you  
13 spoke with my child I think?

14          A    Yes, ma'am.

15          Q    Okay.  At that time did you -- you  
16 did advise him that they need to be groomed  
17 and you would help him, try to help him?

18          A    Yes, ma'am.

19          Q    I guess my question is if that was  
20 the case why was no assistance ever given  
21 in the grooming if they were in that bad  
22 condition?

23          A    Because the animals got picked up  
24 before I got a chance to do that.

1 Q Well, ma'am, this is almost a three  
2 month difference here.

3 A No, ma'am. It's like I was telling  
4 the gentleman before, I went out there about  
5 three weeks before the animals got picked  
6 up, three to four, something like that.

7 Q I must have got confused because  
8 this was the date we were talking about you  
9 said it was about three weeks before then;  
10 right?

11 A Yes, ma'am.

12 Q That would be February, they were  
13 picked up in May. There is a three month  
14 difference. Why was no one ever --

15 A I was referring to when they got  
16 picked up. I did not go out because I don't  
17 have my copies of anything. That's all we  
18 have.

19 Q So you think Freddie was the one  
20 that went out in March?

21 A That's what I think.

22 Q I understand that you can't be 100  
23 percent. He also said the same thing, he  
24 needs help. Why was an adult never

1 contacted regarding the situation?

2 A Because I could never get a hold of  
3 an adult.

4 Q Did you know who the owner was of  
5 the property?

6 A I did. I left him my card. We left  
7 him my door knocker with our number on it.  
8 He never called.

9 Q Well it's certainly I can't verify that  
10 honestly because the information that I  
11 received is different. So it also mentions  
12 when you went out did you see any other  
13 signs that there were other animals on the  
14 property?

15 A I did.

16 Q Did they seem to be cared for?

17 A They were horses.

18 Q Did they seem to be cared for?

19 A They did.

20 Q You didn't see any other dogs or  
21 goats?

22 A Not that I can recall. It's been a  
23 while so I'm just going on my memory.

24 Q I understand. I understand. But the

1 other animals seemed to be cared for as far  
2 as you remember?

3 A As far as I can remember only  
4 seeing horses.

5 Q Is it common practice to speak to a  
6 minor child, without an adult present, in a  
7 legal situation like this?

8 A It wasn't a legal situation at that  
9 time and, like I said, I went to the house  
10 knocked on the doors and your son come to  
11 the door. I told him who we were, left him  
12 all of our information for his grandfather to  
13 contact us.

14 Q Okay. When you spoke to my son  
15 what exactly did you tell him as far as -- I  
16 know about the grooming, did they seem to  
17 be fed, I know there was plenty of water.  
18 Did their area seem to be well kept, did they  
19 have plenty of shelter?

20 A Like I said, I couldn't even tell you,  
21 to my knowledge, right now what their  
22 doghouse looked like, but I know  
23 remembering it wasn't a good situation. But  
24 I can't tell you if it was dirty or whatever.



1 I know they was a creek right there next to  
2 it. The dogs were severely matted. They  
3 really needed attention and, like I stated,  
4 before if they had been an adult present it  
5 would have been a different situation for me.  
6 I would have contacted the deputy and I  
7 would have removed the animals.

8 But since there was only a child  
9 there I'm just not that kind of person and I  
10 thought that I could keep, you know, coming  
11 back and maybe offer some help, but before  
12 I got a chance to do that the animals  
13 apparently got loose and got picked up.

14 Q But it was your opinion on that day  
15 that you could help them and a deputy didn't  
16 need to be called because --

17 A Like I said, if I was dealing with an  
18 adult it would have been totally a different  
19 situation, but you know I didn't have no  
20 adult to talk to. It was just a child, you  
21 know, what do you do.

22 Q Right. But though Danny Buckles  
23 was the owner and he's pretty prominent  
24 there, you didn't contact the owner?

1           A     I didn't know Danny Buckles was the  
2 owner. All I knew his grandpa would call us  
3 and I'm assuming by all of this that would  
4 be Danny Buckles.

5           MS. BUCKLES: I think that's all the  
6 questions I have for you. Thank you so  
7 much.

8           THE WITNESS: Thank you.

9           MR. BARY: A couple of followup.

10           REDIRECT EXAMINATION

11           BY MR. BARY:

12           Q     As an employee of the Shelter you  
13 are probably trying to help as many people,  
14 as many pets and animals as you can; is  
15 that a fair statement?

16           A     Yes, sir.

17           Q     Are you duty bound, I mean are you  
18 able to actually get to every pet, every  
19 animal and be able to provide the level of  
20 care when the owners fall short of doing  
21 what they should do? I mean are you able  
22 to manage and the staff be able to do that?

23           A     No.

24           Q     I would like to show you some

1 pictures and see if you recollect anything.  
2 I hand you some pictures here.

3 Ms. Mathes, I just want to ask you  
4 real quick, do you recognize the animals in  
5 those pictures?

6 A Yes, sir.

7 Q Tell me about that. Describe those  
8 two animals or how do you recognize them?

9 A These is how I recognize the  
10 animals. I did not see them after they got  
11 groomed.

12 Q And we say those animals are we  
13 referring to the two animals that you  
14 responded to out at [REDACTED] Powder Branch  
15 Road?

16 A Yes, sir. Of course, I didn't get to  
17 look at them this close because they were  
18 never out of their kennel.

19 Q When did you last see those  
20 animals, when they were at the Buckles  
21 residence or when they were brought in, did  
22 you witness or see them when they were at  
23 the Shelter?

24 A I do not remember witnessing and

1        seeing them when they were brought in at  
2        the Shelter. I seen them after at the  
3        Shelter after they had already been groomed,  
4        not I mean just a little bit.

5            Q        So these first several pictures before  
6        the animals had been groomed, do you  
7        recognize that's the condition that they were  
8        in at the time you made the visit out to the  
9        Buckles' residence?

10          A        Yes, I could only tell that their hair  
11        was really bad. I didn't know that they had  
12        this underneath all of that. Like I said, I  
13        never did even get them out of enclosure  
14        because, like I said, they was just the child  
15        at home.

16          Q        As a result of what you see there in  
17        those pictures and what you saw that day,  
18        that's why you had concern?

19          A        Yes, sir.

20          Q        And that's why you stated earlier  
21        that if there had been an adult present you  
22        most likely would contact law enforcement  
23        and have them come out?

24          A        Yes, sir.

1 MR. BARY: All right, thank you,  
2 ma'am.

3 THE COURT: You can say that's the  
4 way they looked when you went out three  
5 weeks earlier?

6 THE WITNESS: I can't see  
7 underneath their hair. I just seen they was  
8 matted and they was in bad condition and  
9 one looked like he had an eye infection, but  
10 I couldn't see that.

11 THE COURT: Did you think when  
12 you went out there three weeks earlier it's  
13 some kind of immediate danger?

14 THE WITNESS: I didn't think they  
15 was immediate danger but I thought that, you  
16 know, they definitely needed to go get  
17 groomed and some shots and stuff and see  
18 what was going on with the one eye.

19 As far as them, you know, dying I  
20 didn't think they were going to die right  
21 then, but I knew that they needed help.

22 MR. BARY: That's all the questions  
23 I have, Your Honor.

24 RE-CROSS EXAMINATION

1 BY MS. BUCKLES:

2 Q Is it pretty common practice for  
3 especially during winter months and cold  
4 months, for animals, farm animals to be  
5 bathed and groomed and brushed out  
6 especially if it's that cold?

7 A You say farm animals?

8 Q Uh-huh.

9 A I don't know a lot about farm  
10 animals so I don't know.

11 Q Okay. I think again you didn't  
12 consider them in immediate danger of dying,  
13 they just needed to be groomed?

14 A Not the day that I seen them. No,  
15 ma'am.

16 MS. BUCKLES: Thank you very  
17 much. Thank you so much. You have a  
18 great day.

19 THE COURT: So I can understand  
20 what you're saying, you said if there had  
21 been an adult there you would have called  
22 an officer out I guess to take possession of  
23 animals.

24 THE WITNESS: Yes, sir.

1 THE COURT: All of the animals?

2 THE WITNESS: I mean they wasn't  
3 dying, but they needed medical care and I  
4 mean their hair done because mats will form  
5 and bruise their skin.

6 THE COURT: So there's enough  
7 there that you would have called out for  
8 someone to come take possession of them,  
9 but you didn't because there wasn't an adult  
10 there?

11 THE WITNESS: And, you know, I  
12 think you give people time, I think it's 48  
13 hours to get them medical help.

14 THE COURT: You wouldn't have  
15 done that if an adult was there?

16 THE WITNESS: If an adult was  
17 there I would gave them 48 hours to get  
18 them to have groomed and show proof of  
19 vaccination.

20 THE COURT: Okay. I'm just trying  
21 to understand your testimony.

22 Do you have any redirect.

23 MR. BARY, I just have one question  
24 based on what you asked, Your Honor.

1 BY MR. BARY:

2 Q Just a followup what the Judge  
3 asked you. Would that in essence or in a  
4 sense start the process though by when you  
5 contact law enforcement and they may not  
6 come out and actually see the animals that  
7 day but does that kind of start the  
8 investigation and the process?

9 A Yes, sir. You just can't really go  
10 out just remove someone's animals.

11 Q So what I'm asking then if you had  
12 called law enforcement that day they may not  
13 have taken the animals that day since the  
14 clock would have started ticking as far as  
15 how much time the Buckles would have had  
16 to be get --

17 A Get the medical treatment.

18 THE COURT: You may step down.

19 MR. BARY: Your Honor, we call  
20 Freddie Turner to the stand please.

21 THE COURT: Sir, would you please  
22 forward. Were you sworn in earlier?

23 Thereupon,

24 FREDDIE RAY TURNER,



1 a witness, was called for examination and  
2 after having been duly sworn was examined  
3 and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. BARY:

6 Q Good morning, Mr. Turner -- I guess  
7 it's good afternoon by now. It seems like  
8 morning to me.

9 My name is David Bary. I represent  
10 the defendant in this matter, Ms. Blanton,  
11 and I just have a few questions for you  
12 today.

13 Would you please state your name  
14 for us?

15 A My name is Freddy Ray Turner.

16 Q Where do you reside, Mr. Turner?

17 A [REDACTED], Elizabethton.

18 Q Where do you work, Mr. Turner?

19 A Elizabethton Carter County Animal  
20 Shelter.

21 Q Were you an Animal Control Officer  
22 up until just a few months ago or a few  
23 weeks ago?

24 A Yes.

1 Q How long had you been employed as  
2 the Animal Control Officer at Carter County?

3 A Thirty-seven years.

4 Q No break, I mean that's 37 years  
5 continuous day in and day out; right?

6 A Right.

7 Q During that 37 years, Mr. Turner, did  
8 you ever have any problems with performing  
9 your job duties or did you have any issues  
10 performing your job duties?

11 A No, I haven't.

12 Q Have you ever been reprimanded?

13 A No.

14 Q Ever gotten into any type of legal  
15 trouble with regards to your job duties?

16 A No.

17 Q Mr. Turner, I have to ask, have you  
18 ever participated in any type of animal  
19 trafficking ring?

20 A Lord, no.

21 Q Mr. Turner, have you ever talked or  
22 made any phone call to anybody and tried to  
23 get money out of them to have their animals  
24 returned to their home?

1           A    No.

2           Q    I want to turn your attention -- well,  
3 first off I want to show you something, Mr.  
4 Turner and see if you recognize it as your  
5 handwriting? Take a look at that, sir.

6                   I've handed to you what had been  
7 marked as Defense's Exhibit 5. Take a look  
8 at that. There are two pages to that  
9 Exhibit, Mr. Turner.

10                   Do you recognize the handwriting?

11           A    That's not my handwriting.

12           Q    Not your handwriting?

13           A    No.

14           Q    Just out of curiosity do you  
15 recognize the handwriting?

16           A    No.

17           Q    Is that a form though that is used  
18 by the Shelter or used by Animal Control?

19           A    No.

20           Q    Okay. What type of form do you use  
21 then? If you could just describe the type of  
22 form that you use.

23                   THE COURT: You've never seen  
24 that type of form before?

1 THE WITNESS: I've seen it, but I  
2 don't use this.

3 BY MR. BARY:

4 Q To be clear you've seen that form  
5 but you don't use that form?

6 A Correct.

7 Q Okay. Have you seen that form at  
8 the Shelter?

9 A It's been years ago.

10 Q Let me hand this to you. I can take  
11 that back, sir.

12 A This is another form we used.

13 Q All right. What about that form, do  
14 you use that form?

15 A Yes.

16 Q Do you recognize that particular form  
17 there?

18 A Yes, this is where I picked the dogs  
19 up.

20 Q Okay. Let's talk about that. That's  
21 the form that you used then as an Animal  
22 Control Officer?

23 A That's correct.

24 Q If you rescue or pick any animals up

1 then that is the form that's completed?

2 A We were using this, but we changed.

3 Q In May of 2016 that's the form that  
4 you were using?

5 A Correct.

6 Q Can you tell us a little bit about  
7 what you recall as far as the events or what  
8 happened on May 27, 2016 with those two  
9 dogs that are noted in that form?

10 A Well I got a call 911 to go pick  
11 them up because they were in the road  
12 causing a traffic hazard. I didn't have time  
13 to go right then. About 30 minutes later I  
14 went out there -- the name?

15 Q Would it be on that form?

16 A Ms. Morris.

17 Q Yeah.

18 A Morris. She called the Animal  
19 Shelter and sent me out there. I went out  
20 there and picked the dogs up, picked them  
21 up and carried them back to the Shelter.

22 Q Okay. When you picked the dogs  
23 up, Mr. Turner, where were they at the time?

24 A They were in her garage. She'd

1           gotten them out of the road.

2           Q     And when dogs are running loose  
3     like that and you get a call, you have to  
4     ability to be able to rescue or get those  
5     animals and take them to the Shelter;  
6     correct?

7           A     Yes.

8           Q     If you had animals that are actually  
9     on someone's property at the time what's the  
10    procedure that you have to follow if you're  
11    going to take animals off of someone's  
12    property or residence?

13          A     You have to sign a release form.

14          Q     What about the involvement of law  
15    enforcement?

16          A     If they, you know, they want me to  
17    pick them up quick.

18          Q     Was there ever times that you would  
19    have to call enforcement to assist or to help  
20    you as far as you going on somebody's  
21    property?

22          A     If the owner wasn't at home, I'd call  
23    an Officer. I wouldn't go on property  
24    without an Officer being there.

1 Q And that day on May 27, 2016, that  
2 form that you have before you and that  
3 you've looked at, you gave that form to Ms.  
4 Morris for her to fill out?

5 A Yes.

6 Q All right. And she signed that form  
7 and gave it back to you?

8 A Yes.

9 Q And you took the animals to the  
10 Shelter?

11 A Correct.

12 Q Did you have any additional contact  
13 after that with those two dogs?

14 A I think I carried them to the  
15 groomers to be groomed because they were  
16 all matted up and stuff.

17 Q What about the Animal Hospital, do  
18 you think you may have transported them to  
19 Robinson's Animal Hospital? Do you recall  
20 that?

21 A I may have.

22 Q You don't have any notes or  
23 anything that you can refer back to do you?

24 A No, I don't.

1           Q     Would there have been in addition to  
2 that form right there would there have been  
3 any other paperwork that you would have had  
4 that you just don't have access to or is that  
5 the extent of it?

6           A     That's the extent of it. That's the  
7 end of my job.

8           Q     I understand. Mr. Turner, do you  
9 have any recollection of what shape both of  
10 those dogs were in when you picked them up  
11 from Ms. Morris' residence?

12          A     Yes, pretty well matted up. When I  
13 picked them up to take them to the groomer,  
14 tried to pick him under his belly and he  
15 yelped real bad. I didn't know what was  
16 wrong with him. So I put him in the truck.  
17 I got the other one and put him in the truck  
18 and took them to the Animal Shelter. Paul  
19 cut some of the mats off of her, the matted  
20 hair up and where the sores were.

21          Q     So when you say you picked one of  
22 the animals up and they yelped?

23          A     Yeah.

24          Q     Did you have -- did you feel like the



1 animal was in stress? I mean what was the  
2 condition of the animal?

3 A It was all matted up and got sores  
4 on them under matted hair.

5 Q I do want to show you one other  
6 thing, Mr. Turner. I hand you that right  
7 there. I hand you another Exhibit for the  
8 Defense. That is a map. Do you recognize  
9 that, that address, the Powder Branch Road.  
10 Do you recognize that, sir?

11 A [REDACTED] that's where I picked the dogs  
12 up.

13 Q And do you recognize Powder Branch  
14 Road there?

15 A Yes.

16 Q And have you ever been out to that,  
17 have you ever made any calls to [REDACTED] Powder  
18 Branch Road? Would it have been a Danny  
19 Buckles' address where the dogs were kept?

20 A We went there a little while before  
21 I picked those dogs up. The dogs the way  
22 they were living was in a little fenced in  
23 thing.

24 Q A pen?

1           A    Yeah, fenced in pen a little water  
2           thing in the middle of it and the dogs pulled  
3           the doghouse down into the water. I went  
4           out and knocked on the door and nobody  
5           come to the door. I think you know nobody  
6           never did.

7           Q    What was the concern about the  
8           water and the dogs pulling the doghouse  
9           down into the water? What was your  
10          concern about that?

11          A    I couldn't do nothing about that.  
12          Nobody was at home. I couldn't do  
13          anything.

14          Q    I understand that but what danger  
15          would that have been to the dogs?

16          A    The dogs wasn't in any danger. The  
17          doghouse was in the water. Nowhere to  
18          sleep.

19          Q    Okay. Because the doghouse was in  
20          the water they didn't have any shelter?

21          A    Right.

22          Q    What time of the year was this?

23          A    It had to be before May.

24          Q    What was the temperature or what

1 was the weather?

2 A It was sort of cool but it was about  
3 8:00.

4 Q So it would have been fairly close,  
5 not too long before you picked the dogs up  
6 on May 27<sup>th</sup>?

7 A Correct.

8 Q Mr. Turner, have you had any  
9 contact, did you receive any contact from the  
10 Mayor's Office in regards to you picking  
11 those dogs up on May 27<sup>th</sup>? Did you talk to  
12 anybody in the Mayor's Office?

13 A No.

14 MR. BARY: Thank you, sir.

15 That's all the questions I have, Your  
16 Honor.

17 CROSS-EXAMINATION

18 BY MS. BUCKLES:

19 Q Hi, Mr. Turner?

20 A Howdy.

21 Q Thanks for coming. You testified  
22 that you had been out to the [REDACTED] Powder  
23 Branch where the dogs were previously?

24 A Yes.

1 Q And you said you didn't feel they  
2 were in any danger, they were matted but  
3 they were in no danger. Their house was  
4 just in the water.

5 A They wasn't even matted then. That  
6 time they weren't matted. I was concerned  
7 about the doghouse being in the water.

8 Q Right. Right. So they had probably  
9 been groomed since the previous visit  
10 because here they said they had needed --

11 MR. BARY: Your Honor, that's  
12 speculation again.

13 MS. BUCKLES: Well, he stated they  
14 weren't matted.

15 BY MS. BUCKLES:

16 Q I guess my question what is the  
17 Shelter's, if you pick up an animal that you  
18 know who the owner is, what is the Shelter's  
19 policy on that?

20 A I try to give them back to them, but  
21 I didn't know who they belonged to.

22 Q You just stated that you had just  
23 been there.

24 A Yeah, the dogs were so matted up

1 and in bad shape I didn't know who the dogs  
2 belonged to.

3 Q They had got that matted up in a  
4 month?

5 A Yeah. They were bad.

6 Q Okay. You're are saying things got  
7 that matted in a month?

8 A Uh-huh.

9 Q Okay. When you went out with  
10 Wendy?

11 A Yes.

12 Q You said that like maybe in April?

13 A I think it was about April.

14 Q Did they just have one doghouse in  
15 that pen?

16 A Yes.

17 Q Because -- they have three.

18 THE COURT: Ms. Buckles you have  
19 got to quit making these little -- you're  
20 testifying. You've got to ask questions.

21 BY MS. BUCKLES:

22 Q Were there any other animals on the  
23 property, Mr. Turner?

24 A I didn't see any. I don't know. I

1 didn't really go on the property. I sat in  
2 the truck, Wendy put door knocker on the  
3 door.

4 Q Right. I understand. But you  
5 personally didn't have any other contact with  
6 that situation?

7 A No.

8 Q Other than picking them up from Ms.  
9 Morris' property?

10 A Correct.

11 MS. BUCKLES: Thank you so much,  
12 Mr. Turner.

13 THE COURT: Any redirect?

14 MR. BARY: No, Your Honor.

15 THE COURT: Thank you very much,  
16 Mr. Turner. You can step down.

17 THE COURT: Next witness.

18 MR. BARY: Stacey Heiden.

19 THE COURT: Come forward, please.

20 MR. BARY: You're Ms. Heiden.

21 THE COURT: You were sworn in  
22 earlier.

23 THE WITNESS: Yes.

24 THE COURT: Please come up and

1 have a seat at the witness stand, please.

2 Thereupon,

3 STACEY HEIDEN

4 was called for examination and after having

5 been duly sworn was examined and testified

6 as follows:

7 DIRECT EXAMINATION

8 BY MR. BARY:

9 Q Good afternoon, Ms. Heiden.

10 A Good afternoon.

11 Q My name is David Bary and I'm the  
12 attorney for the defendant, Ms. Blanton. I'd  
13 like to ask you a few questions. If you  
14 could please just state your full name?

15 A Stacey Heiden.

16 Q Your address?

17 A It's [REDACTED].

18 Q Where are you employed right now,  
19 Ms. Heiden?

20 A With [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
[REDACTED].

22 Q What do you do there at the [REDACTED]  
[REDACTED]?

24 A I am the Operations Director.

1 Q How long have you been there?

2 A Volunteer about six years and  
3 employed just a little over a year.

4 Q Could you -- just briefly could you  
5 walk us through your background in regards  
6 to your work with animal shelters, with Spay  
7 and Neuter and things like that?

8 A Sure. It's been, oh, a good 20  
9 years I guess. I've done all kinds of  
10 different aspects of sheltering and running  
11 volunteer programs, fostering, rescue,  
12 working with rescues from my time in  
13 California and also out there. I've done,  
14 you know, work with local shelter in  
15 California that I came from, which was  
16 similar to what I was doing here and had  
17 implemented quite a few different programs  
18 as, you know, Director here.

19 I have learned that experience from  
20 my time in California with the shelter that I  
21 had worked for out there, along with a  
22 rescue group for cats in need and I've done  
23 the volunteer programs. I've done humane  
24 education. I've done cruelty and neglect



1 cases, hoarding cases. Quite an extensive  
2 background in animal --

3 Q There was a time when you were  
4 Shelter Director for the Elizabethton/Carter  
5 County Animal Shelter. Correct?

6 A Correct. Yes.

7 Q When was that, over what period of  
8 time?

9 A That was from I want to say  
10 July/August of 2015 to August of 2016.

11 Q I'm sorry but I have to ask. On  
12 August of 2016 you were essentially let go  
13 by the Mayor. Is that correct?

14 A Correct. Yes.

15 Q It's my understanding though you  
16 had been, just leading up to the few days  
17 before the Mayor made that decision, you  
18 had just received a raise. Is that correct?

19 A Two days before that. Yes, from the  
20 Commission and the Mayor himself.

21 Q With you having been let go, was  
22 that in any way related to an animal rescue  
23 that took place back in May of -- May the  
24 27<sup>th</sup> of 2016?

1           A    It was my understanding it was at  
2 will. There was no reason given.

3           Q    Okay. Can you tell us a little bit  
4 about your role as a Shelter Director? What  
5 did you do?

6           A    I was responsible for the intake and  
7 the exiting plans for all of our pets that we  
8 took in. We were an open admission shelter  
9 that served the County and the City of  
10 Carter and Elizabethton.

11           I was responsible for overseeing our  
12 employees and our volunteers and our foster  
13 homes and implementing certain programs to  
14 keep us, you know, the community eye and  
15 we had some investigative work for, you  
16 know, any complains for Animal Control  
17 which we also took care of. At that time it  
18 was not the Sheriff's Department. That was  
19 Freddie, who I believe --

20           Q    Freddie Turner.

21           A    Who has already spoken. Yes. He  
22 was pretty much our only Animal Control and  
23 so, you know, through my directive if things  
24 happened late at night we could call and ask

1 him if we had animals that were hit by cars  
2 or anything that needed to see the vet. He  
3 would take them.

4 We did adoptions. We did -- worked  
5 with rescue groups, you know, to try and  
6 find the best exit conclusions for these  
7 animals so we didn't have to euthanize them.

8 Q What about courtroom work? Would  
9 you be called upon to testify in regards to  
10 animal neglect or animal cruelty cases?

11 A Unfortunately we -- well, I can't say  
12 unfortunately, but not in my time there we  
13 didn't happen to have any of those cases at  
14 that time. It was pretty --

15 Q In any of your other -- I'm sorry.  
16 Go ahead.

17 A I was just going to say it's pretty  
18 hard to get anything through the courts for  
19 neglect or abuse or any of those situations  
20 and have anything stick because the laws in  
21 Tennessee for animal welfare really don't  
22 have a lot of teeth.

23 Q In any of your other jobs or roles,  
24 did you ever testify in a court proceeding in

1 regards to animal cruelty or neglect case?

2 A No.

3 Q As you know, Ms. Heiden, this case  
4 centers around the rescue of two Shih Tzu  
5 animals back in May on May 27<sup>th</sup>, 2016. Are  
6 you familiar with that?

7 A Uh-huh.

8 Q I'd like for you to walk us through --  
9 I mean you were Shelter Director at the  
10 time?

11 A Correct.

12 Q I'd like for you to walk us through  
13 the events and maybe that you will be  
14 helpful in shedding some light on the  
15 process the whole period and how that  
16 works. So if you could, just walk us through  
17 what happened beginning May the 27<sup>th</sup> and  
18 through the whole period.

19 A Well, we had received numerous  
20 phone calls from concerned citizens and  
21 people who had driven up and down Powder  
22 Branch Road in Elizabethton for work,  
23 neighbors. There were two small dogs  
24 housed in a dog lot on this particular piece

1 of property on Powder Branch Road.

2 Those calls came in at least a  
3 couple times a week. We got a lot. We  
4 had sent out our Animal Control officers to  
5 do welfare checks. We had gone out a  
6 couple of occasions that I can remember and  
7 there was never an adult to speak with, but  
8 we did speak to the son, or the grandson I  
9 should say, of Mr. Buckles whose dogs they  
10 were on his property.

11 So we had gone out and left the  
12 door knocker, had asked for him to call us  
13 at his convenience, which we never did hear  
14 back from Mr. Buckles.

15 Then we got a call probably about  
16 three weeks -- two or three weeks after we  
17 had gone out the last time in regards to the  
18 welfare of the dogs and someone had called  
19 up the shelter and said that they were in the  
20 middle of the road and they were just  
21 basically reporting dogs running at large.

22 Q So that call comes in on May the  
23 27<sup>th</sup>?

24 A Correct.

1 Q Then the Animal Control Officer,  
2 based on that call, had been dispatched over  
3 to the residence?

4 A That's correct.

5 Q Can you tell us what happened next?

6 A He brought in the dogs, the two  
7 dogs. That was on a Friday. We had a  
8 chance to kind of look at them and they  
9 were in really horrible shape.

10 Q Did you recognize the dogs or did  
11 you know having --

12 A We did recognize the dogs as being  
13 Mr. Buckles' dogs.

14 Q What's the protocol for that? When  
15 you think you may know or you do know the  
16 owner, can you tell us what was the policy  
17 at that point in time?

18 A Absolutely. It's a 10-day hold  
19 because we do have an owner known.  
20 Normally it's only a two-day hold for a stray  
21 for 48 hours or 72 hours depending on the  
22 Shelter's own policy. Our policy for owner  
23 known was ten days.

24 So we did -- we want our owners to

1       come find their dogs.    So we make it a  
2       longer period for them to be able to have  
3       time to make, you know, those necessary  
4       arrangements to come and collect their dogs.

5           Q    So then if I understand you  
6       correctly, my understanding of Tennessee law  
7       that if a dog is running loose, by Code  
8       Section it's typically five days?

9           A    Correct.

10          Q    But the Shelter's policy at the time  
11       that if you think that you may know who the  
12       owner is, that hold period is extended to 10  
13       days?

14          A    Seven to ten days.

15          Q    At any point in time did the Shelter  
16       reach out or did Mr. Buckles contact the  
17       shelter?

18          A    Yes, he did.

19          Q    Do you recall having any recollection  
20       at what point in time?  I know you said the  
21       animals came in on a Friday?

22          A    Yes.

23          Q    I know Monday would have -- that  
24       was Memorial Day Weekend.  Monday would

1 have been a holiday.

2 A Yes.

3 Q Do you recall when he may have  
4 contacted the Shelter?

5 A I do. It was Tuesday.

6 Q Did he call or physically come in?

7 A He physically came in.

8 Q Who talked to him?

9 A I did.

10 Q What did you tell him?

11 A I told him that we -- he asked if we  
12 had his dogs. I said, yes, we do and I  
13 asked him if he had proof of a rabies  
14 certificate. He said no, he did not. I asked  
15 him if he knew that his dogs were in, you  
16 know, pretty bad shape. He said, well, you  
17 guys stole the dogs. I know they weren't  
18 running loose and he was rather combative.

19 I said, well, they were and we got a  
20 call that they were out and running at large  
21 and we had to send our Animal Control  
22 Officer out to pick them up. He said -- I  
23 said, sir, the impound fee and the return to  
24 owner charge is \$35 apiece.



1 Q Was that a standard charge that the  
2 Shelter utilized at that time?

3 A Yes, it was.

4 Q Was that set by Shelter policy?  
5 Was that any type of Ordinance. How was  
6 that determined?

7 A It's an Ordinance. It's a City  
8 Ordinance.

9 Q It's my understanding though that  
10 the County Animal Shelter is not subject to  
11 the City Ordinance.

12 A The City and the County Ordinances,  
13 there wasn't really necessarily the same  
14 ones, but we served both. So we had one  
15 standard for all.

16 Q Did you base that standard then off  
17 of the City of Elizabethton's Ordinance?

18 A Correct. Yes.

19 Q What was the standard pound fee?

20 A It was \$35.

21 Q Per dog?

22 A Per dog.

23 Q In this case per dog?

24 A Per dog. Per animal, plus a ten-day

1 charge for depending on how long that they  
2 were housed, which we did not charge.

3 Q So basically if anyone from the  
4 Buckles family wanted to retrieve or be able  
5 to take possession of both of those animals,  
6 basically to show that proof of vaccination,  
7 provide a \$70 pound fee and the animals  
8 could be returned to them?

9 A They didn't even have to show proof  
10 of vaccination. They just had to come with  
11 their money.

12 Q You said something about proof of  
13 vaccination. Where does that play into --

14 A Because it lessens the amount. So,  
15 you know, I mean \$35 also covers, because  
16 when they come in we do vaccinate for  
17 rabies and we do the DA2PP vaccination.  
18 So, you know, the animals are not  
19 contagious or trying to, you know -- or they  
20 come in ill, which in these two dogs' cases  
21 I came back on Sunday with our groomer. We  
22 had to take care of them because they were,  
23 you know, the knots were to the point of  
24 where it was cutting off circulation and the

1 skin. It was an emergency groom.

2 Q So just to make sure I'm clear on  
3 the chronology of events, the animals were  
4 transported to the Shelter by an Animal  
5 Control Officer on May the 27<sup>th</sup>?

6 A Right.

7 Q They received vaccinations on May  
8 the 28<sup>th</sup>?

9 A I believe so. I'd have to look at the  
10 records.

11 Q Let me --

12 A It may not have been until Tuesday.

13 Q You recognize those forms, Ms.  
14 Heiden?

15 A I do.

16 Q Those are the Intake Forms?

17 A Yes, I do.

18 Q Maybe you can help me out just from  
19 a lay person's standpoint. Does that show  
20 -- provide anything in regards to the  
21 vaccinations?

22 A Yes, it does.

23 Q When would those vaccinations --

24 A Those were given on 5-28. So it

1 would have been the next day.

2 Q They come in on the 27<sup>th</sup>?

3 A Yes.

4 Q They're vaccinated on the 28<sup>th</sup>?

5 A Correct.

6 Q And then on the 29<sup>th</sup> they receive  
7 emergency pet grooming?

8 A Correct.

9 Q Now are they transported out to the  
10 pet groomer or does the pet groomer come  
11 into the Shelter to do that procedure, that  
12 grooming?

13 A The groomer in our case came to us.

14 Q Were you there that day when they  
15 were groomed?

16 A Yes.

17 Q Did you assist the pet groomer?

18 A Yes.

19 Q That pet groomer, that's Paula  
20 Alexander. Is that correct?

21 A Yes.

22 Q How long did it take to groom both  
23 of those dogs that day?

24 A We were there for a good three

1 hours.

2 Q Is that standard for an emergency  
3 pet grooming?

4 A No.

5 Q Is that shorter or is that a longer  
6 amount of time?

7 A Much longer.

8 Q Can you tell us as to why did it  
9 take longer than the typical grooming time?

10 A Their fur was matted down to the  
11 skin. It pretty much came off all in one  
12 piece. They were -- you know, it wasn't just  
13 like a regular haircut. They had to be  
14 shaved.

15 They had places on them where the  
16 skin was pretty much necrotic. There was a  
17 lot of places where they had scrapes and  
18 bruising where, you know, the return of  
19 blood had come back after we had cut away  
20 which was really tender.

21 The one, the eye was damaged and  
22 needed more veterinary care than we could  
23 provide, which would have needed to be seen  
24 by the vet.

1           They had some areas on them that  
2           had looked like they had rot on the tail tips.  
3           The -- you know, they were just really really  
4           in bad shape and, you know, feces and their  
5           paws were so encased that you could barely  
6           see the bottom of their feet in matting. So  
7           they were really in bad shape.

8           Q     That was on May the 29<sup>th</sup>?

9           A     Uh-huh.

10          Q     Three days into their -- two and a  
11          half or three days into their stay. How long  
12          did they stay at the shelter?

13          A     For ten days and then we send them  
14          off to a rescue group that we worked with  
15          many times over who we trusted and they  
16          went -- we sent them to the vet on day ten  
17          to be treated and turned over to the rescue  
18          group.

19          Q     Having been the Shelter Director and  
20          working with rescues, at the end of that hold  
21          period at the ten days, do the animals then  
22          become, in a sense, the property of the  
23          Shelter?

24          A     Yeah. Absolutely.

1 Q What can the Shelter do at that  
2 point in time after that hold period is  
3 satisfied?

4 A We can adopt them out. We can  
5 euthanize them or we can send them to  
6 rescue which is usually our three options.

7 Q As you've already testified to,  
8 actually the Shelter even extended that time  
9 out five days longer than is required by  
10 Tennessee State law?

11 A Correct.

12 Q Freddie Turner was the Animal  
13 Control Officer at that point in time?

14 A Correct.

15 Q And you worked -- did you work  
16 closely with Mr. Turner?

17 A Yes.

18 Q What's your opinion of Mr. Turner's  
19 work and being able to keep up with his job  
20 duties as Animal Control?

21 A He's an old hat, I'll tell you, and he  
22 knows the ins and outs of everything that's  
23 ever happened animal-wise or, you know, by  
24 the law. He's definitely a good one.

1 Q Did you ever have to reprimand him  
2 or are you aware of him ever being  
3 reprimanded for not being able to not follow  
4 through on his job duties or doing anything  
5 outside the scope of his job duties?

6 A Never.

7 Q What about Wendy Mathes? Do you  
8 know Ms. Mathes?

9 A I do.

10 Q What's your opinion as far as the  
11 quality of work that Ms. Mathes performed  
12 while you were Shelter Director?

13 A She was wonderful. Her favorite  
14 thing was going out on cruelty cases and  
15 doing all her checks. So that's what I used  
16 her for and that's what she was very good  
17 at.

18 Q The same questions, did at any point  
19 in time that you had to reprimand Ms.  
20 Mathes?

21 A Not for anything of those natures,  
22 no.

23 Q Did she ever do anything outside of  
24 the scope of her job duties in regards to



1 those welfare checks or those cruelty  
2 checks?

3 A She followed the rules and directions  
4 very well.

5 Q Just a couple more questions. I  
6 promise I'm almost done.

7 Did the documents that you have  
8 there, the intake sheet, I need to ask you is  
9 your signature or did you sign anybody's  
10 name on that form?

11 A No. That's not my writing. The  
12 writing up here for vaccinations, that's my  
13 writing.

14 Q Sure. But as far as the name that's  
15 on the bottom of that form as well as the  
16 address that's up at the top or running loose  
17 or running at large in the left-hand corner,  
18 that's not your handwriting?

19 A Running at large, no. Where it says  
20 Basil and the dog names is my writing.

21 Q But everything else, that's not your  
22 writing. Is that correct?

23 A No, it's not.

24 MR. BARY: Okay. All right. Ms.

1 Heiden, thank you very much.

2 CROSS EXAMINATION

3 BY MS. BUCKLES:

4 Q Hello. Ms. Heiden, Kim Buckles. I  
5 guess -- I don't even know where to start.  
6 First I guess I'm going to ask is your  
7 Shelter actually open on Saturdays?

8 A Yes, it is.

9 Q A half day?

10 A Uh-huh.

11 Q Also these calls -- you recognize  
12 this. I think they gave it to you.

13 MS. BUCKLES: May I approach?

14 THE COURT: You may. Here is the  
15 actual exhibit if you want to use that for the  
16 witness.

17 MS. BUCKLES: Okay. Thank you.

18 BY MS. BUCKLES:

19 Q Do you recognize these forms?

20 A Uh-huh.

21 Q I know that it's iffy and it's kind of  
22 questionable but would you happen to know  
23 whose handwriting that might be? Does that  
24 seem familiar to you?

1           A     There's a few different handwritings  
2     on here.     You've got Becky Nidiffer and  
3     Wendy Mathes.

4           Q     Okay. Wendy Mathes?

5           A     Uh-huh.

6           Q     You said Becky Nidiffer. Now who  
7     is that?

8           A     She did -- she took a lot of our  
9     calls for us. She answered the phones on a  
10    volunteer nature at the Shelter.

11          Q     Okay. How often -- okay. When  
12    these came in, I've got a call date and I'm  
13    trying to understand. Does this mean that  
14    this is the date that they called in,  
15    somebody called in and said, hey, this is the  
16    situation we've got, so take it?

17          A     Correct.

18          Q     And is this the dispatch tape when  
19    somebody actually went out?

20          A     Yes.

21          Q     Why would it take so long? I mean  
22    if this was an injured or cruelty check, why  
23    take so long to go out?

24          A     Well, because we were very familiar

1 with this address and had been out numerous  
2 times before and knew what we were going  
3 to see.

4 Q I guess what it all boils down to is  
5 if there was so much concern, why was  
6 Danny Buckles never contacted directly or an  
7 Officer taken out?

8 A There was. He was not home. We  
9 talked to his son, left the door hanger and  
10 he was supposed to call off the door hanger  
11 when those are left.

12 Q So you spoke with a minor child?  
13 Your Officer spoke with a minor child?

14 A Wendy Mathes spoke to him.

15 Q If they were -- you said that there's  
16 circulation being cut off and that they were  
17 in need of an emergency groom. If they  
18 were picked up on the 27<sup>th</sup>, why weren't they  
19 groomed until the 29<sup>th</sup> if they're in such a  
20 dire situation?

21 A Because that's when our groomer  
22 was available.

23 Q What is the HW test.

24 A Heart worms.

1 Q Okay. Heart worm test. I just  
2 wondered what that was.

3 A We tested for heart worms.

4 Q And it came back negative later?

5 A Correct.

6 Q They were negative for that. I don't  
7 see any other injuries or illness listed on  
8 this form at all. I just want to make sure.

9 A That's what the pictures we took  
10 were for.

11 Q But the vet didn't treat them any?  
12 There were no other listed on this form.  
13 Correct?

14 A None. Because this was topical.

15 Q There was none other listed on this  
16 form, correct?

17 A On this one, no, there's not.

18 Q Okay. So you were aware from the  
19 moment they came into the shelter who they  
20 belonged to?

21 A Correct.

22 Q I have here the same paperwork.  
23 I'm sure you have the ordinances that were  
24 signed by Addie Tyler and Lisa Peters, so on

1 and so forth.

2 MR. BARY: Ms. Buckles, if I may,  
3 which ordinances are you --

4 MS. BUCKLES: I'm sorry. Here we  
5 go.

6 MR. BARY: Because I can't see it.

7 MS. BUCKLES: Do I need to give  
8 this to him or just tell him about them.  
9 They're pages and pages.

10 MR. BARY: I have it. That's not it.  
11 That's nothing that's a part of it. You can  
12 show it to the Judge. That's nothing that  
13 has been admitted or part of the record.

14 MS. BUCKLES: This is part of the  
15 City Ordinances available to anyone that  
16 buys it.

17 THE COURT: Why don't you ask her  
18 about them and see if she knows.

19 MS. BUCKLES: Okay.

20 BY MS. BUCKLES:

21 Q Do you see these?

22 A No.

23 Q Oh,

24 MR. BARY: Does she have an extra

1 copy. I have a copy.

2 MS. BUCKLES: I probably do in that  
3 packet.

4 THE COURT: If not, we can make a  
5 copy.

6 MS. BUCKLES: That may be  
7 something that -- I just want to know why --  
8 I did a lot of researching last night. I'm  
9 probably going to need to have a copy made.  
10 I printed that off.

11 MR. BARY: Your Honor, I don't want  
12 to take up any more time. I can take a  
13 peek at that when she's done.

14 MS. BUCKLES: Okay.

15 THE COURT: All right. Thank you.  
16 Do you want to go ahead and ask your  
17 questions now.

18 BY MS. BUCKLES:

19 Q There at the bottom I have it  
20 underlined. When you are aware of who the  
21 owner is, are you not -- or is it not policy  
22 by Carter County's vote to contact that  
23 owner?

24 A We didn't have to. He was there on

1 Tuesday morning.

2 Q Ma'am, it was open Saturday. Why  
3 was the owner of these animals that you  
4 were working with not contacted?

5 MR. BARY: Your Honor, I need to  
6 object as far as that piece of evidence.  
7 There has not been any type of foundation  
8 laid in regards to necessarily what that is.  
9 The ordinance is one piece from an  
10 Ordinance Book. I'm not even sure which  
11 ordinance it is.

12 THE COURT: Why don't you let Mr.  
13 Bary take a look at it right now. I don't  
14 know what it says.

15 MS. BUCKLES: Well, I'm going to  
16 move on while he takes a look at that if  
17 that's appropriate.

18 BY MS. BUCKLES:

19 Q Did you at any time have contact  
20 with Ms. Morris, the lady, the neighbor who  
21 took the dogs?

22 A (Shaking head.)

23 MR. BARY: Is that a no? I'm sorry.  
24 We're recording this and I need you to



1 answer out loud.

2 THE WITNESS: No. No.

3 BY MS. BUCKLES:

4 Q So you did not?

5 A Personally I did not.

6 Q You did not email her a thank you  
7 for getting the dogs?

8 A No.

9 Q Were you aware that the police --  
10 there had been several visits by officers,  
11 police officers?

12 A No.

13 Q I guess, you know, this form -- is  
14 this standard, supposed to be used by all of  
15 your -- or at that time when you were  
16 Director?

17 A Our callouts?

18 Q Was this form supposed to be used?

19 A Not supposed to be but that's what  
20 we took our callouts on, yes.

21 Q Standard issue. Okay. You said the  
22 only contact you had with Danny Buckles was  
23 him coming to the Shelter? He didn't call  
24 you?

1           A    No.

2           Q    You didn't tell him he was going to  
3 have to pay \$200 grooming fees, plus  
4 veterinary fees?

5           A    It was \$35 per dog.

6           Q    And that you were going to try to  
7 press charges for neglect?

8           A    I told him he was lucky we were not  
9 pressing cruelty -- or neglect charges, yes.

10          Q    Mr. Turner when he was on the  
11 stand a moment ago -- you said the groomer  
12 came to you, correct?

13          A    Correct.

14          Q    Why did Mr. Turner say that he  
15 transported the dogs to the groomer?

16          A    He transported them to the vet ten  
17 days later and he transported them to the  
18 Shelter.

19          Q    How did you know Ms. Tabatha  
20 VanWinkle, the rescuer?

21          A    How do I know her?

22          Q    How are you aware of her?

23          A    As a colleague.

24          Q    Were you aware that she has

1 charges for animal neglect?

2 MR. BARY: Your Honor, again that's  
3 outside the scope. There's been no  
4 evidence introduced by the plaintiff.

5 THE COURT: Yeah, the objection is  
6 sustained.

7 BY MS. BUCKLES:

8 Q So you stated, you know, Mr. Turner  
9 and Mathes, so many names, and Wendy.

10 Is that correct?

11 A Yes.

12 Q You trusted these employees?

13 A Of course.

14 Q Okay. So you trusted them to make  
15 the decisions when they went out as to what  
16 needed to be done?

17 A They knew their job rules, yes.

18 Q Okay. All right. I just wanted to  
19 verify that, you know, they were trusted and  
20 knew what they needed to do?

21 A Absolutely.

22 Q Okay. That establishes that, you  
23 know -- but you said that you or no  
24 gentleman spoke to Danny and said that he

1 would have to pay an exorbitant amount of  
2 money to get the dogs back for grooming --

3 MR. BARY: Objection, Your Honor.  
4 That hasn't been established.

5 THE COURT: That has been asked  
6 and answered and I heard the answer.

7 BY MS. BUCKLES:

8 Q One other question and this is again  
9 public. Are you -- do you recollect a  
10 Facebook post that you made?

11 A Uh-huh.

12 Q That they were picked up in the  
13 pouring rain?

14 A Uh-huh.

15 Q And that I was in jail on meth  
16 charges?

17 A Uh-huh.

18 Q And neither one of those are  
19 correct? Those are both lies?

20 A I don't know them as lies. I  
21 understand that --

22 Q It has been established it was not  
23 raining and I was not in jail on meth  
24 charges?

1           A     Okay. But you were --

2           Q     That's my question.

3           MR. BARY: The plaintiff is making  
4 a conclusion there as far as what has been  
5 established.

6           THE COURT: Why did you post that  
7 on Facebook?

8           MS. BUCKLES: And I have the  
9 evidence here, Your Honor. I can show it to  
10 both you and -- it's a public forum. It's still  
11 there.

12          THE COURT: Why did you post that  
13 on Facebook?

14          THE WITNESS: Because the Mayor  
15 had accused us --

16          THE COURT: I don't want to get  
17 into any of that.

18          THE WITNESS: It's a long story,  
19 but yeah.

20          THE COURT: That's not really  
21 relevant.

22          Do you have any addition questions  
23 of this witness, Ms. Buckles?

24          MS. BUCKLES: No, I don't think so.

1 Did you establish this --

2 MR. BARY: Your Honor, I'm going  
3 to object to this. That's not a -- what she  
4 has there is a page that's marked page 585.  
5 It's a motion.

6 THE COURT: Tell me what it is?

7 MS. BUCKLES: It's a motion that  
8 was followed through and added to the  
9 Carter County Rules and Regulations  
10 regarding the Animal Control Officers'  
11 responsibility and owner pickups.

12 THE COURT: Okay.

13 MS. BUCKLES: And it is a public  
14 form and knowledge.

15 THE COURT: Well, that is not really  
16 the standard for evidence in the case. I'll  
17 let you argue about it later then we have  
18 final arguments. You can talk about it, but  
19 I don't think it's proper to get in at this  
20 time.

21 Mr. Bary, do you have any questions  
22 for this witness?

23 MR. BARY: Just a couple of quick  
24 questions.

## 1 REDIRECT EXAMINATION

2 BY MR. BARY:

3 Q Ms. Heiden, when you were Shelter  
4 Director were you -- I guess in your opinion,  
5 were you all on a limited budget?

6 A Absolutely.

7 Q Were you able to provide each and  
8 every service if you had a wish list that you  
9 would have been able to provide to the  
10 citizens of Carter County as far as the  
11 Shelter is concerned?

12 A No.

13 Q Did you have to make decisions as  
14 to where you dispatched Animal Control  
15 Officers or how often you were able to make  
16 well check visits, cruelty check visits and  
17 things of that nature?18 A We were spread very thin. Yes. We  
19 took the worst cases that, you know, came  
20 across us and what we did take depending  
21 on the severity of the case, you know, and  
22 when we could go out, you know, and at  
23 least just try. We were always very big  
24 about education to try and help the owners

1 understand what they can do to provide  
2 better care for their pets.

3 Q I assume that you had both  
4 employees that were paid by the County as  
5 well as a group of volunteers?

6 A Freddie is paid by the City. Wendy  
7 is paid by the County. I was paid by the  
8 County. Paula was a volunteer. Dr. Ashley  
9 is contract.

10 Q That form that Ms. Buckles asked  
11 you about, from a lay person's standpoint, is  
12 that a Medical Form? What I'm saying,  
13 would there be medical information that  
14 would have been put onto that form as far  
15 as --

16 A The Intake Form --

17 Q Yes.

18 A Or the callout?

19 Q Not the callout form. I'm sorry.  
20 May I approach, Your Honor.

21 THE COURT: Right on the top.

22 BY MR. BARY:

23 Q I handed you the Intake Form. Yes.  
24 I'm just curious. As far as a normal Shelter



1 operations, I know there was a veterinarian  
2 that would come in and provide medical  
3 services to the animals.

4 A Yes.

5 Q My question is would her treatment  
6 notes have gone onto that Intake Form or  
7 would there have been more of a medical  
8 report that would have been involved?

9 A It would have been more. We had  
10 Medical Forms. This is not something that  
11 we would make all of our medical notations  
12 on.

13 Q Then that one is not dispositive as  
14 far as whether or not there had been medical  
15 treatment or veterinarian services provided to  
16 those two animals when they were at the  
17 Shelter?

18 A Correct. The basics, the shots and,  
19 you know, things that we had to -- basically  
20 this is what we copy over to an adopter so  
21 they would have the shot records for that  
22 animal once they adopted the pet.

23 Q So if someone were to come in and  
24 say I've looked at medical shelter records

1 and -- the Shelter's medical records, it  
2 would not be that form there they would  
3 have reviewed?

4 A No.

5 MR. BARY: Thank you, ma'am.  
6 That's all the questions I have, Your Honor.

7 THE COURT: Not that I'm putting  
8 words in your mouth, as you described the  
9 condition of these dogs were bad you said.  
10 But is it also your statement that if they had  
11 shown up with 35 bucks that you are going  
12 to hand them right back over?

13 THE WITNESS: Legally that's what  
14 we have to do.

15 THE COURT: Thank you. You can  
16 step down.

17 THE COURT: Please be seated. Call your  
18 next witness.

19 MR. BARY: Your Honor, Defense  
20 calls Paula Alexander to the stand please.

21 MR. BARY: She's one of the  
22 experts.

23 THE COURT: You were sworn  
24 earlier. Is that right?

1 THE WITNESS: I was.

2 THE COURT: I just wanted to make  
3 sure.

4 Thereupon,

5 PAULA ALEXANDER,  
6 was called for examination, and after having  
7 been duly sworn, was examined and testified  
8 as follows:

9 DIRECT EXAMINATION

10 BY MR. BARY:

11 Q Good afternoon, Ms. Alexander.

12 A Good afternoon.

13 Q I know you've been in the courtroom  
14 side. I guess you know by now my name is  
15 David Bary. I'm attorney for the defendant.  
16 If you could, would you just state your full  
17 name?

18 A My name is Paula L. Alexander.

19 Q Ms. Alexander, where do you reside?

20 A I reside at [REDACTED] [REDACTED] [REDACTED],  
21 Elizabethton.

22 Q Where do you work, ma'am?

23 A I'm self-employed and I contract out  
24 of a shop in Johnson City called [REDACTED]

1 [REDACTED].

2 Q How long have you worked for or  
3 contracted out with [REDACTED] ?

4 A Since I moved to Tennessee in July  
5 of 2015.

6 Q What did you do or where did you  
7 work before that?

8 A Previously I'm from Maine and I  
9 worked at four different grooming salons in  
10 the State of Maine over the course of two  
11 decades.

12 Q Ms. Alexander, you are a what is  
13 considered master pet groomer?

14 A Master pet groomer, master pet  
15 stylist. Yes.

16 Q Let's talk about that. Can you walk  
17 us through, ma'am, as far as what type of  
18 training, what type of education and  
19 background do you have to have to become  
20 a master pet groomer?

21 A Certainly. A basic pet groomer is  
22 trained either from a layman's position where  
23 they never bathe pets whatsoever for 16  
24 weeks and becomes a pet groomer. On the

1 big box stores, the Pet Smarts and the  
2 Pecos, they first demand that an employee  
3 be a bather for one year before doing the  
4 16-week grooming course.

5 I became a groomer and after I  
6 became groomer I did a four-year  
7 apprenticeship with a master groomer, who  
8 had over 30 years experience, in order to  
9 become a master pet stylist and above and  
10 beyond basic using a pair or clippers and a  
11 pair of scissors I had to breed recognize all  
12 of the AKC breeds.

13 I had to be able to do their  
14 confirmation clips.

15 Q What is that?

16 A That's for the show. If anybody has  
17 ever watched Westminster Kennel Club Dog  
18 Show, you know those big standard Poodles  
19 with Pom-Poms on their butt and the terrier  
20 breeds where you have to hand strip rather  
21 than cut their hair, toweling to lay Golden  
22 Retrievers coats flat.

23 We also had to do topical skin  
24 conditioning to know the difference between

1 a moist dermatitis and a dry dermatitis  
2 condition.

3 We also had to be able to recognize  
4 things to do a spot inspection when a dog  
5 walks into a salon to look for ear lice which  
6 are highly transmitted from dog to dog,  
7 works to see if they had -- I've seen  
8 maggots coming out of dogs and when I  
9 know to stop what I'm doing and to call a  
10 vet.

11 Q Your apprenticeship, does that  
12 culminate in some type of licensure, a test  
13 or certification that you ultimately receive?

14 A There are different steps within it  
15 and there's no licensing for the pet  
16 stylist/pet grooming. There's a certification  
17 process, topical skin conditioning I had to  
18 test out of. I had to test each individual  
19 group that's recognized by the American  
20 Kennel Club.

21 I had to continuously have pet first-  
22 aid and CPR training every year as part of  
23 my employment in the State of Maine. The  
24 State of Tennessee does not require it.

1           When I tried on my own to get upgraded by  
2           their local American Red Cross, they had  
3           never heard of it. So I'm kind of stymied to  
4           continue that, but I've had 20 years of pet  
5           first aid/CPR training also.

6           Q     So if I understand you correctly then  
7           you do have an actual certification then as  
8           a master pet groomer?

9           A     Yes.

10          Q     In your vocation background where  
11          you work now since you've resided in  
12          Tennessee, do you utilize your skills on a  
13          regular basis as a master pet groomer?

14          A     I utilize -- I honestly in this day and  
15          age, I've been doing it for so long, I don't  
16          know where regular pet grooming stops and  
17          master groomer starts because I've done it  
18          forever, but a lot of times the other  
19          groomers that I work with, they'll ask me to  
20          make a call on whether it's a stress  
21          situation or health situation, which or not  
22          they can safely groom a dog or not, whether  
23          we should call the vet in.

24                   I personally for other groomers call

1 the owner and talk to them in regards to  
2 conditions of their animals because I'm more  
3 knowledgeable.

4 Q Do you provide the training or do  
5 you train pet groomers?

6 A Currently I do not in Tennessee. In  
7 the past in Maine I was grooming and stylist  
8 manager for eight years at Petco. During my  
9 tenure there I trained several pet stylists.  
10 I trained over 20 bathers and I also trained  
11 the cat groomers for the region which was  
12 Maine, New Hampshire and Vermont, those  
13 states. I also trained the grooming salon  
14 managers on the managerial aspects.

15 Q Is your certification, is it still valid?

16 A Yes.

17 MR. BARY: Your Honor, I don't want  
18 to belabor the point. I want to ask that she  
19 be accepted as a master pet groomer.

20 THE COURT: Any objection to that?

21 MS. BUCKLES: No. Absolutely not.

22 THE COURT: You're qualified to  
23 testify as much.

24 MR. BARY: Thank you. Thank you,



1 Your Honor.

2 BY MR. BARY:

3 Q Ms. Alexander, did you have any  
4 experience working with neglected or abused  
5 animals?

6 A Yes, I do.

7 Q Can you tell us about that, please?

8 A I have worked hand-in-hand at  
9 shelters, rescue organizations for over two  
10 decades. When I was in the State of Maine,  
11 I routinely once a week went to the Bangor  
12 Humane Society, the local animal shelter  
13 there, and I groomed dogs for them.

14 On three different occasions, they --  
15 in the State of Maine it is considered  
16 cruelty. They pulled in three different  
17 cruelty cases. One was 73 Springer  
18 Spaniels and I had burned out a clipper and  
19 spent all day two days in a row grooming  
20 those dogs.

21 I've done it for Shih Tzus. I've  
22 testified in both the Poodle and the Springer  
23 Spaniel cases. In those cases the State of  
24 Maine has a vet that goes up for cruelty

1 cases. So I went up with the vet. We  
2 testified together as to the condition of  
3 those animals and they were successfully  
4 removed.

5 Q So in the State of Maine you've  
6 actually provided testimony in regards to  
7 animal cruelty cases?

8 A Correct.

9 Q Okay. So let me take you back to  
10 May the 29<sup>th</sup> of 2016. Do you recall an  
11 emergency groom that you did on two female  
12 Shih Tzus at that time?

13 A Yes, I do.

14 MR. BARY: May I approach, Your  
15 Honor?

16 THE COURT: You may.

17 MR. BARY: They may be a little bit  
18 out of order.

19 BY MR. BARY:

20 Q Do you recognize those pictures, Ms.  
21 Alexander?

22 A Yes. I took those pictures.

23 Q Are those the two animals that you  
24 groomed, performed emergency grooming on

1 May the 29<sup>th</sup> of 2016?

2 A Yes, they are.

3 Q Did you take those pictures?

4 A I took those pictures with my cell  
5 phone, yes.

6 Q What I would like for you to do for  
7 us, could you walk us through that groom of  
8 both of those animals that day, what's  
9 depicted in those pictures?

10 A Certainly. This first picture, Your  
11 Honor, is a picture of a foot and encased  
12 matting. What it shows is that the paw pads  
13 are red. They're swollen. The foot is  
14 totally encased in a mat.

15 The picture doesn't show the  
16 consistency of the mat, but if I tapped it  
17 with my fingernail it would make a noise. It  
18 was fecal matter. It was wet from being  
19 urinated upon or walking in a puddle.

20 Q I don't mean to interrupt. I'd like to  
21 ask you one question in regards to that.  
22 You talked about the foot was matted. As a  
23 master pet groomer, can you give us an  
24 opinion in regards to how long it would take

1 for that foot to get matted to the state that  
2 it was in when you performed that grooming?

3 A That state is several months in the  
4 making. It is different layers within the hair  
5 of fecal matter, dirt, clay that dries in and  
6 it confines and it constricts. It was so tight  
7 to the skin I was concerned that I using  
8 scissors one layer at a time cutting through  
9 those mats that I would actually cut those  
10 dogs because the skin underneath was so  
11 saturated and wet and waterlogged.

12 Q What else did you find in the  
13 process of grooming those two animals?

14 A I now know the answer as to why  
15 their faces weren't as matted as the rest of  
16 the body. I always wondered that question.  
17 This is a picture of an ear canal. The ear  
18 flaps over. The hair from the inside of the  
19 ear grew out and matted into the ear flap  
20 itself which restricts the flow of air into the  
21 ear. Also, if you moved that, it would pull  
22 on the inside of the ear.

23 This picture when -- I believe this  
24 was Basil because I didn't get before

1 pictures. I didn't think to get before  
2 pictures of Basil. This wound on Basil was  
3 a cut where one line was all black on the  
4 side. It was like necrotic flesh on the side.  
5 I didn't even know that that wound was there  
6 until I got the matting out.

7 This picture of the foot shows more  
8 matting and also you can see from the hair,  
9 it's drippy and seepy wet. Those dogs' feet  
10 I was told never were dry and it was  
11 constant wet.

12 Q Is that an indication as far as what  
13 you saw yourself that day in grooming, would  
14 that have supported that that notion or that  
15 area that their feet were continually wet?

16 A Right. I mean when I was in the  
17 military, I could put in layman's terms. They  
18 talked a lot about taking good care of your  
19 feet because they don't want you to get  
20 trench foot, because once your feet get wet,  
21 they get infected and it affects your whole  
22 body.

23 This is underneath the neck before  
24 shaving. So every time this dog went to

1 pick his chin up, which was attached to his  
2 neck, it was pulling on his hair. Shih Tzus  
3 have little flaps in their neck and moisture  
4 collects there.

5 Q Ms. Alexander, what you witnessed  
6 that day and the pictures that you took, were  
7 those the conditions that the animals were in  
8 at that time, was that causing any physical  
9 stress on the animals?

10 A Yes.

11 Q What was the physical stress?

12 A The matting was inter-connected.  
13 The rear leg -- like this picture shows it  
14 right here. This rear leg. The mat  
15 continues into the mat on the side of the  
16 body. I don't have a belly shot, but it  
17 continues on the matting on the belly. So  
18 when you pick up the dog, it's pulling. It's  
19 pulling an armpit, it's pulling a groin. It's  
20 pulling a leg, it's pulling the neck.

21 Every motion that the dog made. If  
22 the dog moves its front leg, its back leg is  
23 also feeling the tug of that motion. It  
24 hinders free range of motion.

1           Q    Ms. Alexander, one of the pictures  
2 depicts what's called tail tip rot?

3           A    Yes.

4           Q    Is that a severe condition as it  
5 would sound or is that just something that's  
6 common?

7           A    It's not common. I can't testify as  
8 to whether or not the dog suffered an injury  
9 that wasn't treated. Let me find the picture  
10 itself in here. Here it is.

11                   The very end of it is dark. Where  
12 this is a light color light skinned dog in that  
13 area, the fact that it's dark, it was  
14 untreated. It's like necrosis looking. There  
15 are different ways that that can happen, but  
16 this particular dog I know that I had to take  
17 scissors and cut through the mat and peel  
18 them around the tail because they had  
19 wrapped tightly around the tail tip.

20                   There have been cases that I've  
21 seen, in other neglect/cruelty cases, where  
22 the tail tip parts has fallen off because of  
23 lack of circulation.

24                   MS. BUCKLES: Objection. Was that

1 the case here though?

2 THE WITNESS: I cannot say.

3 MS. BUCKLES: Thank you.

4 BY MR. BARY:

5 Q The eye infection. Let's talk about  
6 that. What did you encounter? What did  
7 you witness with the eye infection?

8 A It was red. It was bloodshot. It  
9 was seepy underneath.

10 Q Did it appear that it had been  
11 treated?

12 A It did not.

13 Q What do you base that on? What  
14 did you see? What did you experience with  
15 that eye infection to make you think that it  
16 had not been treated?

17 A To be that red, that painful and to  
18 have gone to that point it looked like  
19 something that started out as a basic  
20 infection that was untreated.

21 Q Ms. Alexander, you stated earlier  
22 that when you were in the State of Maine  
23 that you had participated and actually  
24 testifying in cruelty cases?



1           A     Correct.

2           Q     I'm curious as to whether or not you  
3 could tell us as far as what you witnessed  
4 that day and the grooming services that you  
5 provided those two animals on that day,  
6 where do they land on the spectrum as far  
7 as you go with animal cruelty, animal  
8 neglect? Not even rising to cruelty but let's  
9 just say animal neglect?

10          A     Right. In the State of Tennessee it  
11 is different now.

12          Q     What's your opinion in regards to  
13 where do they fall on that spectrum?

14          A     These two dogs were in the same  
15 condition that the Poodles, the Shih Tzus,  
16 not the Springers, different coat. I did in  
17 previous cases fell into in the State of  
18 Maine under cruelty that came from puppy  
19 mills where they had never been groomed.  
20 They had never received proper vet care.

21          Q     Okay. Almost done. If you could,  
22 can you tell us what is the adequate or the  
23 standard of care for properly grooming that  
24 breed of dog? How often should they be

1 groomed?

2 A Certainly. The American Kennel  
3 Club and the Parent Club, the Shih Tzu Club  
4 of America from the American Kennel Clubs  
5 states that -- and they're talking full coated  
6 show dogs, not talking pounds, that get  
7 clipped. They say that those dogs need to  
8 be at home combed and brushed every single  
9 day. They need to be bathed once a month  
10 and for pets that are not in the full show  
11 coat, they need to be groomed every six to  
12 eight weeks if the owners at home are not  
13 brushing daily, because once the hair gets  
14 beyond that length, then they start matting.

15 Q You've heard some testimony and  
16 being an expert you've sat in and listened to  
17 testimony today. There was some testimony  
18 offered in regards to the fact that both  
19 animals were kept outdoors during the winter  
20 months?

21 A Yes.

22 Q That they could not be groomed?

23 A Right.

24 Q Is that proper with that particular

1 breed -- what I mean by that, even if that  
2 breed is being kept outside, should there  
3 still be some level of grooming so what  
4 you've described today doesn't happen?

5 A For all breeds, not just these two  
6 breeds, any dog that is a breed that gets  
7 matted coat, once the coat gets matted it  
8 loses its insulation value. It's like you  
9 taking the fuzzy pink insulation in your walls  
10 and rolling up in little balls and piling it up.  
11 It has no insulation value whatsoever. So a  
12 matted coat insulates the same as being  
13 shaved down.

14 Q So actually by not grooming those  
15 animals during the winter months, it was  
16 causing them more harm, more stress than  
17 they would be by giving them some  
18 grooming?

19 A Yes.

20 MR. BARY: Ms. Alexander, thank  
21 you very much. That's all the questions that  
22 I have.

23 THE WITNESS: Okay.

24 CROSS EXAMINATION

1 BY MS. BUCKLES:

2 Q How are you?

3 A Hello.

4 Q I'm Kim.

5 A Hi, Kim.

6 Q I just have a couple of questions.

7 A Certainly.

8 Q You know, I'm not a groomer.  
9 Although I've had a lot of Shih Tzus. So I  
10 do know about brushing every day.  
11 Absolutely.

12 Did you need to stop grooming at  
13 any time to call a vet?

14 A I did not need to stop grooming and  
15 call a vet.

16 Q Once you got the hair off of them,  
17 were the animals emaciated or did they  
18 weigh, come in at a good weight, an average  
19 weight for Shih Tzus?

20 A I didn't see any nutritional deficits  
21 in those dogs. No. But I couldn't do a  
22 complete groom on those dogs due to the  
23 fact that the circulation issues with the skin,  
24 if I would -- because I heard you say a chop

1 job.

2 Q I was quoting.

3 A No. That's okay, but with those  
4 dogs, after I did a pre-grooming and took all  
5 the mats off, if I would have bathed those  
6 dogs because of circulation being restored,  
7 their skin could potentially start seeping  
8 blood out and the top layers can sluff off.  
9 Those poor babies were so stressed it would  
10 be too much for them.

11 Q You said they were stressed but did  
12 they seem wild or were they loving? They  
13 seemed like they had --

14 A It's really hard for me to say that  
15 because I was taking scissors and pulling  
16 the mats off from them and they were in  
17 pain. They were yelping, they were crying.  
18 They were trying to get away from me  
19 because as kindly as you can do it, it still  
20 hurts.

21 When you're putting a dog through  
22 something like that that's tortuous, they're  
23 not going to be your buddy.

24 Q They didn't like you?

1           A    They did not like me.  Ms. Heiden  
2           had to hold them so that they didn't like  
3           head south.  Yes.

4           Q    You said that their paws were still  
5           wet?

6           A    Yes.

7           Q    They had been -- I had just  
8           wondered after three days, but you could tell  
9           that they were groomed or beginning had  
10          somewhere --

11          A    Their faces, yes.  I actually  
12          questioned Ms. Heiden about that.  It's like  
13          why aren't their faces in as bad shape as  
14          the rest of their bodies.  But their back feet  
15          especially were soaking and wringing wet.  
16          They were peeing down their legs and the  
17          urine was pooling and couldn't evaporate.

18          Q    Right.  Is there any possible way  
19          that this could have happened in just one  
20          month?

21          A    There's no possible way that that  
22          level of skin problems could happen in a  
23          month in they are kept in dry and sanitary  
24          conditions.  If they were kept like in a wet

1 pen, if they were allowed to be rained on  
2 and snowed on, there's no way their skin  
3 could evaporate that moisture.

4 Yes, if they were kept unsanitary,  
5 yes, that could happen in a month. If not,  
6 no.

7 Q Let's say that they had doghouses  
8 that had hay and they were able to get out  
9 of the elements?

10 A If they got wet, they'd have to go  
11 outside to go potty to leave their house. If  
12 they got wet, they couldn't dry. That's the  
13 problem with that sort of matting.

14 MS. BUCKLES: That's really all the  
15 questions that I have for you.

16 THE WITNESS: Okay. Thank you.

17 MS. BUCKLES: Thanks for taking  
18 care of them.

19 THE WITNESS: You're welcome.

20 THE COURT: Mr. Bary, do you have  
21 questions of this witness?

22 MR. BARY: No, Your Honor. Again,  
23 I realize that Ms. Buckles is not represented  
24 by counsel. In her question she mentioned

1 that someone else had quoted the chop.  
2 Just curious. We haven't heard anything  
3 today about where that quote may have been.  
4 I thought that was a question --

5 THE COURT: That was a statement  
6 about a hack job.

7 MR. BARY: Okay. I thought she  
8 was --

9 MS. BUCKLES: Yes. She heard me  
10 and she thought I was being mean to her but  
11 I wasn't.

12 THE WITNESS: I didn't think you  
13 were being mean. I said in response to.

14 THE COURT: You may step down,  
15 ma'am.

16 Any objection to this witness being  
17 released?

18 MR. BARY: No, Your Honor.

19 MS. BUCKLES: No.

20 THE COURT: I'm going to stick  
21 around but you're free to go.

22 THE WITNESS: Okay.

23 THE COURT: Or you can stick  
24 around, too. It doesn't matter.



1 MR. BARY: Your Honor, I only plan  
2 to call one more witness. The other  
3 witnesses that have not been called, we have  
4 no objection if they want to come back in  
5 and listen or if they want to be released or  
6 not.

7 THE COURT: Okay. I don't care if  
8 they come back in then. This is the last  
9 witness. Who's the witness?

10 MR. BARY: Dr. Ashley Eisenback.

11 THE COURT: Take the witness  
12 stand please.

13 Thereupon,

14 DR. ASHLEY EISENBACK,  
15 was called for examination and after having  
16 been duly sworn, was examined and testified  
17 as follows:

18 DIRECT EXAMINATION

19 BY MR. BARY:

20 Q Good afternoon, Dr. Eisenback. My  
21 name is David Bary. I'm attorney for the  
22 defendant, Ms. Blanton.

23 Could you please state your full  
24 name?

1 A Sure. Ashley Lane Dietz Eisenback.

2 Q And your address?

3 A It is [REDACTED], Johnson  
4 City, Tennessee.

5 Q Where do you work, Dr. Eisenback?

6 A I work at a couple of locations, but  
7 one of them being the Elizabethton/Carter  
8 County Animal Shelter. I'm a contracted  
9 part-time veterinarian and I do some various  
10 vaccine clinics in the area for some other  
11 organization.

12 MR. BARY: Your Honor, may I  
13 approach?

14 THE COURT: You may.

15 MR. BARY: I'd just like to have this  
16 marked.

17 Your Honor, may I approach the  
18 witness?

19 THE COURT: You may.

20 BY MR. BARY:

21 Q Dr. Eisenback, I was handing that to  
22 you. Do you recognize that?

23 A Yes, I do.

24 Q What is that? What have I handed

1       you?

2           A     This is a copy of my resume.

3           Q     That resume includes your  
4     educational background, your licensure, your  
5     accreditation, your professional positions as  
6     well as any additional volunteer work and  
7     things of that nature?

8           A     Yes.

9           Q     Is it a true and correct copy?

10          A     I believe so.

11          Q     I mean it's current?

12          A     Yes, it is current.

13               MR. BARY: I'd like to move that  
14     into evidence, Your Honor.

15               THE COURT: No objection to this?

16               MS. BUCKLES: No.

17               THE COURT: It will be admitted.

18               BY MR. BARY:

19           Q     Dr. Eisenback, if we could let's just  
20     kind of go through your educational  
21     background. Could you tell us about that?

22           A     I attended the University of Maryland  
23     as an undergraduate and then proceeded  
24     from there to the Virginia/Maryland Regional

1 College of Veterinary Medicine for  
2 veterinarian school, which I completed in  
3 2007.

4 Q What about your licensure and your  
5 accreditation?

6 A I am licensed in Virginia and  
7 Tennessee as an active practicing  
8 veterinarian and I am accredited with the  
9 USDA for writing health certificates for  
10 animal transport purposes.

11 Q As you mentioned earlier, you are  
12 employed as a veterinarian?

13 A Yes.

14 Q How long have you worked over in  
15 Carter County. You may have said that. If  
16 you did, I apologize for asking you again.

17 A Since October of 2015.

18 Q In that employment and I think you  
19 said it includes work that you do through the  
20 Elizabethton/Carter County Animal Shelter?

21 A Yes.

22 Q Can you tell us a little bit about  
23 that? What type of services do you provide  
24 for the shelter?

1           A     Sure. I work part-time. Currently I  
2 attend or visit the Shelter a couple of times  
3 a week for a couple hours on average each  
4 visit. Typically, it's doing vaccinations,  
5 deworming, external parasite prevention.  
6 Then if there are minor illnesses or injuries,  
7 I will diagnose and prescribe medications for  
8 those.

9           The staff has the authority if there's  
10 anything more critical before my arrival, they  
11 certainly send it to one of the local full  
12 service clinics. But anything that is minor,  
13 I will take care of it in-house.

14          Q     So when you say in-house, that is  
15 actually at the Elizabethton/Carter County  
16 Animal Shelter?

17          A     Yes.

18          Q     One question that's come up today  
19 is the issue of Shelter medical records.

20          A     Sure.

21          Q     Can you tell us yourself, since we  
22 have you here, how does that process work  
23 at the Shelter? I mean if you come in and  
24 you provide veterinary services to an animal,

1           how does that happen? What happens?

2           A    Yes. We have medical forms. It  
3 has changed somewhat in my tenure there.  
4 Originally we used primarily -- well, we've  
5 use three different forms. A single Intake  
6 Form, that had essentially no place for  
7 medical care when I first arrived. We  
8 modified those forms under Ms. Heiden. I  
9 believe during the tenure of the dogs in  
10 question, we used the second form. That  
11 had slightly more medical information  
12 available. But if there were anything more  
13 extensive, we would use additional  
14 supplemental papers.

15           Now we are on to a two-page Intake  
16 Form and a separate Medical Form. So,  
17 we've had different --

18           Q    Are you aware of any medical  
19 records that would have existed that you  
20 might have completed or filled out in regards  
21 to treatment that you provided to these two  
22 animals on or about May the 27<sup>th</sup> or 28<sup>th</sup>?

23           A    From what I have seen of the  
24 medical documents, there is -- I only wrote

1 in one blank that I can identify as my  
2 handwriting which would suggest that I would  
3 have probably used a separate Medical Form.

4 Typically, if there's any dog with  
5 extensive concerns or notes that need to be  
6 made, I would often use an additional form  
7 just so it's more complete in one location.  
8 But if it is minor, just doing regular  
9 vaccinations, we would just use the single  
10 form.

11 Q Are you familiar with the May 27,  
12 2016 Intake Form? Is that what you're  
13 referring to?

14 A Yes. I have seen those recently.

15 Q So that's not the form that you  
16 would have put your medical treatment notes  
17 onto?

18 A If they were extensive, which in this  
19 case I would have expected if there was  
20 nothing written on that form, I would have  
21 used completely a separate form. I would  
22 expect to have.

23 Q There's been an issue -- so when  
24 the Mayor comments that he has reviewed

1 the Animal Shelter's medical records, then  
2 that would be records most likely that you  
3 would have had your signature or some  
4 notations --

5 A Yes.

6 Q As far as it goes. All right.  
7 There's been an issue with those medical  
8 records, not only for these two pets but  
9 other animals that you've treated at the  
10 Elizabethton/Carter County Animal Shelter?  
11 What I mean by your ability to be able to  
12 access those records?

13 A Yes. Until recently a majority, if  
14 not all, of those records were removed from  
15 the Shelter's facility and we believe housed  
16 with the Mayor's Office or somehow through  
17 his custody, maybe through one of the  
18 investigations. I'm not sure. But they were  
19 removed from the Shelter's copy. So I did  
20 not have access to those until just recently.

21 MR. BARY: Your Honor, I need to  
22 go ahead and ask that she be accepted as a  
23 veterinarian medical expert.

24 THE COURT: Any objection to that?



1 MS. BUCKLES: No.

2 THE COURT: Without objection. So  
3 qualified.

4 BY MR. BARY:

5 Q In regards to those lack of medical  
6 records, did you file any type of police  
7 report in regards to that as far as an  
8 attempt to get your medical records back?

9 A Yes. Actually I did.

10 MR. BARY: Your Honor, may I  
11 approach?

12 THE COURT: Yes.

13 MR. BARY: Approach the witness.

14 BY MR. BARY:

15 Q Dr. Eisenback, do you recognize that  
16 document?

17 A I do. Yes.

18 Q Okay. Could you tell us what that  
19 document is?

20 A This is a police report with the  
21 Elizabethton Police Department stating that  
22 property which was Elizabethton/Carter  
23 County Animal Shelter's medical records were  
24 missing and supposedly being held or located

1 in the Mayor's Office.

2 Q So it appears based on that police  
3 report you were trying to make some  
4 attempts to get those medical records back?

5 A Yes, because we were being  
6 questioned about some of those records and  
7 I needed to access them.

8 Q For example, this particular case  
9 was one of those instances?

10 A Yes.

11 Q All right.

12 MR. BARY: May I approach, Your  
13 Honor?

14 THE COURT: Yes.

15 MR. BARY: I'd move that into  
16 evidence, Your Honor.

17 May I approach the witness?

18 THE COURT: Yes.

19 BY MR. BARY:

20 Q Dr. Eisenback, just a few more  
21 questions here. Please describe for me what  
22 I've handed you.

23 A This is a copy of Tufts Animal Care  
24 and Condition Scale.

1 Q What is that?

2 A This is a tool that has been created  
3 for veterinarians, animal control officers,  
4 anyone investigating an animal's condition,  
5 physical or environmental and it's just a  
6 scale to help us in rating four different  
7 categories such as to be used in the case of  
8 animal concern.

9 Q That scale, how long has it been  
10 utilized by people in your profession?

11 A Oh, goodness. Just looking at this,  
12 it says reference back to '96.

13 Q It is widely accepted in your field?

14 A Yes. It is printed in multiple animal  
15 shelter and animal forensic books, as well as  
16 utilized by the American Society for  
17 Prevention of Cruelty for Animals, the  
18 Humane Society of the United States, etc.  
19 and I'm sure many smaller facilities utilize  
20 it.

21 Q I'm going to ask you about that  
22 scale here in just a second. I'd like to just  
23 go ahead and kind of set the groundwork.  
24 Could you tell us just briefly what is the

1 typical standard of care as far as pet care,  
2 grooming care with this particular breed of  
3 animal, the Shih Tzu?

4 A Shih Tzu?

5 Q Yes.

6 A Shih Tzus are considered toy breeds.  
7 They're typically 10 to 15 pounds. So  
8 they're very small. Their coat is hair coat.  
9 So it does not shed out on it's own. So it  
10 requires grooming. These dogs have been  
11 bred so they cannot self-groom anymore like  
12 dogs that shed. So they require frequent, if  
13 not daily, brushing and grooming and care as  
14 well as their breeding is created with short  
15 muzzles. So there are some effects to that  
16 as to their ability to dissipate heat through  
17 panting just because of their face structure  
18 and the way that their eyes are shaped,  
19 sometimes they're not able to close their  
20 eyelids completely. So there's concern with  
21 dry eye, et cetera. So there's some  
22 characteristics because of their grooming  
23 that make them a little unique.

24 Q Are they -- you mentioned toy breed.

1           A    Yes.

2           Q    Are they typically considered an  
3 indoor pet? I mean is there a position as to  
4 whether that kind of toy breed, that type of  
5 breed of animal was better suited to be  
6 indoors rather than outdoors?

7           A    Sure. I mean the American Kennel  
8 Club states that they are typically an indoor  
9 breed because of their size and their  
10 inability to self-groom and regulate heat as  
11 well as other breeds.

12          Q    You listened to the testimony today  
13 of the master pet groomer, as well Gavin  
14 Buckles, as to the condition of the dogs.  
15 Anything that you heard today in regards to  
16 how they were kept, being outside during  
17 the winter months and the living conditions  
18 and arrangements that they had, anything  
19 cause you pause as far as something that  
20 would have raised red flags or caused some  
21 concern for you as a veterinarian?

22          A    Certainly there is concern for a  
23 small breed to be kept out year-round. If  
24 you look at some of the scales that are

1 presented through Tufts, it is -- there is a  
2 higher risk for the animal's well-being if they  
3 are housed in cold or extremely high  
4 temperatures as well as not being groomed  
5 frequently.

6 So I would be concerned to hear  
7 that those dogs being house year-round  
8 outside.

9 Q So not only -- I guess I kind of went  
10 to the cold, but I guess not only the cold  
11 weather but also the summer months that  
12 would be concern for both of those animals  
13 being outside?

14 A Absolutely. Certainly with their  
15 short nose and their decreased ability to  
16 pant properly because of their facial  
17 structure, they're probably even more of a  
18 concern for them in the summer months. But  
19 there's certainly concern for them in the  
20 winter just because of their size and coat  
21 type as well.

22 Q Also already there on the stand are  
23 the pictures. Are you familiar -- I think  
24 you've seen those pictures before?

1           A     I have seen them in the past, yes.

2           Q     Based on your review of the pictures  
3           and testimony that you've heard today,  
4           knowledge that you may have with regards to  
5           these two animals, where did they fall on  
6           these scales as far as Tufts Animal Care  
7           and Condition Scale?

8           A     There are four scales and one of --  
9           the first one is the Body Condition Scale.  
10          So that evaluates proper muscle mass and  
11          body fat. Based on previous testimony it  
12          sounds like the dogs are in decent weight.  
13          So there doesn't sound like to be significant  
14          concern about their ability to intake proper  
15          nutrition. On that scale they seem to be  
16          fairly normal. The other scales are weather  
17          safety scale and that discusses along the  
18          temperature and continue on the risk to  
19          those dogs based on the condition. You  
20          increase the risk scale based on the size of  
21          the dog and for them being a toy breed that  
22          increases their risk.

23                    If they are out in the rain or sleet,  
24                    and I'm assuming that means completely

1 exposed. So I can't tell you if these dogs  
2 actually would go into their doghouse. If so,  
3 then they might not be in as high of a risk.  
4 But the fact that they're housed outdoors  
5 means they do have to go outside to urinate  
6 and defecate. So there is some risk for  
7 them to have that exposure. Once the  
8 temperature exceeds probably 68 degrees and  
9 down to maybe 50 degrees outside of that  
10 ideal range, there is higher risk for the dogs  
11 as far as ability to regulate temperature,  
12 heat or cold.

13 Q Let me just kind of cut it into a lay  
14 person's standpoint. These scales are rated  
15 from one to five?

16 A Yes.

17 Q The environmental health scale, the  
18 physical care scale as well as it looks to be  
19 the weather safety scale.

20 A Yes.

21 Q So if we could take the weather  
22 safety scale. With your review and listening  
23 to the testimony today, where does it fall on  
24 that from a one to a five?



1           A     Sure.  They would probably range  
2           from three to five just because I don't know  
3           if they stood out in the rain when it was  
4           raining or not.  But the fact of their size  
5           and then being housed outside during the  
6           winter, you know, would increase the risk on  
7           that scale.  So somewhere between three  
8           and five.

9           Q     If we take the low end of that being  
10          a three, that would be indicative of neglect  
11          present at the time of the assessment  
12          correcting problems and/or monitor the  
13          situation may be required.  Is that --

14          A     Yes, based on the task scores  
15          interpretation of the scales.  Yes.

16          Q     If we're at the top end of the five,  
17          that, of course, would be severe neglect,  
18          inhumane treatment situation to justify some  
19          type of response to protect the animal.  Is  
20          that correct?

21          A     Yes.  Based on their --

22          Q     How about the environmental health  
23          scale?

24          A     That is difficult for me to speak to

1 just because I did not visit the property, but  
2 acceptable is considered dry and free of  
3 feces. Marginal to unsanitary means there's  
4 just some feces and urine present. There's  
5 either some either waste material or water  
6 present that the dogs can frequently get  
7 into. So they may be in a two to three  
8 range there, I would guess just from the  
9 description.

10 Q Then how about in the physical care  
11 scale, is that the one you were talking about  
12 nutrition or is that different?

13 A No. Nutrition is the body condition.  
14 The physical care scale addresses hair coat,  
15 toenail length, cleanliness of the hair care.

16 Q Do you have an opinion or are you  
17 able to give us an opinion as to where they  
18 would rate on that scale?

19 A Based on the photographs and the  
20 testimony, I would suggest that they probably  
21 range in a four to five, which is poor to  
22 terrible.

23 In that poor state that there's  
24 substantial matting of the hair coat. There's

1 large chunks of hair that are matted  
2 together. So meaning multiple areas of the  
3 body have connecting mats and they cannot  
4 be separated with just a regular comb or  
5 brush. There can be foreign material in the  
6 mats. The hair needs to be clipped. You  
7 can't just brush it out. The toenails can be  
8 long. There can be urine or feces on the  
9 rear end. So that puts you in category four  
10 and terrible is just more extreme conditions  
11 of that.

12 Q Dr. Eisenback, my last question, and  
13 if you aren't able to form or give us an  
14 opinion, please tell me, but based on your  
15 experience as a veterinarian, what you  
16 testified to today, what you've been able to  
17 see and hear the testimony, would you have  
18 an opinion as to, based on what you've  
19 heard, what you've reviewed, whether or not  
20 someone came to you from the Shelter and  
21 said we're going to return these back to the  
22 original owner where they came from, what  
23 would your opinion be? Would you sign off  
24 on that? Would you look --

1 MS. BUCKLES: I object, Your  
2 Honor. Again this is not a neglect case.

3 THE COURT: I'm going to overrule  
4 it. I'll let her answer the question.

5 THE WITNESS: I would have  
6 concern. I would say that there would need  
7 to be extensive counseling, possible  
8 assistance provided if it is financial to  
9 remedy the current situation. So I would not  
10 feel comfortable for those dogs to return  
11 until their medical condition and grooming  
12 situation is addressed. So that would be  
13 several weeks of just recovery.

14 I would suggest extensive followup  
15 and checks to make sure that proper care is  
16 continuing to be provided if they were  
17 returned to the property.

18 Q So, in essence, you would not  
19 accept the status quo as far as what those  
20 animals were going back to that same  
21 environment and conditions?

22 A No. I would recommend followup.

23 MR. BARY: Thank you, ma'am.  
24 That's all the questions I have.

1           Your Honor, I would move that scale  
2 into evidence.

3           THE COURT: All right. That will be  
4 admitted.

5                   CROSS EXAMINATION

6                   BY MS. BUCKLES:

7           Q     Hello again. I just really have a  
8 couple of questions. I'm not a vet. Just a  
9 pet owner trying to recover their property.  
10 You said that you did not keep any copies of  
11 the records?

12           A     No. All of them would have been  
13 housed at the facility because I was  
14 contracted by the facility. So they're  
15 technically the owner of those records.

16           Q     But you -- did you treat these  
17 particular dogs?

18           A     I cannot say specifically. I know  
19 that I did the heart worm test and I signed  
20 off on the rabies certificate, but that's all --  
21 I see so many dogs every week it's hard to  
22 remember.

23           Q     Absolutely.

24           A     Many of them -- I did not see them

1 prior to being groomed. So they didn't stand  
2 out as significantly at the time to me. It is  
3 abnormal for me to have not written any  
4 medical notes because we note everything on  
5 our records.

6 So I would suggest that there was  
7 probably other information of suggesting of  
8 what I had provided as far as care, but I  
9 have nothing to reference. I'm sorry.

10 Q I understand. I understand. But  
11 speaking of the records, did you contact the  
12 Comptroller's Office, the ones that had  
13 actually requisitioned and removed the  
14 records?

15 A No, because I did not have any  
16 evidence to suggest that they were housing  
17 these particular records. So that's why we  
18 started through the Shelter Advisory Board  
19 Commissioners, as well as the Mayor's Office  
20 because that's where they were supposedly  
21 being held.

22 Q That's really -- do you have any  
23 idea, and again you sign off certificates for  
24 state crossing, but you wouldn't remember in

1 particular if you wrote off on those tickets  
2 moving across state lines to get here?

3 A I keep all -- I have to keep copies  
4 of all of my health certificates specifically.  
5 So, no, I did not write a health certificate  
6 for these specific dogs because they were  
7 not being transferred from our facility  
8 directly to an out-of-state facility.

9 Q Right.

10 A So they were transferring to an  
11 individual at the time that we believed to be  
12 in-state. So I did not write any health  
13 certificate for these dogs.

14 Q You stated on this particular piece  
15 of paper that the dogs -- just from the  
16 pictures you were looking at, including the  
17 testimony, really they were -- they seemed to  
18 be in a normal health range as far as the  
19 food, their body mass?

20 A Just as far as their weight.

21 Q Their testimony. Right. Obviously  
22 they came back negative for heart worms and  
23 anything that --

24 A That's not speaking to their physical

1 external conditions.

2 Q Right. You know, again since you  
3 weren't able to actually go out and see the  
4 conditions, you didn't see the pen and you  
5 didn't see the housing or the barn they were  
6 housed in during severe weather?

7 A No. I did drive by there because it  
8 was on my way home. I noticed the goats  
9 out there, but I didn't know there were  
10 doghouses there.

11 Q Yeah. So you can't really testify  
12 other than what you've heard from others as  
13 to what the conditions might have been like?

14 A I mean I do --

15 Q As to whether or not they were  
16 housed, during severe weather they were  
17 moved --

18 A I don't know as to whether they were  
19 moved, but I have seen the pen just in  
20 passing. Just the area. So I didn't know  
21 what was being housed there but I don't  
22 know whether the dogs --

23 Q But you have seen that it's a large  
24 pen with several houses?



1           A    I know that there was a large pen  
2           with at least one house.    So I can't  
3           remember how many houses were there.    I  
4           didn't know there was any concerns of the  
5           property for me to take better notice.

6           MS. BUCKLES:  Obviously.  I mean  
7           -- I understand.  I do appreciate you.  Thank  
8           you so much.  I hope you have a great day.

9           THE COURT:  Any redirect?

10          MR. BARY:  No, Your Honor.

11          THE COURT:  Thank you very much.  
12          You may step down.  You are free to go.

13          THE WITNESS:  Thank you.

14          THE COURT:  Any other evidence?

15          MR. BARY:  Let me talk to Ms.  
16          Blanton real quick, Your Honor.

17          THE COURT:  Stand and raise your  
18          right hand please.

19          Thereupon,

20                         SANDY BLANTON,  
21          a witness, was called for examination by  
22          counsel and after having been duly sworn  
23          was examined and testified as follows:

24                         DIRECT EXAMINATION

1 BY MR. BARY:

2 Q Ms. Blanton, I want to ask you just  
3 a few questions. Can you tell us how did  
4 you come about to adopt your two pets?

5 A I saw them on Facebook.

6 Q When you saw them on Facebook  
7 was it through a rescue agency or group?

8 A Rescue.

9 Q Okay. What did you do -- let me ask  
10 you this. Let me back up. You are a pet  
11 owner, you owned pets previously?

12 A Yes.

13 Q Did you own that particular breed?

14 A I did.

15 Q And what happened there?

16 A I owned one a year before -- well,  
17 she passed away a year before I got these  
18 two. She developed congestive heart failure.  
19 It was a Shih Tzu.

20 Q Okay. She passed away?

21 A Passed away.

22 Q So you wanted to adopt a rescue of  
23 these two animals?

24 A Uh-huh.

1 Q You saw the advertisement. What  
2 did you do?

3 A I messaged them and asked if I  
4 could see them.

5 Q And what happened next?

6 A We set up an appointment to meet at  
7 the park and I saw the dogs and I knew I  
8 wanted them.

9 Q And what did you do next then, you  
10 said, hey, I'd like to go ahead and adopt  
11 these two pets? What happened next?

12 A We went ahead and she drew up an  
13 agreement, an adoption agreement. I paid  
14 her for the dogs and she dropped them off  
15 the next weekend.

16 Q And when you say drew up an  
17 agreement that was for a rescue adoption; is  
18 that right?

19 A Yes.

20 Q Ms. Blanton, do you recognize what  
21 I've handed you there?

22 A Yes, I do.

23 Q Okay. And what have I handed you?

24 A You handed me the adoption papers

1 and a copy of my check that I paid for the  
2 dogs.

3 Q So you saw that advertisement, you  
4 responded, said I want to adopt these  
5 animals?

6 A Yes, I did.

7 Q And what I've handed you this is the  
8 contract or the agreement that you  
9 completed?

10 A Yes.

11 Q That's dated July 1, 2016.

12 A Yes.

13 Q I also gave you the other Exhibit is  
14 a copy of a cancelled check?

15 A Right.

16 Q Can you tell us about that? Do you  
17 recognize it?

18 A I do, this is my check, my personal  
19 check, copy of my personal check front and  
20 back showing that I paid for the dogs.

21 Q All right. And that's made for \$300?

22 A \$300.

23 Q So you remitted \$300 to adopt those  
24 two animals and took possession of them?

1           A    I did.

2           Q    What happened next? Tell us what  
3 kind of condition and describe them for us.

4           A    Well the dogs were -- I heard just a  
5 little bit about them, that they were  
6 neglected. They were underweight I thought.  
7 They had been groomed and they were pretty  
8 wild, not like a normal Shih Tzu should be,  
9 because I had experience with that.

10           They were -- the older one had to  
11 have some dental work so she was missing  
12 some teeth. I took them home, and quite to  
13 the contrary of what Ms. Buckles said, they  
14 are runners. They did get out the door, had  
15 to be chased down a couple of times.

16           They did not know commands. So  
17 I've been working with them for the past  
18 almost two years now. They've learned some  
19 commands but I still don't trust them off the  
20 leash yet.

21           Q    They are back to being indoor dogs?

22           A    They are indoor dogs. They do not  
23 go outside unless I'm with them.

24           Q    When you first took possession of

1           them back in July of 2016 did they require  
2           any veterinarian care?

3           A     I took immediately to my vet. She  
4           did all of their shots, you know caught up on  
5           all the shots. She did look at the one's  
6           eye. I had to put medicine on it continually  
7           and she said it is blind in that eye and  
8           cannot see.

9           She said eventually if the infection  
10          came back or got worse that she would have  
11          to take the eye out. But I treated it daily.

12          Q     You kind of have to baby that eye?

13          A     I have to baby that eye every day.  
14          Yes.

15          Q     What about grooming? How often do  
16          you take them to be groomed?

17          A     They are groomed about every six  
18          weeks. They were just groomed Saturday.

19          Q     And what type of, as far as  
20          expenditures go, I mean besides the typical,  
21          I guess you have regular veterinary visits?

22          A     Regular vet, uh-huh.

23          Q     Any specialized things that you do  
24          with your pets?

1           A     They're spoiled rotten. Food, they  
2     are on special food. I don't buy just any  
3     food out of the stores. They have plenty of  
4     supplies, toys, beds, anything that they want  
5     really, harnesses and leashes.

6           Q     What is this about this breakfast  
7     that they do in the mornings?

8           A     On Saturday mornings I treat them to  
9     a little bit of human food. We have bacon  
10    and eggs and they get to enjoy that.

11          Q     I want to kind of brighten things up  
12    just a little bit.

13                MR. BARY:     Your Honor, may I  
14    approach?

15                THE COURT:    You may.

16                MR. BARY:     May I have that marked  
17    please.

18                BY MR. BARY:

19          Q     Do you recognize what I've handed  
20    to you, Ms. Blanton?

21          A     Yes, I do.

22          Q     Okay. Let's start with the first one  
23    there, if you could just hold that up so the  
24    Judge can see it. All right. Tell us what --

1           A     That's the picture of the two. They  
2     each have a bed, you can see the corner of  
3     one up here. There's two beds in the floor  
4     in the living room. That's just one of their  
5     wrestling matches. Toys laying around.

6           Q     The next picture.

7           A     The next picture this is the one I  
8     call Nessa and this is taken Saturday after  
9     groom.

10          Q     How about the one after that?

11          A     The one after that this is the one I  
12     call Gracie. This was Saturday after groom.  
13     The picture turned out a little dark so I tried  
14     to get a better picture of her. This is the  
15     one that has over here the eye.

16          Q     That's a very recent picture?

17          A     That is Saturday.

18          Q     And then the last picture?

19          A     The last picture is our Saturday  
20     mornings together laying in my lap asleep  
21     while I have coffee.

22          Q     Ms. Blanton, you are pretty much a  
23     lifelong resident of Wise County?

24          A     I am. Yes.



1 Q You are employed?

2 A I am. Yes.

3 Q Where do you work?

4 A I currently work at [REDACTED] in  
5 Pound, Virginia.

6 Q Have you ever been in any trouble?

7 A No.

8 Q I hate to ask this but can you tell  
9 how you would feel or what would happen if  
10 those two pets were taken away from you at  
11 this time?

12 A Well naturally it would devastate me  
13 to know that I can't continue to give them  
14 the good life for the rest of their lives.  
15 They do have some -- I can tell some health  
16 issues and it's probably where they were  
17 outside because the older one when she  
18 plays she's out of breath really fast. I'm  
19 afraid she might be developing a heart  
20 condition. But it would be more devastating  
21 to the dogs because they are still  
22 traumatized. They are slowly these past  
23 almost two years, they are changing  
24 somewhat and settling down but they are still

1       pretty traumatized, you know, I'm sure from  
2       what they've been through. It would tear my  
3       heart out.

4               MR. BARY: Thank you, Ms. Blanton.

5               THE COURT: Ms. Buckles, do you  
6       have any questions.

7                       CROSS-EXAMINATION

8               BY MS. BUCKLES:

9               Q     Ms. Blanton, this is hard for me.

10              A     It's hard for me too.

11              Q     I know. I don't even want to -- I  
12     don't want I guess I want to keep it really  
13     short because I feel like we're being put in  
14     a bad situation.

15                    You stated that you purchased the  
16     animals from a rescue. Who was that  
17     rescue?

18              A     Four Paw & Fur Rescue.

19              Q     So not Friday's Rescue as they were  
20     released to and the contract supporting --

21                    MR. BARY: Your Honor, again that's  
22     facts outside of the evidence. There hasn't  
23     been anything produced today with regards of  
24     who they were released to.

1 BY MS. BUCKLES:

2 Q Did you receive health certificates  
3 for the crossing of state lines for them?

4 A No.

5 Q I didn't see anything like that. Of  
6 course I don't want to ask any questions  
7 outside -- so you were unaware, in any way  
8 shape or form, that this might be case of  
9 being illegally removed?

10 A I was not aware of that.

11 Q And I understand you took them on  
12 pay, you purchased them and you took them  
13 on pay?

14 A I did.

15 Q And I understand that completely.

16 MS. BUCKLES: Ms. Blanton, I am  
17 not going to put you through a bunch of  
18 questions. I thank you very much.

19 THE COURT: You may step down.

20 Any other evidence?

21 MR. BARY: No, Your Honor, we will  
22 rest.

23 THE COURT: What we are going to  
24 do at this time is the court will each party

1 an opportunity to make a closing statement,  
2 a final statement.

3 I will begin with Ms. Buckles.

4 MS. BUCKLES: Your Honor, again  
5 this hearing was set out to establish my  
6 ownership and the questions were my dogs  
7 and whether or not they were illegal  
8 transferred to Virginia and sold to Ms.  
9 Blanton.

10 This was never a neglect case. No  
11 neglect charges were ever filed because as  
12 you heard they never had enough -- they  
13 never had the evidence. They couldn't call  
14 the officers and never contacted my father  
15 as they testified.

16 They never reached out to my dad.  
17 They spoke to my child. Officers were called  
18 out, again no signs of true neglect were ever  
19 found. They needed to be shaved and as  
20 testified by the expert witness that the  
21 grooming of the animals had already begun.

22 Even though counsel would not let  
23 me, you know, I couldn't submit my  
24 documents such as the contracts that I have

1 for these animals and my pictures of the  
2 animals prior to all of this because I never  
3 received that letter which was also  
4 established.

5 His witnesses have confirmed that  
6 the dogs in Ms. Blanton's possession were  
7 the dogs, my dogs that resided at [REDACTED]  
8 Powder Branch Road.

9 Ms. Heiden was not able to I feel  
10 prove that she made the efforts that are part  
11 of the laws or bylaws of Carter County. She  
12 admitted that from the moment they got them  
13 they knew who they belonged to. She  
14 admitted that she never contacted the owner.

15 My dad had to go searching for  
16 them. Her testimony and of course what my  
17 dad said is hearsay, but as was established  
18 by my son, an exorbitant amount of money  
19 was asked for. Neglect charges were  
20 threatened and my dad being an upstanding  
21 citizen, with no understanding of what those  
22 laws and bylaws were, what his rights were,  
23 gave up hope.

24 That happened again, even establish

1 a true case of neglect because no charges  
2 were ever placed. They needed to be  
3 groomed. They were fed, they had water.  
4 They had adequate shelter as my son  
5 testified during severe weather. They had  
6 an outfitted barn stall. They had continuous  
7 fresh water, a spring fed pond.

8 And while the ideal situation may not  
9 be for animals of that size to be outside,  
10 they were being taken care of and to their  
11 best. There is no law saying that a Shih  
12 Tzu has to live inside, though under my care  
13 they do. They are groomed every six to  
14 eight weeks. They are brushed, they are  
15 taken care of.

16 Again, they did not the Shelter did  
17 not call as established by my son's  
18 testimony. When he called on Saturday,  
19 during their hours as the Director -- they are  
20 open half a day on Saturday. He called on  
21 Friday. They did not have the dogs nor did  
22 they try to call.

23 I feel that Ms. Blanton has taken  
24 very well care of them and it is a very

1       unfortunate situation that she and I find  
2       ourselves in.

3               But I have cared for these dogs  
4       since birth almost. My aunt breed these  
5       dogs. I've been with them from a day old.  
6       This whole situation has literally torn my  
7       family apart. Again, I have continued to  
8       fight for the rights to get my dogs back. I  
9       have people that typically won't speak.

10              My dad has been threatened, when  
11       all of this came up my dad was threatened  
12       and yet because of my love for my animals  
13       and because I believe that I was wronged  
14       but most importantly my son was wronged.  
15       I have continued this fight.

16              I don't believe that protocol was  
17       followed. I believe that my animals were not  
18       only taken and supposedly neglected and  
19       they were then handed over to a woman who  
20       had verified neglect charges in this County  
21       and she is the one that's sold them.

22              Though the records are not allowed  
23       to be admitted she falsified documents.  
24       There is no question that Ms. Blanton has

1 taken very good care of my dogs in the past  
2 year and a half, but again this was not a  
3 neglect case.

4 This case was to establish, the  
5 evidence that I have was not admitted, but  
6 the evidence that has been brought forth  
7 only established that the dogs in her care  
8 belong to me. That's all I have.

9 THE COURT: Thank you very much,  
10 Ms. Buckles.

11 Mr. Bary.

12 MR. BARY: Your Honor, thank you  
13 for your time today. I apologize that we  
14 drug things out.

15 As I said at the outset in my  
16 opening, I agree with Ms. Buckles this is not  
17 a neglect case. The entire issue that  
18 neglect has been raised is because in  
19 manners to impeach the testimony of Ms.  
20 Buckles and allegations made by Ms.  
21 Buckles, as well as the allegation made by  
22 Mayor Humphrey.

23 As I stated in the start, in the  
24 beginning of my opening the elements of this



1 case is a detinue action is Ms. Buckles has  
2 to be able to make her case and establish  
3 her elements, as far as being able to  
4 establish that she had title to the animals,  
5 that she has a right to possession of the  
6 animals, to establish a value, to identify  
7 them.

8 Those again, I maintain that there  
9 has been nothing offered today other than  
10 some oral testimony that has been clearly  
11 impeached as far as the veracity and the  
12 credibility that should be assigned.

13 The testimony from Ms. Buckles and  
14 from Mayor Humphrey, those elements have  
15 not been met.

16 What have we not heard from today,  
17 Your Honor, I think speaks volumes. There  
18 has been so much raised today about the  
19 Buckles' property, about Mr. Buckles, Danny  
20 Buckles who had possession of these  
21 animals. This was a civil action. He clearly  
22 could have appeared at some point during  
23 this process. If Ms. Buckles wanted him to  
24 be here she could've had a subpoena issued

1 for him.

2 We have not heard from Mr. Buckles.  
3 I think that silence and not having him here  
4 to testify speaks volumes.

5 In regards to the testimony that was  
6 put on today by Ms. Buckles, Your Honor,  
7 Mayor Humphrey I think it's clear to see that  
8 the allegations and testimony has been  
9 offered is not in fact true.

10 We saw firsthand that one of the  
11 allegations were in regards to the Intake  
12 Form that's been submitted and made part of  
13 the record today. It's been stated that was  
14 a forged document, that there shouldn't be  
15 any weight assigned to that evidence, that it  
16 was a forgery from top to bottom.

17 You heard from a witness herself  
18 today, Ms. Morris, that that was in fact her  
19 signature and that she completed some of  
20 that form.

21 So I ask that anything that was said  
22 today from the Mayor, in light of that, there  
23 should be no credibility, no veracity to  
24 anything that he's testified to.

1           In regards to Ms. Buckles, I  
2 understand she did a fine job today  
3 representing herself, but Ms. Buckles also  
4 brings baggage to the table, in regards to  
5 some of her past and crimes of moral  
6 turpitude, that also question her credibility.

7           I'm not trying to be mean by that  
8 but that's the law with a crime of moral  
9 turpitude.

10           Also, Your Honor, there has not  
11 been one shred of evidence that has been  
12 offered today by Ms. Buckles to establish  
13 title, right to possession, value of these  
14 animals or even a proper identification. It  
15 was only after she looked at those  
16 photographs, the last few photographs did  
17 she claim that she didn't recognize those as  
18 being her animals.

19           So in closing, Your Honor, two  
20 theories that I would put forth, two defenses;  
21 one, is that by an operation of law by  
22 Tennessee Code Section, by the policies of  
23 the Elizabethton/Carter County Animal Shelter  
24 that when that ten-day hold period expired

1 that those animals at that point in time  
2 became the property of the  
3 Elizabethton/Carter County Animal Shelter.

4 At that point any property right that  
5 Ms. Buckles may have had at that time was  
6 extinguished by an operation of law. There's  
7 been nothing offered today to show that  
8 those animals were stolen. There has been  
9 nothing offered today to show that anything  
10 that the Animal Shelter did from that period  
11 of time, on May 27<sup>th</sup> when they were  
12 released, violated Tennessee law or the  
13 policy of the Shelter.

14 We have also heard testimony today,  
15 again disputing the allegations that have  
16 been made that these animals were well fed,  
17 well kept both by an expert master groomer  
18 with over 20 years experience.

19 The other alternative theory or  
20 defense I would put forth, Your Honor, is I  
21 do think in this case equity would also rule,  
22 equitable estoppel. My client based on her  
23 testimony today there was a material fact  
24 there was an advertisement that was put out,

1 she detrimentally relied on that posting, the  
2 fact that those animals were there for her to  
3 be able to purchase.

4 There was a clear change in position  
5 both from an emotional standpoint and a  
6 financial position. Finally, it would be a  
7 detriment, Your Honor, not only to my client  
8 but to those animals to be separated from  
9 their owner that they have known for the  
10 past two years.

11 Thank you, Your Honor.

12 THE COURT: Okay. I'm going to do  
13 something at this time as argument no one  
14 is going to be particularly happy, but I'll  
15 explain why. I appreciate that this is an  
16 emotional case for both parties. We've got  
17 a large interested crowd here today which,  
18 you know, I appreciate. It's a serious case.

19 I wish we had this kind of crowd  
20 here Monday when I did an eight hour  
21 hearing to determine the welfare of a five  
22 year old and seven year old children.

23 That doesn't mean that the court  
24 takes this case any less seriously than the

1 other. To the contrary I take it  
2 exceptionally seriously, this is why I'm going  
3 to take this case under advisement and I will  
4 have a ruling tomorrow, no later than  
5 tomorrow, Friday.

6 There has been Tennessee law,  
7 we've had hours of testimony here. I want  
8 a chance to consider all of it, consider my  
9 notes before I make a final ruling in the  
10 matter.

11 What I will say is I will have a  
12 written ruling tomorrow. If you want to  
13 contact the Clerk's Office before 4:30  
14 tomorrow they can tell you what that is and  
15 we will also mail out the ruling to the  
16 parties.

17 Are there any questions?

18 MR. BARY: No, Your Honor.

19 THE COURT: Then you will have my  
20 answer tomorrow. I want to consider it.

21 MR. BARY: Thank you, Your Honor.

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23  
24