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CLERK OF THE
DISTRICT COURT

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BY _____
DEPUTY

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA,

Plaintiff,

vs.

LINDA KATHERINE KAPSA,

Defendant.

CAUSE NO. DC: **09-0018**

JUDGE: RUSSELL C. FAGG

**AFFIDAVIT AND MOTION FOR
LEAVE TO FILE INFORMATION**

The undersigned Deputy County Attorney of Yellowstone County, Montana, being first duly sworn upon her oath, moves the Court for Leave to File an Information, based upon information developed through an investigation conducted by law enforcement officers, charging the above-named Defendant with the offenses of:

COUNT I: AGGRAVATED ANIMAL CRUELTY (FELONY)

COUNT II: AGGRAVATED ANIMAL CRUELTY (FELONY)

~~COUNT III: DOG AT LARGE (MISDEMEANOR)~~

COUNT IV: DOG AT LARGE (MISDEMEANOR)

COUNT V: FAILURE TO PROVIDE RABIES INFORMATION (MISDEMEANOR)

COUNT VI: FAILURE TO PROVIDE RABIES INFORMATION (MISDEMEANOR)

committed at Yellowstone County, State of Montana, on or about December 11, 2008, December 12, 2008 and December 30, 2008.

That law enforcement officers have made a full and careful investigation of all the facts and circumstances surrounding the commission of said offense, so far as they are known or ascertainable; that she believes it a proper case for filing of an Information and that for this reason, and none other, the foregoing motion is made.

The Court is informed that the Yellowstone County Sheriff's Office (YCSO) investigation revealed the following:

AS TO COUNT I

On December 11, 2008, Yellowstone County Sheriff Deputies Skillen and Weston, Lt. Schieno, Animal Control Officers Wagner and Fleming served a search warrant signed by Judge G. Todd Baugh on Linda Kapsa, the Defendant herein, at her residence at 2315 S. 14th Road, Ballantine, Yellowstone County, Montana. Assisting law enforcement on that date was Dr. Robert Bruner III, a veterinarian who has been practicing for 8 years and whose Big Sky Pet Center veterinary clinic contracts with the county.

Upon arrival at the Defendant's residence, Dr. Bruner stated that 40-60 dogs came out and swarmed him and the officers. Some of the dogs growled and lunged in an aggressive manner. The majority of the dogs appeared to be unsocialized as far as humans were concerned. The officers estimated that the property contained in excess of 200 dogs. The officers and vet reported the overwhelming smell of animal feces and urine on the property. Due to the overwhelming smell, most of those who were present at the scene wore masks over their mouths to be able to breath through the stench. Trash was observed to be scattered throughout the property and several dogs were in the process of eating it and tearing it apart. Lt. Schieno noted on his initial walk around the property that there was a dead dog laying near one of the trailers on the property. Officers also observed a severely emaciated tan retriever that was chained with two chains and a piece of twine to a doghouse with no access to water. Dr. Bruner and the officers noticed that this dog had open sores on the upper back of his legs. Dr. Bruner requested that this dog be taken to his veterinary clinic for medical attention and treatment.

Upon service of the search warrant, the Defendant spoke with several individuals over the phone and was observed to inform one of these individuals that it was a good thing that these three certain dogs were sitting with her or there would not have been any people on the property at that time. She referred to the Sheriff's Office personnel as "SOB's" and complained of harassment. While conducting a search of the Defendant's property, Officer Skillen reported that one of the dogs who had been growling at her the entire time began to rush at her and at that point, approximately seven other dogs surrounded her as well and began to rush in and bite her. One of them bit Officer Skillen and at that point, Officer Skillen advised the Defendant to get control of her dogs. Officer Skillen was bitten again before the Defendant responded. The Defendant stated at that point for the officer to stay by her and the dogs would not bother her "unless [she] told them to." When questioned as to what she meant, the Defendant stated that all of her dogs were very protective and loyal. The Defendant also later stated to Officer Skillen that what she did with her animals was her prerogative and it was none of the officers' business what she did with them.

Throughout the entire time that Officer Skillen was present on the Defendant's property, it was necessary for her to not let her guard down as approximately 10 of the dogs were aggressive and repeatedly "rushed" at her. Officer Skillen observed that almost all of the other remaining dogs were skittish and would not let her pet them.

The officers and veterinarian observed that the dogs were living in extremely poor living conditions. Shelter was observed to be inadequate for the amount of dogs contained in any given area. The ground inside the pens appeared to be covered in a black slop that ranged from a quarter of an inch deep to an inch deep and in one pen, approximately four inches deep. Dr. Bruner noted that there was no mud on the ground in the areas outside of the pens and the slop did not appear to be normal "mud", particularly the smell of it. Officer Weston and Lt. Schieno stated that the mud appeared to be comprised of urine and feces.

Dr. Bruner observed that numerous dogs had large mats in their fur and some of the dogs were in desperate need of grooming or shaving due to the concern that matted and clumped fur can irritate skin and cause infections. Using the body conditioning evaluation that rates a dog's body weight/condition on a scale of one (1) to nine (9). One (1) to four (4) being considered emaciated to slim, five (5) being considered ideal, and six (6) to nine (9) being considered increasingly overweight, the veterinarian stated that most of the dogs he observed had body conditions sub-normal with body scores ranging from one (1) to four (4).

Also present on the property were several horses, goats, and chickens. The officers and veterinarian observed many dogs chewing on what appeared to be a goat carcass that in places had been cleaned to the bone. In one of the small pens west of what the officers labeled the "common area 1", there were three dogs in a small pen. Two of the dogs moved about the pen but one remained in the shelter and would not come out. The Defendant eventually took the animal out for the officers and stated that the dog was being harassed by other dogs so that is why she put him in this pen. This dog, Kapsa Dog #4, was later found to be hypothermic and blood work determined kidney problems and blood loss. This dog remained lethargic and refused to eat food of any type. He was also observed to be bleeding from the nose. Dr. Bruner noted that these symptoms are consistent with rodenticide toxicity and rodent bait bars were observed in one of the junk vehicles on the Defendant's property. Rodenticide toxicity that goes untreated causes a dog to slowly bleed to death internally as well as neurological problems and kidney failure. In this matter, the dog responded immediately to the antidote to rodenticide toxicity and appears to be recovering at this time.

During the search, Officer Weston entered the residence of the Defendant, which is an older model mobile home. Officer Weston observed that the floor appeared to be covered in animal feces which were ground into the floor so that he could not distinguish the floor covering. In the one bedroom he observed nine puppies and in the living room he observed an animal carrier with a dead dog inside it. There were also four to five puppies under a computer hutch in the living room and one of those puppies was dead. Both of these dead puppies were stiff to the touch. There were also numerous other dogs and animals present in the trailer.

Dr. Bruner was also present in the Defendant's residence and stated that the trailer reeked of what appeared to be ammonia so strongly that it burned his eyes and throat. He observed that the trailer was covered with newspapers, milk cartons, bottles, cages, and what appeared to be trash stacked to around five feet tall. There was a path which could be walked from the back room to the living room and on into the kitchen. Dr. Bruner stated that due to the debris that covered the trailer, the only place for the approximately 20-25 dogs/puppies present in the trailer to defecate/urinate was on this path. Although it was December, there were flies throughout the kitchen.

Dr. Bruner made the decision to remove one of the English Shepherd puppies from the main residence for medical treatment. This puppy, labeled Kapsa Dog #2 had extreme difficulty breathing and appeared to be very uncomfortable. Since its removal from the Defendant's property, this puppy has tested positive for Parvovirus and is currently be treating for that disease. Dr. Bruner also stated that he made the decision to remove a mother pug (Kapsa Dog #3) and her puppies (Kapsa Puppies A, B, C, & D). The doctor stated that three of the four puppies needed immediate medical care and it was in the best interest to remove the mother and the other puppy as well due to the young age (approximately 3 weeks) of the puppies. All the puppies were covered in a crusty, scaly skin condition and three of the puppies appeared to have a severe upper respiratory tract infections and severe ocular infections. Two of the puppies were observed to be lying with their heads and noses down and demonstrating little to no interaction with either the humans or their mother. Since being removed from the Defendant's residence, two of the puppies have passed away at the veterinary hospital due to Parvovirus despite attempts to medically treat them.

The officers and Dr. Bruner entered a yellow trailer on the property of the Defendant. The mounds of trash that were present in the Defendant's residence were also present in this trailer. In this building, they observed a dog food bag that contained the bodies of six deceased puppies. Several other deceased dogs were found within this trailer aside from the six puppies. Dr. Bruner stated that these bodies appeared to be severely dehydrated and he estimated that some had been there for more than a year. One of the bodies was discovered on a stairwell that led into the main area of the trailer. Dr. Bruner noted that this dog in the pathway had been chewed upon. Three other deceased dogs were found in the immediate entry area of the trailer and these deceased dogs were observed by Officer Weston to be decimated. Officer Weston also noted that in a dog carrier in what would have been the living room of the trailer was another badly decomposed body of a dog and atop that carrier was a skeleton that Officer Weston could not identify.

~~----- In another set of pens on the Defendant's property, the officers and Dr. Bruner observed a~~
dog that appeared to be sleeping while standing up in two inches of feces/urine slop. His head was resting on the fence, his eyes were closed, and he appeared to be quivering. He initially appeared to Dr. Bruner to be extremely ill and elderly. When they inquired of the Defendant as to what was wrong with the dog and how old he was, she stated that he was also harassed by the other dogs and was 8 months old. This dog, Kapsa Dog #6, upon closer inspection by Dr. Bruner was determined to be emaciated and his coat was extremely matted and clumped and a bath was necessary to get an overview of his skin and what wounds were present. This dog is now responding well to antibiotics, proper nutrition, water, and shelter.

Immediately visible to the officers and Dr. Bruner upon their arrival on the Defendant's property was an English Shepherd labeled Kapsa Dog #5. This dog had been previously observed by animal control driving by the Defendant's property prior to the search warrant being served with a bloody front leg. The officers and Dr. Bruner observed that this dog had chronic, severe granulation tissue, a type of scar tissue associated with chronic open wounds. This appeared to Dr. Bruner to be accumulating for at least a month. This was consistent with the Defendant's statement that she had been treating it for a month and implied that she had obtained medications to treat the wound from her daughter who is a veterinarian in North Carolina.

Dr. Bruner stated that the limb appeared to be four times its normal size, compared to the other front leg and was structurally deformed. This dog was seized for immediate treatment. Once at the veterinary hospital, the dog was observed to be chewing on something within the wound. Closer inspection showed that the dog was chewing on the protruding tip of her bone. Radiographs indicated that the limb was fractured and the bones of the forelimb were moth-eaten, indicating severe, chronic bone infection. After consulting with another veterinarian, it was determined that the limb was unsalvageable and was amputated to save the life of the dog. Dr. Bruner stated that in his eight years of practice he had not seen a worse case of abuse and neglect than that of Kapsa Dog #5.

Also found on the property, were two young kittens that were located in a locked barn with no access to the outside. They were on a pile of rubbish that filled the barn and had no sources of food or water. There was a bowl present in the barn and a jug of milk, however, the milk was dated August 12, 2008. Both kittens had eye infections and upper respiratory problems that required medical attention. As such, Kapsa Cats #1 and #2 were removed to be treated at the veterinary clinic.

On this date, the officers and Dr. Bruner determined that 12 animals (10 dogs and 2 kittens) needed immediate medical attention and were seized. Most of these seized animals were later determined to have internal and external parasites such as lice and worms. Also removed were the bodies of 13 deceased dogs.

AS TO COUNT II

On December 23rd and 26th, Animal Control Officer drove by the Defendant's property and observed that the conditions that necessitated the initial search warrant had remained unchanged. ----- Based on this and the evidence seized in the December 11, 2008 search warrant, a second search warrant was applied for and granted.

At approximately 7:40 a.m. on December 30, 2008 with an outdoor temperature of approximately 25 degrees, law enforcement served the second search warrant on the Defendant and along with veterinary personnel and special assistance officers, entered the Defendant's property. At that time, Lt. Schieno observed that there appeared to be a significant amount of dogs missing that were present on December 11, 2008. Specifically, at the time of the first search warrant there were approximately 30 pugs that were on the property.

On December 30, 2008, there were no pugs present on the property. Lt. Schieno spoke with the Defendant regarding this and the Defendant stated that she gave all the pugs away and that she had given some of the English Shepherds to ranchers. This was concerning to Lt. Schieno due to Parvovirus that was observed in some of the animals that were removed on December 11, 2008 as well as the fact that Yellowstone County is in rabies quarantine and the Defendant has been unable to provide proof of rabies vaccination for any of the animals as requested on numerous occasions by law enforcement. Lt. Schieno also spoke with the Defendant's son, David Reisdorff, who was present on December 30, 2008. He stated that he was unaware of where the missing dogs had gone and that he did not have anything to do with their removal. Also missing, was the small herd of goats that were present on December 11, 2008.

It was later determined that approximately 18 pugs and 21 English Shepherds had been moved by the Defendant prior to December 30th and ownership was transferred to her daughter, the veterinarian in North Carolina. The daughter, who arrived in Montana after December 30th, has since provided proof of vaccination for those specific dogs and is in the process of transporting them to North Carolina where they will be spayed and neutered and adopted out to new homes.

While walking through the Defendant's property, Lt. Schieno observed that the conditions were extreme and deplorable. Dog dishes were full of dog feces. The smell of fecal waste was everywhere and was overwhelming at times. Special Assistance Officer (SAO) Dave Pauli noted that in not a single pen or cage on the Defendant's property did he observe any bowls with food or water in them. SAO Cheryl Kelly stated that the dogs seemed ravenous and would try to steal the cans of cat food they were using as bait to catch the free-roaming dogs on the property. She stated that several tried to eat right through the cans. SAO Marjorie McClurg observed that there were dogs that were licking the fecal covered ice in their enclosures.

The officers observed that there were only approximately ten to eleven 40-pound bags of food in the back of a pickup on the Defendant's property to feed an estimated 200 dogs.

Detective Sam Bofto was present at the scene photographing and videotaping the seizure of the Defendant's animals and stated the dogs appeared to be dirty, malnourished and living in horrible conditions. Inside the Defendant's residence, the officers noted that the stench was overwhelming and that feces covered the floor. Beside the Defendant's bed was a deceased English Shepherd dog. Several other live dogs were observed in the residence as well. The kitchen, even after a week of sub-zero temperatures had flies in it. SAO McClurg noted that they heard puppies crying and scratching at the skirting of the Defendant's trailer. Upon closer inspection of the Defendant's residence, a hole was found in the floor and there was at least one litter of puppies living underneath the trailer.

Dr. Susan Baldwin, a veterinarian and a registered sanitarian with RiverStone Health, was present on the morning of December 30, 2008 and inspected the Defendant's residence for sanitary conditions. She noted that the residence had the overwhelming odor of feces and garbage and the flooring throughout the trailer was covered in fecal matter. She observed that there was a large cardboard box with a bitch and her pups in the middle of the bathroom, which prevented access to

the toilet. Additionally, the kitchen was full of trash and rotting food. An odor of spoiled food was noted upon opening the refrigerator. Dr. Baldwin concluded that the trailer was in such poor and unsanitary condition that the residence provided a very unhealthy environment in which to live.

SAO Kelly observed that most of the enclosures that the dogs were in were in horrible disrepair and contained dangerous pieces of wire sticking out that could puncture a dog's skin or eye. Many of the shelters within the enclosures were falling apart and provided very little shelter from the elements and the enclosures contained too many dogs for the size of the enclosures. SAO Pauli also observed that the property was debris filled hazard with junk, exposed wires and homemade cages, pens, and enclosures that posed physical threats to the animal within.

Officers observed over 190 dogs present on December 30, 2008. Over 40 of these dogs were termed "free-roaming" as they were not contained in any enclosure. Some of these dogs were caught by throwing food in an open crate and then closing the door or by setting a humane live trap with food. Almost all of the dogs observed by SAO Kelly were in need of grooming. She observed many dogs with "dreadlocks" full of feces hanging off their coats. The officers observed numerous dogs with matted coats, often coated with mud and fecal material. Many of the dogs appeared to have swollen pads on their feet from the extreme icy conditions that they were living on. Most of the dogs appeared to have little to no human contact as was evidenced by their behaviors.

The officers and veterinarians observed numerous deceased dogs on the Defendant's property. They observed a manure pile that contained the bodies of several dead dogs. The officers removed approximately 6 dead dogs from this pile and observed others within the pile but due to the cold weather, the bodies were frozen to the dirt/manure in the pile and were unable to be removed at that time. Additionally, there were two deceased dogs found underneath one of the trailers but their bodies were frozen to the ground and were not able to be removed at that time as well.

SAO Kelly observed four young deceased puppies that were found in an area enclosed on four sides but had no top. These puppies were frozen huddled together in the enclosure. SAO Kelly stated that she personally saw and helped tag numerous deceased dogs on the Defendant's property on December 30, 2008.

The officers seized approximately 189 dogs, 27 chickens, 10 cockatiels, and 1 cat on December 30, 2008. Upon their seizure, veterinary professionals at the Metra Park inspected them. Numerous dogs required immediate veterinary care and were transported to a veterinary hospital. In one litter of puppies, several of the puppies had infected umbilical regions that had caused raw infected wounds on their bellies. Numerous dogs were determined by the veterinary personnel to be in inhumane condition. Included in those dogs was:

L7 who was matted and had a nose laceration that was covered in dirt clods;

L1 who was rated a one (1) out of nine (9) on the body condition scale and had old bite wounds all over his muzzle;

J25, who was vomiting, had raw pads on his paws, and feces coating his rear fur;

X8, an estimated 10 week old puppy who was rated a two (2) out of nine (9) on the body condition scale and had a bloated stomach as well as being dehydrated;

J2, an estimated 8 week old puppy with severe diarrhea, matted eyes, and lice;

I26 who was rated a two (2) out of nine (9) on the body condition scale and whose coat was matted with fecal material and had multiple head wounds;

H2, who was very thin with many "fight" wounds and diarrhea and a fever;

L12, who had an old wound on the side of his nose as well as missing part of his upper left lip and a wound to his carpal joint.

Included in the number of seized dogs were at least two bitches with litters and over 10 bitches were observed to be noticeably pregnant. The State anticipates that there will be additional bitches that are found to be in whelp but are currently too early in the gestation period to identify them at this time.

At this time, it is taking an estimated 10-20 volunteers a day to appropriately care for some the animals that the Defendant, a single person living alone, had on her property. The approximately 150 dogs at the Metra Park facility are eating an estimated 200 pounds of food per day. This number does not include the approximately 50 dogs at the veterinary facility or the 40 dogs that the Defendant removed from her property and transferred ownership to her daughter prior to the December 30, 2008 search warrant.

AS TO COUNT III

On or about December 11th and/or 12th of 2008, several of the Defendant's dogs were observed off the property of the Defendant. A leash, cord, chain, fence, or any other physical means of control did not restrain these dogs while they were off of the Defendant's property. They were observed on the road beside the Defendant's property.

AS TO COUNT IV

On or about December 30, 2008, several of the Defendant's dogs were observed off the property of the Defendant. A leash, cord, chain, fence, or any other physical means of control did not restrain these dogs while they were off of the Defendant's property. They were observed on the road beside the Defendant's property.

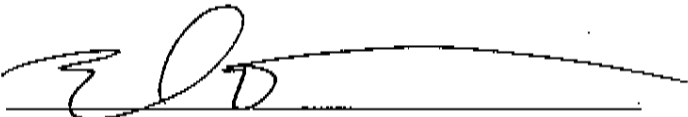
AS TO COUNT V

On or about December 11, 2008, during the search of the Defendant's property, the officers inquired as to whether the animals on the Defendant's property were vaccinated as required by law. Of particular importance, was the rabies vaccination for all of the dogs over the age of 6 months on the property. This is due to the fact that Yellowstone County is currently under rabies quarantine and aside from it being required by law for all dogs over 6 months to be vaccinated against rabies, due to the rabies quarantine no animal can cross county lines without proof of rabies vaccination. The Defendant informed Officer Skillen that all of her dogs had their shots current but she was unable to provide even one certificate of vaccination. She further stated that all the puppies had their first shots but she could not state who had given the vaccinations.

AS TO COUNT VI

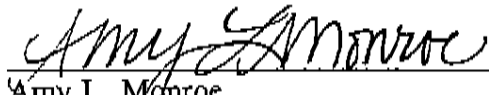
On or about December 30, 2008, the Defendant was requested to produce proof of vaccination for the dogs on her property and she has not been able to do so. The Defendant informed Lt. Schieno on December 30, 2008 that she had given away all the pugs and some of the English Shepherds to other homes which brings the concern of whether these animals were transported over county lines without proof of rabies vaccination as is required due to the county rabies quarantine status.

The investigation continues.



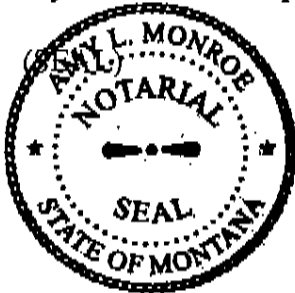
Ingrid A. Rosenquist
Deputy County Attorney
Yellowstone County, Montana.

Subscribed and sworn to before me on January 12, 2009.



Amy L. Monroe
Notary Public for the State of Montana.
Residing at Billings, Montana.

-----My Commission Expires: August 29, 2010-----



Leave to file Information by the Court GRANTED for LINDA KATHERINE KAPSA

Bail fixed at \$ _____

Dated: _____

JUDGE, District Court.