

COMMISSION AGENDA:

4.9.13 #25

TO: The Honorable Chairman and Members of the
Board of County Commissioners

FROM: James L. Bennett, County Attorney *JLB*

SUBJECT: Authority for the County Attorney to Proceed with a Petition to Grant Ownership
of Seized Neglected or Cruelly Treated Animals in the Case of Pinellas County,
on Behalf of Pinellas County Animal Services v. Larae Bryant
County Civil Case No. 13-2243CO-042

DATE: April 9, 2013

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE COUNTY ATTORNEY'S OFFICE TO PROCEED WITH THE PETITION TO GRANT OWNERSHIP OF SEIZED NEGLECTED OR CRUELLY TREATED ANIMALS TO PINELLAS COUNTY IN THE CASE OF PINELLAS COUNTY, ON BEHALF OF PINELLAS COUNTY ANIMAL SERVICES, V. LARAE BRYANT.

DISCUSSION: On or about March 6, 2013, Oreo and Tupoc were seized by the Pinellas County Animal Services Department pursuant to a Cruelty to Animals allegation. They were located at 1990 66th Avenue South, St. Petersburg, FL 33705. In accordance with Florida Statutes § 828.073, Pinellas County has filed an action for ownership of the two (2) dogs. A copy of the Petition to Grant Ownership of Seized Neglected or Cruelly Treated Animals is attached.

JLB:JAM:elb

Attachment

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IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

PINELLAS COUNTY,
On behalf of
Pinellas County Animal Services,

Petitioner,

Case No. 13-2243CO-042

vs.

UCN No.

Larae Bryant,

Respondent.

PETITION TO GRANT OWNERSHIP OF SEIZED NEGLECTED
OR CRUELLY TREATED ANIMALS

COMES NOW, the Petitioner, PINELLAS COUNTY, on behalf of Pinellas County Animal Services, by and through its undersigned counsel, and respectfully requests this Honorable Court for a hearing to determine whether the Owner/Respondent, LARAE BRYANT, is able to provide adequately for the animals seized in this action, whether the said animals were neglected or cruelly treated, and whether Respondent is fit to have custody of the same. The Petitioner requests this Honorable Court grant custody and ownership of the animals (listed in Exhibit A attached hereto) to the Petitioner, PINELLAS COUNTY, and for other such relief, pursuant to Florida Statute § 828.073, and as grounds would show as follows:

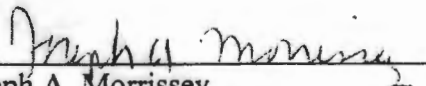
1. The County Court has Jurisdiction over this matter pursuant to Florida Statutes § 828.073.
2. Pursuant to Florida Statutes § 828.073(2)(b) a fee may not be charged for filing of this Petition.
3. Respondent, LARAE BRYANT, is the owner of two (2) adult dogs:

- a. Oreo, an adult black and white female intact Pit Bull mix type dog (Animal ID# 296420); and
 - b. Tupoc, an adult brown and white male intact Pit Bull mix type dog (Animal ID# 296421).
4. Oreo and Tupoc were seized by the Pinellas County Animal Services Department pursuant to a Cruelty to Animals allegation on or about March 6, 2013, at 1990 66th Avenue South, St. Petersburg, FL 33705. Attached hereto as **Exhibit A** are pictures of Oreo and Tupoc.
5. An inventory of the two (2) dogs seized is attached hereto as **Exhibit B**. The detailed list indicates the animal I.D. numbers and their health status.
6. Oreo and Tupoc are in the custody or control of Pinellas County Animal Services.
7. It was discovered that LARAE BRYANT owned Oreo and Tupoc.
8. Once Oreo and Tupoc were seized, they exhibited signs of poor health and lack of veterinary care. The health issues that faced Oreo and Tupoc are delineated in **Exhibit B**.
9. As a result of the seizure, Petitioner has incurred and will incur expenses in the future for the care and treatment of the seized canines and requests that the Court, pursuant to § 823.073, Florida Statutes, order Respondent liable for same. Petitioner is specifically requesting the Court to order Respondent to pay reasonable costs of past, present, and future care of the seized animals.
10. Petitioner requests this Honorable Court enter an Order compelling the Respondent to surrender custody of Oreo and Tupoc.
11. Petitioner requests this Honorable Court to enter an Order that the other animals in the custody of Respondent be turned over to Pinellas County.

12. Petitioner requests this Honorable Court enjoin the Respondent from further possession or custody of other animals.

WHEREFORE, pursuant to Florida Statute § 828.073, the Petitioner, PINELLAS COUNTY, on behalf of Pinellas County Animal Services, by and through its undersigned counsel, respectfully requests this Honorable Court to grant custody and ownership of Oreo and Tupoc to the Petitioner, to award the Petitioner costs incurred for the care and treatment of Oreo and Tupoc while in Petitioner's custody, and such other relief as the Court deems just and proper.

Respectfully submitted this 15 day of March, 2013.


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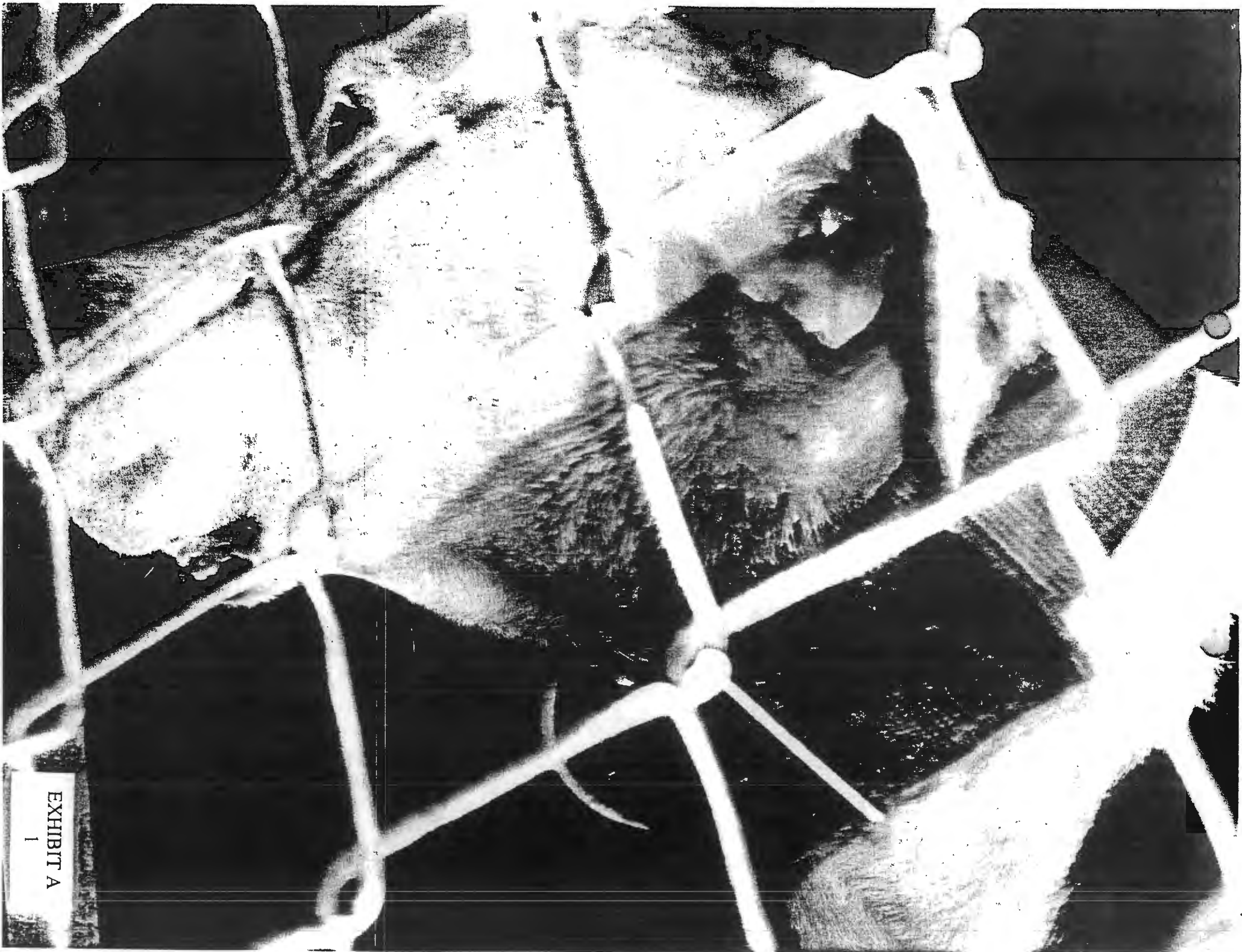


EXHIBIT A

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EXHIBIT A

Oreo #296420: On presentation the dog was extremely weak and fearful. She was able to stand with assistance but was unwilling to walk. She had a puncture wound on the left side of the face surrounded by a painful 2 inch round firm swelling and bruising. The wound was infected and had a tract draining pus. She was covered in skin wounds - numerous red scratches on the abdomen and pressure sores over the wrists and elbows. Her face, neck and forelimbs were covered in scars from previous dog fights. She was underweight with a very thin body condition and a dull dry hair coat. She was covered in fleas. Treatment was immediately instituted with broad spectrum antibiotics, pain medications, flea treatment, wholesome food, and fresh water. Thus far, her recovery has been dramatic with minimal treatment.

Tupoc #296421: On presentation the dog had a severe swelling of the nose that was draining pus. He was running a fever. He was covered in scars on his head, neck, ears, eyelids, forelimbs, and hindlimbs from previous dog fights. He was dirty and infested with fleas. He was underweight with a very thin body condition and a dull dry hair coat. Treatment was immediately instituted with broad spectrum antibiotics, pain medications, flea treatment, wholesome food and fresh water. His recovery so far has also been dramatic.