

DEC-24-2009 16:21 From: DISTRICT COURT

FILED IN COMBINED COURT

COMBINED COURTS, PARK COUNTY, COLORADO

DEC 24 2009

Court Case No: 09CR91

~~ARREST WARRANT~~ (*Correction of name of defendant*)

PARK COUNTY, COLORADO

THE PEOPLE OF THE STATE OF COLORADO,

Plaintiff

v.

Diane Helene Walker

Defendant

TO: THE PARK COUNTY SHERIFF, UNDERSHERIFF, DEPUTY SHERIFF AND ANY LAW ENFORCEMENT OFFICER AUTHORIZED TO EXECUTE ARREST WARRANTS IN THE STATE OF COLORADO, GREETINGS:

WHEREAS, Detective Corporal Amy Franck, along with Animal Control Officer Corporal Cindy Herday, have made an affidavit and complaint for the issuance of an arrest warrant pursuant to Rule 4.2 of the Colorado Rules of Criminal Procedure (a copy of which is attached hereto and incorporated herein by reference); and

WHEREAS, after reviewing the affidavit for an arrest warrant and being satisfied that there is probable cause to believe that the above-named defendant has committed the offense of:

**Aggravated Cruelty to Animals; CRS# 18-9-202 (1) (a) (1.6) (b); A class 6 felony 2 Counts
Cruelty to Animals; CRS# 18-9-202 (1) (a); A Class 1 Misdemeanor 30 Counts**

YOU ARE, THEREFORE, COMMANDED to arrest, Diane Helene Walker and bring her without unnecessary delay before the Combined Courts in and for the County of Park, State of Colorado, to answer to the offense set forth above.

Bail is hereby set in the amount of \$ 2000.00

DONE this 24 day of December, 2009.

BY THE COURT:

Carm Beaton
COUNTY / DISTRICT COURT JUDGE *C. M. Beaton*

Diane Helene Walker
DOB: 09-18-57, OLN: SOC I
Race: White, Sex: Female, Height: 5' 01" Weight: 150 lbs, Eyes: Brown, Hair: unknown
Scars or Tattoos:
Last known physical address: 1711 Wildhorn Road Florissant, Colorado 80816

The afternoon of December 15, 2009, Sheriff Wegener, Sergeant Priestly and Corporal Hardey arrived at 6000 Forest Service Road 108 in Hartsel. They observed several different breeds, mostly of husky descent, of dogs in four different sections along with six separate kennel sections. The bottom left section of the compound contained all male dogs. The male dogs, approximately 25 total, were in poor condition. The dog's spine and rib cages were prominent; some of the dog's hair was falling out in clumps, two of the male dogs looked as if they were skeletons and none of the dogs had adequate food or water. The water for all dogs was frozen.

The top left section of the compound housed both male and female dogs, approximately 15 that seemed to be older in age. Those dogs were in poor health condition as well. The dog's spine and rib cages were showing as well and, again, there was not any food for the dogs and the water was frozen.

The top right section of the compound housed approximately 15 male and female dogs combined. These dogs again were in poor health with spines and rib cages showing. Again, there was not adequate food and the water was frozen. In this particular section there was a dog that would not come out of its doghouse. Upon further inspection of this dog, the dog was weak, frail looking, lethargic, dehydrated, the ears were droopy, and eyes were sunken. After several attempts, the dog still refused to come out of the doghouse and Corporal Hardey tended to other dogs.

The bottom right section of the compound housed all female dogs, approximately 25 total. The female dogs also had spines and ribs showing with no adequate food and all the water was frozen. There was one particular dog that looked as if she was a skeleton figure.

There were several kennels containing dogs of varying ages. The dogs looked much younger than the other sections containing dogs and actually looked to be in good health. However, there wasn't any food or water for these dogs.

It should be noted they was very little straw in any of the kennels for the dogs. The dogs in the section listed earlier in this affidavit were all tethered with chains therefore not able to obtain food and water on their own. Corporal Hardey also observed several kennels that contained no dogs.

Sheriff Wegener and Sergeant Priestly observed a pit to the left of the top left section with over four deceased dogs. Sergeant Priestly visually observed the carcasses of three adult husky dogs lying in a pit partially covered with snow. Sergeant Priestly visually observed three empty 50 lb dog food bags with a deceased husky dog stuffed inside two of the three dog food bags. Your affiant took photographs of the deceased dogs in the pit.

A count of the dogs on the property was completed and there were a total of ninety-four dogs. The dogs were visually examined and Sergeant Priestly decided they would take custody of the dogs that did not look as if they would make it through the night. One of the two dogs was a female Husky mix. Using the Henneke Body Scoring Technique, which is a way to determine the animals body condition ranging from one to nine with the number five being ideal, the female scored a one. The second dog, a female Australian cattle dog scored a two, using the Henneke Body scoring technique. The two dogs were taken into safekeeping that night and were taken to the Park County Animal Control building in Bailey. The two dogs were not in need of medical care, only proper shelter, water and food.

After visually observing the condition of the rest of the dogs on the property, looking at their health and lack of food and water, Animal Control Officer Bramlett wrote a search warrant that afternoon, 09PS43, for the property of 6000 Forest Service Road 108 in Hartsel. The warrant was to be executed on December 16, 2009.

On December 16, 2009, at approximately 8:30 am, Judge Brian Green signed the search warrant. Approximately 9:45 am, Animal Control Officer Becky Bramlett, Sergeant Priestly, Corporal Hardey, Deputies Juan Gallegos and Abby Adam, both duly commissioned deputies of the Park County Sheriff's Office, along with State Veterinarian, Kate Anderson, of the State of Colorado Bureau of Animal Protection, and numerous volunteers responded to 6000 Forest Service Road 108 in Hartsel to execute the search warrant.

While en route to the property, Corporal Hardey contacted Diane Walker via telephone and told Diane of the impending search warrant. Diane asked Corporal Hardey why a search warrant was being executed on "our dogs" because Sam had people feeding the dogs. Corporal Hardey explained to Diane that Park County Animal Control had received a phone call stating the dogs looked to be in poor health and they were not receiving enough food and water. Diane told Corporal Hardey that Sam was in California and had somebody taking care of the dogs. Corporal Hardey asked Diane if she wanted to meet at the property and Diane said yes.

Upon arrival at the Hartsel property, Deputy Gallegos posted the search warrant to the front gate of the Walker property. At approximately 10:00 am, Diane Walker arrived on scene and was advised of the situation. Diane Walker remained on scene throughout the execution of the search warrant. Doctor Kate Anderson began body scoring the remaining dogs. Approximately thirty percent of the dogs scored a (1)- (bone structure easily noticeable, ribs protruding prominently, and spinous process projecting prominent.) These dogs were removed from the property immediately. Diane Walker chose to do a Financial Bond on two female gray and white husky mix dogs named "Fran" and "Sparkle". (A financial bond lets the owners pay for thirty-days worth of care and maintain ownership of the dogs.) Diane Walker also signed a Consent to Search form giving authorities permission to return to the property the following day, December 17, 2009, to remove the remaining dogs.

On December 16, 2009, the two dogs that were found dead at the Walker compound, were a five-year-old white female husky and a black and white female husky mix approximately four years old. Both dogs were taken to Mountain Shadows Animal Hospital that day for necropsy (animal autopsy). Veterinarian Doctor Kit Ryff provided Sergeant Priestly a preliminary report regarding the necropsy on the two dogs. The five-year old female husky died of "bloat", which is abdominal distention due to swallowed air or intestinal gas production. The result of bloat is incurred when an animal has been given a large amount of food after being deprived of food for a certain amount of time. This has also been referred to as a "twisted gut". The preliminary results of the second dog, black and white female husky mix, was the dog died from starvation and complications of pneumonia.

On December 17, 2009, at approximately 10:30 am, all three Park County Animal Control Officers returned to 6000 Forest Service Road 108, in Hartsel. Scot Dutcher, an investigator for the Bureau of Animal Protection League, accompanied them. As Authorities gathered the remaining seventy dogs, a volunteer assisting, Debra Su Stephens, date of birth October 9, 1956, observed ten empty dog food bags in the container on the property. Debra Su continued stating, "I feel there was no other food on sight during the period between November 6, 2009 and December 14, 2009". Debra Su's statement wasn't questioned until later in the investigation. The remaining dogs collected were taken to several shelters throughout Colorado. Corporal Hardey and Sergeant Priestly removed 80 lbs of dog food from the property to assist with feeding the dogs. Corporal Hardey left an Evidence Inventory Sheet attached to the gate listing all the items removed from the property pertaining to the case. Authorities then cleared from the property leaving no dogs behind.

On December 22, 2009, Animal Control Officer Bramlett and Sergeant Priestly followed up with Debra Su regarding the statement she made on the 17th of December. Debra Su stated that she knew there was only enough dog food on the Walker property to feed the dogs for a week. In her experiencing in caring for the Walker's dogs, specifically from October 19, 2009 through November 6, 2009, Debra Su knew that eight dogs ate 40 lbs of dog food in one week and there were a total of ninety four dogs on the property minus the dead ones in the pit.

Corporal Hardey and other Animal Control Officers have conducted other welfare checks at the Walker property located at 6000 Forest Service Road 108, Hartsel, specifically, in November of 2004, as well as December 2006. Based off reports taken by Animal Control Officer Michael Upton, a commissioned officer of the Park County Sheriff's Office and an agent for the Bureau of Animal Protection, commissioned by the State of Colorado as an Animal Cruelty Investigator, in the dates mentioned above, wrote a State Notice of Warning to Sam and Diane Walker in accordance to Cruelty to Animals CRS 18-9-202 for Abandonment and Neglect. Officer Upton stated on the warning; Notice of Entry and Care for fifty dogs at and above residence. (A State Notice of Warning is issued when welfare checks on animals are completed and there are violations of cruelty to animal statute).

On April 23, 2006, Sergeant Priestly responded to 6000 Forest Service Road 108 in Hartsel, for a welfare check on one hundred and twelve dogs on Sam and Diane Walker's property. While Sergeant Priestly was inspecting the dogs, Sergeant Priestly observed approximately seven Husky/Hound-mix dogs that appeared to be extremely underweight. Sam Walker advised that the thin dogs were receiving two quarts of dry dog food a day and the skinny dogs were constantly pacing.

On July 30, 2007, Sergeant Priestly received a telephone call from Sam Walker stating he had lost an intact black male and white Siberian husky. On July 31, 2009, Sergeant Priestly received a message regarding a dog that was found on Highway 9 near mile marker 29. The dog was identified as a male Husky that was very skinny and the dog's paws were bleeding. Sergeant Priestly completed a body score on the dog and rated the dog's body condition at 2.5. The dog's collar had to be cut off because the collar was too tight. The dog had to be taken to the Teller Clinic, which is an Animal Clinic, for a full examination. The examination of the husky and found the dog to be emaciated, dehydrated; with Dermatitis on his feet, and suffering from neglect. Per Doctor Lemons, a veterinarian at the clinic, the dog had a poor body score, 2.5 using the Henneke Body Score method. The dog also showed evidence of Pika, or eating of stool (which occurs when there is lack of food). Based on the information regarding Sam's found dog, Sergeant Priestly and Officer Bramlett obtained a search warrant for Sam and Diane Walker's property and completed a welfare check on the rest of the dogs. At that time Sam Walker possessed a kennel license through the State of Colorado, and had been inspected by the Pet Animal Care Facilities Association.

Sam and Diane Walker have purchased four hundred and thirty four Park County Dog Licenses since December 6, 2004 from the Park County Sheriff's Office.

Sam Walker has a history of Cruelty to Animal charges. On October 19, 2002, Sam was charged with 1 misdemeanor count of Cruelty to Animals Neglect/Mistreatment in Teller County. On August 1, 2003, Sam Walker pled guilty to this charge. Refer to Teller County court case number 20003M 000122.