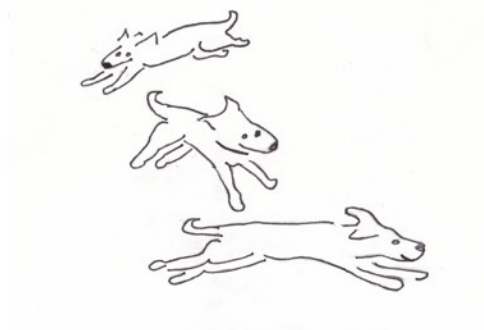


Are We Safe Yet?

By Way of Introduction



- What are you up to these days?
- Writing, you know, another project, all about Rosie this time.
- Pause. Sip coffee. Look out window. Notice thick clouds.
- She says, – Is this another shelter dog story? Hasn't that been done before?
- I explain that this is different, it's not just about how I'm the big hearted rescuer but how her life had an affect, changed laws for the better, perhaps even preventing another death.
- So you'll write about how she died? Is that kind of depressing?
- I nod. – But like I said, there's hope. And cartoons.
- Who wants to read that kind of a book? I don't.
- Pause. Sip coffee. Look out the window.
- She says, – Storm coming.
- Yes. There had better be.



OVERVIEW

On August 23, 2019, I left my two dogs at home in the fenced yard for approximately 90 minutes. When I came home from dinner with Andy, my tenant, we found my dog Rosie mauled to death on my property. We called the Sheriff who took our statements, took photos but he refused to go to any of the neighbors' houses to ask questions as the Lt told me he was scared of dogs.

Andy and I buried Rosie. The next morning, I left town, knowing that I and my remaining pets were not safe at home. While I was away, two guests at Mo M.'s place at 121 filed a police report. On the same night that Rosie died, within the same few hours, a pack of four pitbulls attacked them at the fenced yard. They then heard a severe dog fight, with animals screaming and barking from the direction of my place. They left the rental that next morning.

Andy, my tenant, moved off my property within two weeks of Rosie's death.

I left the area for two weeks after her death, in touch with no-one but a few close friends and my employers. I feared for my life if I returned without being able to shore up the existing fencing and gates on 1 of 20 acres.

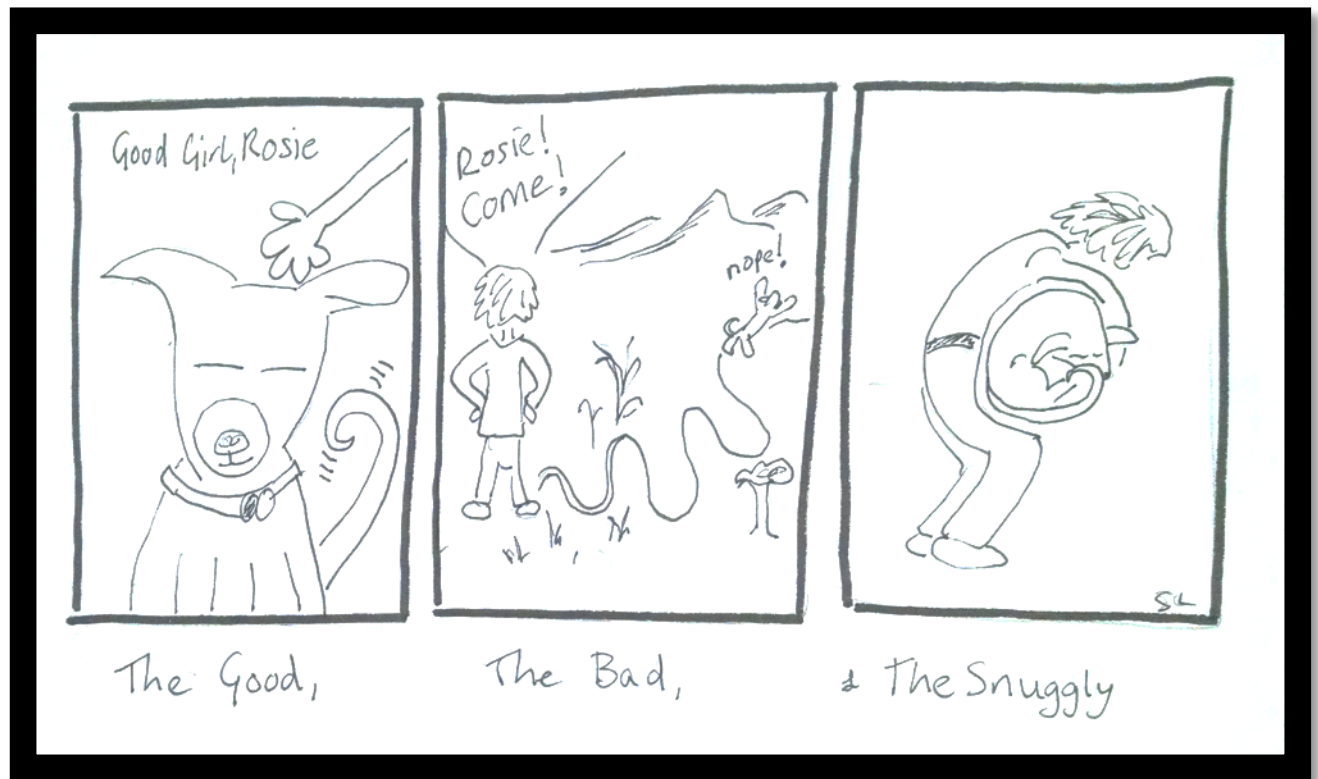
While I was away, Mr Dick gave up 4 of 6 dogs to Animal Control. He denied having the two puppies when asked by ACO but at some point during the last week of August those puppies left the property. In theory, no dogs lived there and I would be safe to return. I did and with the help of friends, we made sure the fences and gates could keep me safer.

After I filed this civil court case paperwork, Dick responded on the Answer to the Civil Complaint saying, "I have complied with my neighbors wishes and gave up all my dogs." In reality, we have not spoken in years and so giving up four of six dogs was not out of complying with my wishes. He also wrote that "I do not plan on owning any other dogs." A month later, on January 6th 2020,

three dogs attacked me and my senior dog outside my gate as we walked to our neighbor Mo M.'s. She was home, heard the fight, witnessed it, and helped break up the dogs as they attacked my elderly Collie. Two were adult dogs, one a puppy. The dogs ran back to Dick's property and when Animal Control came, found them there.

Is there (No) Justice for Rosie?

This book is the chronicle of what happened, the ongoing situation that Santa Fe County allowed to continue, and examples of the various cases and incidents of vicious dogs in our neighborhood of four homes. I changed my neighbor's name to Dick because he is one. (Mr Dick in the court paperwork for this manuscript.) I've changed witnesses to first names only, and removed addresses where possible. I've included the animal ordinances, articles about other such cases, and the steps within this personal court process. I balanced out the legalese with photos of Rosie and my other dogs, Harold and Oliver, and Cat Stephen. I added stories, articles, cartoons, photos and links. I want to show how much Rosie and my pets are integral to my life and career. To honour her life. Her effect on me. And how much I miss the mischief maker.



STORIES AS MEMORIES

From STAY, a hybrid memoir, 2020

Prologue: A Decade of Denial

What do you do if the neighbors dogs chase you back into your old Toyota truck, claws scratching at the windows while your own dogs are trapped safe within their yard, unable to protect you – not that you’d want them to – not with these dogs, a pack of six or seven in-bred pit bulls, raised on too little food and abundant violence, they’re full of fight to survive and that means they chased you at your gate, and you’re unable to get home, it’s only yards away, but you can’t get out, not now, not while they’re there, teeth bared at windshield, nails on glass, barking snarling scratching, trying to get to you and your dogs howl, Harold, an older Husky/Collie mix, and Rosie, a mini-Akita, both stuck the other side of the fence, wanting to help and you cry, no, please no, don’t fight these dogs, no, they’ll kill you.

1. After breakfast, Rosie likes to go back to bed. She's not an early riser, that's Harold's job. She lies down and watches me settle in with a mug of coffee, perhaps the laptop, or as I simply stare out the window from my own bed. As I pet the bed, telling her to join me, she resists but her tail gives her away. I have to work harder. Come on, Rosie, jump up, Rosie Rosie Rosie. Wag. Wag. Wag. And then she springs up, onto the covers, squirrels her way across my legs, nestles in for a decent head scratch, and falls back to sleep. Wag. I sip hot milky coffee. The sun shines through the kitchen windows onto the two of us. Wag. Wag.

MEMORIES

BEST FIRST DAY

When Harry, your new big brother, shows you the view and you just can't quite believe your luck after being in that horrible loud shelter for months on your own and now look! Who knew?



COURT PROCESS 2019-2021

August 25th, 2019

OPEN LETTER

Dear Santa Fe County Animal Control,

Remember a case against a man in In Santa Fe County for his vicious dogs attacking the neighbor's dogs and horses? August 21st 2015? Remember how you were presented with evidence, photos, testimonials, and a community petition? Remember how this man has been brought to court repeatedly over the last decade for owning vicious dogs? And remember how on the final court date, Paul P, the Animal Control Supervisor didn't show up and so the case was dropped? Remember how you did nothing to protect us, his neighbors?

Well, since that time four years ago to the week, those dogs have attacked me, bitten a neighbor, and now killed two of our dogs. One was Lulu, she was in her own yard when attacked. Then this week, Rosie, my own dog, was at home when killed by that pack of dogs from next door.

I hold you responsible.

Let me be even more blunt. You did nothing to protect us.

I am not safe. In my own home. Even though it's too late for Rosie, you could help this time. You can prosecute. You can remove all his dogs and forbid him from owning others as did the judge in Corrales. But will you? Will you protect me and my family? My neighbors? I have little hope since you didn't even show up when I called the Sheriffs, you didn't look for evidence, check for Rosie's blood on those neighbor's pack of dogs. If this were a human dead, you would have looked despite there being no witnesses only a history of violence. But this time, you did nothing. Why not? Because you were scared of his dogs. Think about that.

So my question is, who's next? Me? Are you waiting for the same dogs to come into my yard, surround me, attack me, tear me apart and leave me to bleed to death? As they did to Rosie?

My dog is dead. Remember her name. Rosie.

Yours,

Sarah

Santa Fe County, NM.



COMMUNITY MEETING

IN SANTA FE COUNTY 9/10/2019

Animal Control Officers and Santa Fe County Sheriffs organized this open meeting to address the outrage upon hearing that neighborhood dogs had killed my dog, Rosie. This is a copy of my opening statement. Over 20 people from In Santa Fe County showed up. I spoke up on behalf of Rosie and then left. I could not face Mr Dick or listen to his excuses.

I'm here for Rosie.

Rosie was a 40# mutt with the softest white fur and a brown spot over her eye. She had a curly tail that wagged if she saw me smile at her. She was scared of us driving under bridges. She loved to carry an apple in her mouth. She wouldn't eat it, just took it everywhere.

I'm here because on Aug 23rd my neighbor's dogs came onto my property and killed her. Rosie.

I'm here because this isn't some random one-off dog fight. This is a pattern of a repeat offender, owning and raising numerous packs of dogs who become vicious, and are let loose to run around the community, attacking and also killing. Some are removed, voluntarily or not, it doesn't matter because he then breeds another pack, with one or two litters a year, until the new dogs become a threat to us all and kill again.

The common denominator is the owner and not the specific dogs.

And to those here who'd like to deny any of this need to check the facts and public records.

I'm here because of Animal Control's failure to protect me and my family. There are over seven years of criminal charges against my neighbor, each with evidence, witnesses, photos and documentation provided. Nine cases. Yet the Santa Fe County prosecutor has repeatedly failed to show up for the final court case and so the charges are dismissed. I demand that the county does their job and convicts my neighbor of a fourth degree felony as the Dangerous Dog Act makes it, with the penalties of either 18 months in jail or \$5000 fine. There are no excuses this time for them to do otherwise.

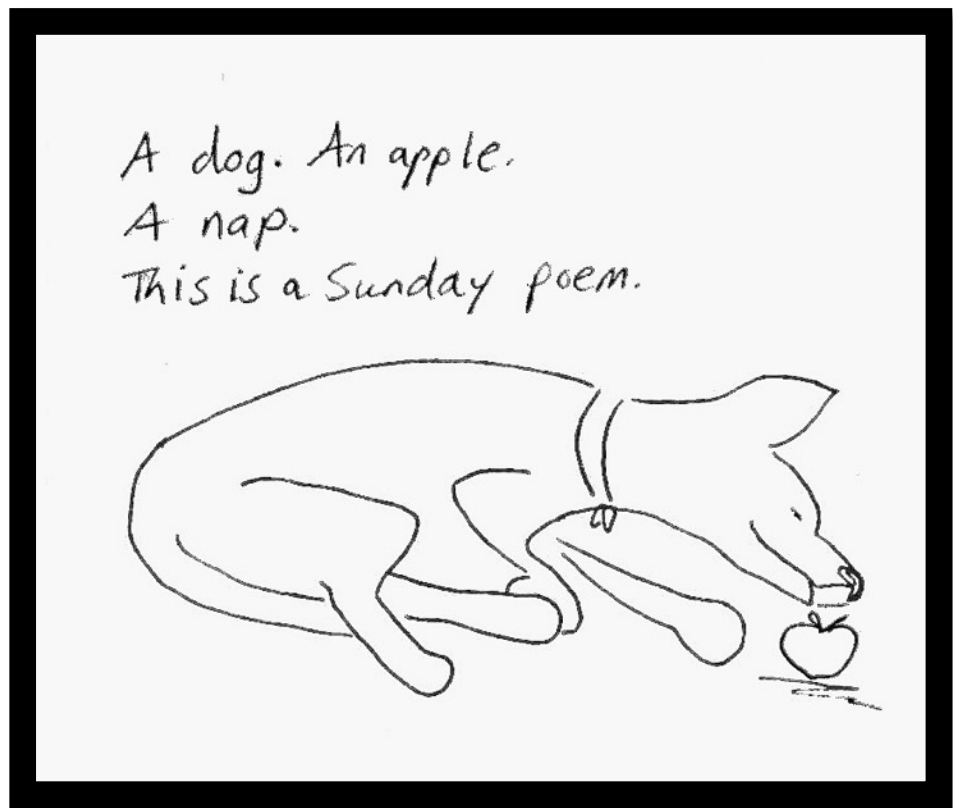
I'm here because I can't sleep, eat, or take care of myself, I can't work properly, I can't focus, and my work, my books revolve around Rosie and Harold and now what do I do with those half-finished manuscripts? With the presentations I teach? My career? And worse, I can't stop reliving the last few weeks, and I see my girl, dead, in my yard. I'm here because for the last 8 yrs. I've been under the threat of the neighbor's dogs getting loose, attacking me again, or worse, doing just this, killing my animals. At home.

And now I hate being there, at home and I'm still scared because I know the pattern, I know I'm not safe until something changes, until someone stops him.

I'm here for us to work together to stop this from happening again. For Santa Fe County to do their job, to prosecute and prevent another death. For me, the only solution is a lifelong ban on any dogs

living at that property. There is nothing else that I will accept, nothing else that will make me feel safe.

Remember Rosie and why she died but also remember Rosie and her apple. She was a silly, playful, happy eight year old pup and much loved friend. I miss her.



At the community meeting, Katie spoke up, directed her comments to the four Sheriffs and Animal Control Officers.

“Let’s be honest here. If these vicious dogs threatened your neighborhood, yours, yours, yours or yours, something would have been done to prevent this death.”

Then she turned to Dick and said, “Rosie was my friend.”

COMMUNITY MEETING QUESTIONS FOR SANTA FE COUNTY

1. What steps are you taking to prosecute Dick under the Dangerous Dog Act?
2. What guarantees will you make to show up at all required court dates?
3. As you've had time to research how Corrales implemented a dog ban for life on an owner, what are you doing to follow their example?
4. Without making excuses, will you pursue such a ban?
5. If not, how will you protect Sarah, Mo, and the community from this threat escalating again? How will you keep them safe?



MEMORIES

Road trips in New Mexico and beyond, 2015



We set out early in the morning, with Harold in the front seat, the pups in the back, a cooler of snacks and a decent map. I love the Benchmark Maps by the way, talk about detail! The NM recreation and road atlas is a full size page turning adventure, better than most novels I read. We took Highway 14 south and then headed up into the Sandia Mountains, taking the dirt road through the Cibola National Forest on NF165. I've once driven it in a snowstorm, which I don't recommend as the road hugs the side of an incredibly steep drop off, gravel roads make the surface slippery, and the views tempt you to stare off into the void.

I had to pull over. The Las Huertas picnic grounds weren't officially open but parking out of the way, we hiked up the trail and they drank from the rushing creek. Quiet and dense forest surrounded us and I felt the last few weeks of tension drain away. The dogs all listened, played and their own tensions disappeared. I stopped in Placitas for a coffee and hoped for a burrito but left with a warm dried out scone instead. I threw it out after eating only half. We drove onto Hwy 550 and took a right into the Jemez Mtns at San Ysidro and Hwy 4. I had found a network of NF dirt roads to explore before heading to the wedding in the Valle Caldera. The signs worried me when I turned onto NF 376.

Within a few miles the road turned to gravel and the canyon narrowed. Through a tunnel the sound of a waterfall stopped me. I climbed out but left the dogs inside, just a photo op as the road was surprisingly busy but it was a Sunday after all.

The road became steep with washboard gravel, dropping off into the deep canyon but then after a few miles the forest service had set up numerous dispersed campsites with parking off the road and footpaths to the river below. I fell in love. This is where I want to bring Pete and Anita when they visit in a few weeks. The red rocks above, the groves of old oak and cedar, the water racing by, the fire pits, the smell of the heat on the vegetation, and rustic tent sites reminded me of Spain. We stopped for lunch and the dogs roamed freely. Rosie swam, Ollie chased her and Harold stayed close to me. The usual river rituals for all.

We carried on up the road into the unknown and the number of other cars dropped off dramatically as the road steepened and we drove further away from Jemez and even Albuquerque. The valley opened up into meadows, creeks and aspen trees. These campsites appealed too, open and spacious with grass, places to pull up next to tents and fire pits. Perhaps then this is where we'll come back with my brother? The next hour passed quickly and I had to shift gears so to speak. A wedding called me. I didn't linger but instead we drove, parked occasionally and noted the other NF roads to explore on another visit. The devastation from the wildfires became more apparent the higher the elevation. We arrived out on Hwy 126, left towards Fenton Lake and right towards La Cuerva. Time being limited, I headed to La Cuerva and the wedding in the Valle Caldera. I'll be back though.



COURT CASE PROCESS 2019-2021

COPIES OF EMAILS SENT TO SANTA FE COUNTY, September 2019



Fwd: Dogs
1 message

Wed, Sep 11, 2019 at 9:54 AM

----- Forwarded message -----
From: **Sleam Leamy** 
Date: Wed, Sep 4, 2019 at 9:46 AM
Subject: Re: Dogs
To: John P.  [@santafecountynm.gov](mailto: @santafecountynm.gov)>

Dear Office 
Thanks for emailing me. I've been out of town but I will call you today.

Sarah Leamy


On Mon, Sep 2, 2019 at 1:35 PM John P.  [@santafecountynm.gov](mailto: @santafecountynm.gov)> wrote:
Hello my name is Officer  I wanted to follow up with you in regards to the animal attack. You can reach me at 505-992-1626. Thank you

Santa Fe County Sheriffs Office
Animal Control Division





Fwd: Dangerous dogs in Madrid.



Sep 3 at 4:33 PM

----- Forwarded message -----
From: [REDACTED] <[\[REDACTED\]@santafecountynm.gov](mailto:[REDACTED]@santafecountynm.gov)>
Date: Tue, Sep 3, 2019, 2:08 PM
Subject: RE: Dangerous dogs in Madrid.
To: nufcgirl [REDACTED]

Hello,

The meeting is still on for the 10th at 530 pm. I would be happy to arrange a one on one meeting with you though if that is what you prefer, or even answer questions via email or over the phone, whatever works best for you. Several people have asked the same question in regards to having a ban on animal ownership placed on [REDACTED] the difficulty with this is that it is not listed in our ordinance as a penalty for any sort of crime. It would be entirely up to the court system to have this approved as either a plea deal or as the penalty with a guilty conviction. This is not to say it's impossible, and it is an option that is being explored.

Respectfully,

[REDACTED]
Santa Fe County Sheriff's Office
Animal Services Division Supervisor
Office (505) 992-1626
Fax (505) 424-1230

From: [REDACTED]
To: Jeremy [REDACTED] <[\[REDACTED\]@santafecountynm.gov](mailto:[REDACTED]@santafecountynm.gov)>
Subject: Re: Dangerous dogs in Madrid.

Hello again, ACO [REDACTED]

I've just spoken to a lady in your office (at the number you supplied) - she said that you were out of the office, and she wasn't sure if the meeting that was planned for next week at the Engine House Theater in Madrid was still going ahead. I wonder if you could confirm if it is still happening, and if so, I can bring my concerns to that, rather than try to arrange an actual one-on-one meeting.

While I understand that, for now, the matter has been essentially settled by the surrendering and subsequent euthanasia of the dogs involved in the attack on [REDACTED] Rd, my concern now has shifted to what can be done to prevent the "owner" of those dogs from bringing new animals to his property. Personally, I'm not necessarily looking for jail time for this individual as I know he's in poor health, but if charges could be pursued through the court system somehow with a sentence of a lifetime ban of keeping animals, I believe that would be a just "resolution" to this tragic incident. I'm speaking only for myself; you may hear different sentiments from others in our community.

Regardless, I'm grateful for your response so far, and any advice or help you can give us going forward,

Respectfully,

Stephanie [REDACTED]

On Mon, Aug 26, 2019, 10:03 AM Jeremy [REDACTED] <[\[REDACTED\]@santafecountynm.gov](mailto:[REDACTED]@santafecountynm.gov)> wrote:
Good Morning Stephanie,

[REDACTED]
resolution. I understand that you are unable to make it today so please feel free to contact me at [REDACTED] that is my direct office number, and we can set up a meeting that is convenient for you.

Respectfully,

[REDACTED]
S
A
C
F

[REDACTED]

I feel so angry and sad for my sister and the loss of her companion, friend and pet. We visited last in 2017 to see fences and other defensive measures that had been erected to keep her and her animals safe from her neighbors pack of uncontrolled dogs. She had sold, given away most of her animals and chickens etc. The expansive open and welcoming off grid holding that I'd seen evolve over 20 years had changed. We saw the emergency services visit her neighbor twice during our short visit and I presumed things were being monitored and observed by the local authorities and were under control. Sadly not. I doubt the local authorities that she turned to previously will take further notice after the death of Rosie but if you might share or mention my post I would be grateful. You never know .Thank you.

Peter
via LinkedIn.com

Dangerous dogs



Mo

To:

Sep 29 at 11:32 AM

I am the closest neighbor to

I bought my house on 20 acres at September of 2014 with my two dogs. Since that time, for last five years I have been held hostage on my own property by pack after pack of s vicious, dangerous, deadly dogs. It has been impossible to hike my property as I wish, walk or hike with my dogs (now one dog) as I wish, invite friends, children and family to visit as I wish because of the severe fear and worry and knowing that s dogs could be let loose randomly to run free, completely unsupervised, in a pack of 4 to 6 dogs at any time.

I have personally witnessed over and over again (more times that I can even count) for the last 5 years s vicious dogs aggressively charging as a pack the fenced area that encompasses my house. Barking, bearing teeth, growling and circling the fence line attempting to break through. I have thrown rocks at them, screamed at them to go home, attempted to beat them off my fence, called animal control hundreds of times and one time I chased them with a large stick back towards s out of pure frustration and anger only to find myself being circled by the entire pack of 6 dogs.

Then on February 14th 2016 as I arrived home from doing errands in Santa Fe shortly before 6 pm, I drove up to my gate to find one of my dogs Lulu, mauled and bleeding to death outside my house fencing. I witnessed 4 of s dogs running off back towards his house. His pack of vicious dogs literally pulled her through the fencing and tore her to bits. She was still barely alive, indicating that I literally missed the attack my moments. I rushed her to our local vet Nan Hack and my lovely dog Lulu was euthanized.

Lulu was a beautiful, happy, well cared for, well behaved, nonaggressive dog I had raised since a puppy. She was only six years old on that fatal day. I loved her deeply. She and I were very bonded. She travelled with me. Moved to California and back with me. We played, had adventures, camped, dog park it, road tripped it, beached it. You name it and Lulu was always by my side. She came everywhere with me. But on that day I left her at our home, while I did my errands, and she was taken from me, murdered. She should have been safe in her own fenced yard! I should be safe in my own home!

On August 23 2019, three years later, yet another dangerous pack of s dogs were randomly let loose to kill once again. My neighbors dog Rosie lost her life in the same manner. Mauled and left to bleed to death by a pack of 4 dogs who belonged to s

I ask you. I demand of you. When will this carnage end? How many more lives will be lost and mourned? Is it only a matter of time before a person or child is mauled? Are you willing to have their blood on your hands? Your name attached to that?

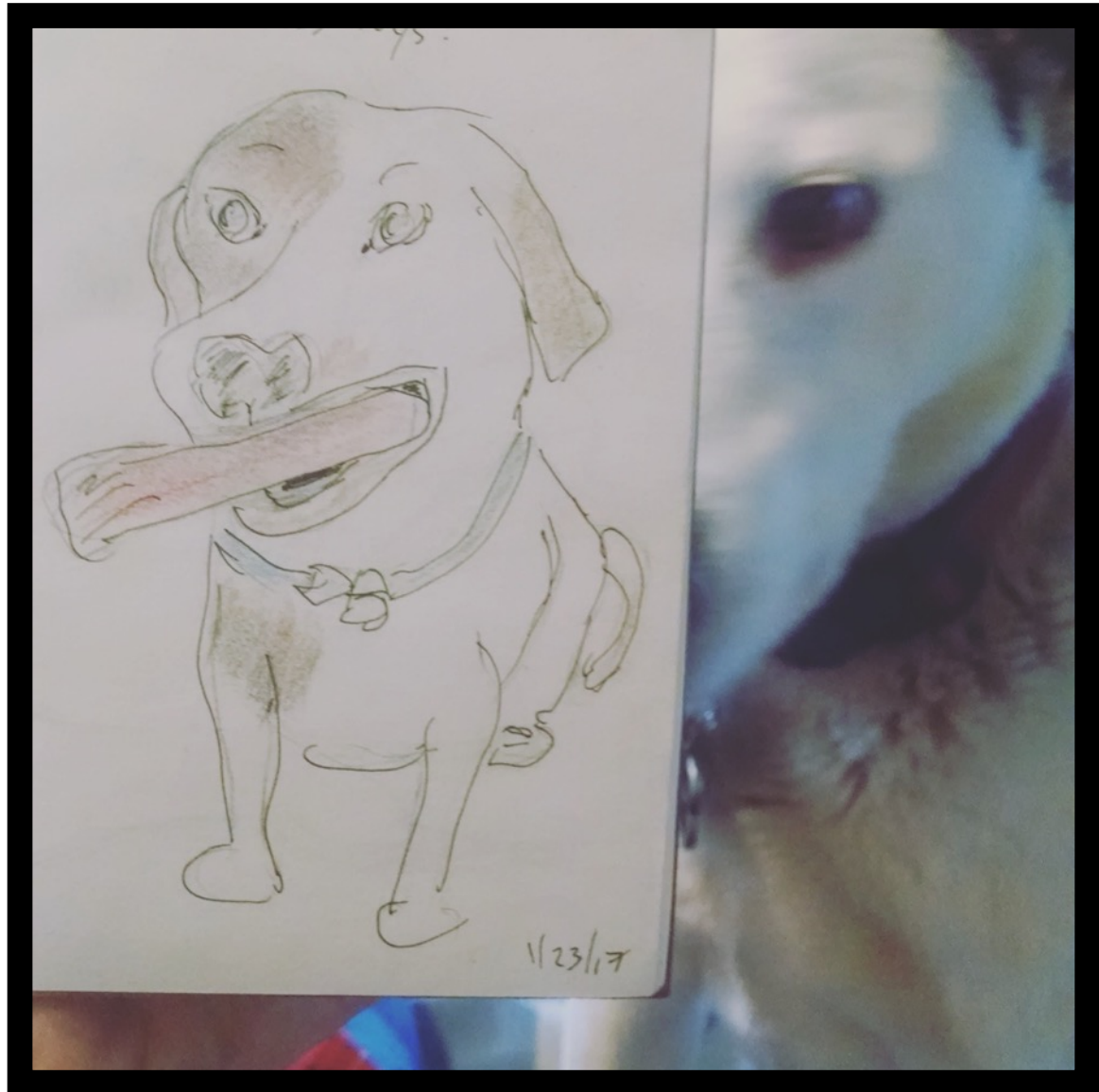
With the large amount of evidence presented to this court and with the courage and diligence of Sarah Leamy pertaining to this case, I am confident as a court of law you will bring swift justice with serious consequences to this horrible situation created by s

Sincerely,

M s

MEMORIES

SKETCHES, 2017



I have to be active, can't be consumed with the rage and grief, I can't live like that, in fight mode although I've done it before and was worn down by my righteous anger and inability to focus, to make any changes, until one day, I'd had enough and left my home and my girlfriend, just left.



The Wild Dog Road Situation

Madrid residents want ordinance strengthened after another dog mauled
A group of concerned Madrid residents meet on Sept 10 to hear from Animal Control
and the Sheriff's Office. | Karthine Lewin

By Katherine Lewin | 16 hours ago

MADRID—In the last six days, 2,000 people have signed a petition urging Santa Fe County Animal Control, the Sheriff's Office and prosecutors to take action against a man with a long history of breeding dogs that attack other dogs—and even a horse—residents of this small mountain town say.

The situation on [REDACTED] in unincorporated Santa Fe County boiled over on Aug. 23, when neighbors say several of [REDACTED] dogs charged onto his neighbor's property and mauled a dog to death. It seems to be the last straw for Madrid community members, who are frustrated with law enforcement, the county and the magistrate court for never bringing a case against [REDACTED]

On Sept. 10, Animal Control called for a community meeting, which about 40 people attended, including [REDACTED] and Sarah Leamy, who owned the dog that was killed in her yard.

Two representatives from Animal Control, Santa Fe County Sheriff Adan Mendoza and another officer led the meeting. County Commissioner Rudy Garcia and a representative from the Attorney General's Office were scheduled to attend, but didn't, according to Leamy.

The meeting grew heated quickly after Leamy read an emotional letter about the death of her dog, Rosie. Multiple residents demanded that officials stop [REDACTED] from owning more dogs.

But neither department had sufficient answers for residents. Both recommended that people take photos and videos of dogs they see roaming without a leash or acting aggressively. Animal Control can issue citations and the sheriff's office can contribute statements toward a criminal complaint, they said.

Ultimately, it's up to the Santa Fe County attorney's office to show up for trials in Magistrate Court to prosecute [REDACTED] a judge would determine whether a particular dog is "vicious." But county officials haven't done that so far, despite at least five other dogs being attacked by [REDACTED] animals, two of which were killed, residents say.

STORIES AS MEMORIES

SHARING IS CARING (From STAY, a hybrid memoir)

Rosie ate roadkill soup for dinner.

The aroma filled the apartment and the downstairs neighbor thumped her roof when the smoke alarm screamed overhead.

Should I give her some? I asked but Rosie shook her head. It was all hers.

The goose gizzards and squashed squirrel combo wasn't one I'd have thought of but Rosie claimed it was a traditional dish in these parts. These Vermonters like to add cheese—grated Cabot cheddar—to the dish once it's cooled down for 36 seconds. Rosie is very precise about us fitting in.

We don't.

Stephen asked for a glass of milk instead. Harold wanted the squirrel tail to clean his teeth with. I ate the cheese. Rosie cleaned her bowl. The snow fell.

It's all go on a Friday night in Montpelier.

In the middle of the night, Rosie woke me. She had a tummy ache. We went outside for some fresh air but it didn't quite work out like that. Rosie ran down the stairs and threw up. Outside the neighbor's bedroom window, she heaved and retched and splattered the soup bile across fresh snow. Finally Rosie came back to bed, feet heavy on the wooden steps. The neighbor thumped her ceiling once again.

I put the last of the soup in a container and left it on the downstairs' doorstep. With a note saying, Enjoy.

COURT CASE PROCESS 2019-2021

STATE OF NEW MEXICO
SANTA FE COUNTY MAGISTRATE COURT IN SANTA FE

FILED IN
SANTA FE COUNTY
November 12, 2019
MAGISTRATE COURT

Sarah Leamy, Plaintiff(s)

v.

[REDACTED], Defendant(s)

No. M-49-CV-2019-[REDACTED]
Judge Assigned: John A. Rysanek

CIVIL SUMMONS

To:

[REDACTED]

Address:

[REDACTED]

CERRILLOS, NM 87010

GREETINGS: THIS IS A COURT ISSUED SUMMONS.

A LAWSUIT HAS BEEN FILED AGAINST YOU. A copy of the lawsuit (complaint) and a response form (answer form)² are attached.

YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THE COMPLAINT WITHIN TWENTY (20) DAYS AFTER THE SUMMONS HAS BEEN SERVED ON YOU. You must file (in person or by mail) your written response with the court. When you file your response, you must give or mail a copy to the person who signed the complaint.

IF YOU DO NOT FILE A WRITTEN RESPONSE WITH THE COURT WITHIN THE TWENTY (20) DAY PERIOD, NO COURT DATE WILL BE SET, AND THE COURT MAY ENTER A DEFAULT JUDGMENT AGAINST YOU FOR THE MONEY OR OTHER RELIEF REQUESTED IN THE COMPLAINT. A DEFAULT JUDGMENT MEANS **YOU LOSE THE CASE AND YOU OWE THE PLAINTIFF.**

IF YOU DO NOT FILE A WRITTEN RESPONSE WITH THE COURT YOU MAY BE GIVING UP ANY DEFENSES YOU MAY HAVE, FOR EXAMPLE, THAT YOU DO NOT OWE THE PLAINTIFF OR THAT TOO MUCH TIME HAS PASSED.

You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at www.nmbar.org; 1-800-876-6657; or 1-505-797-6066.

You are entitled to a jury trial in most types of lawsuits. To get a jury trial, you must request one in your written response, and you must pay a jury fee when you file your response.

If you need an interpreter, you must ask the court for one in writing.

Your answer must be filed with the above named court which is located at:

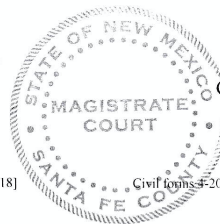
Santa Fe County Magistrate Court
2056 Galisteo St., P.O. Box 5138
Santa Fe NM 87502

A copy of your answer must be mailed to the plaintiff or to the plaintiff's attorney.

Name and Address of Plaintiff or Plaintiff's Attorney:

SARAH LEAMY

PO BOX 836
CERILLOS, NM 87010



Gabrielle Ortega, Clerk

Distribution 1 copy-Court 1 copy Service 1 copy-Return of Service

Santa Fe County Magistrate Court 2056 Galisteo St., P.O. Box 5138
Santa Fe NM 87502 Phone: 505-984-9914 (fax) 505-986-5866

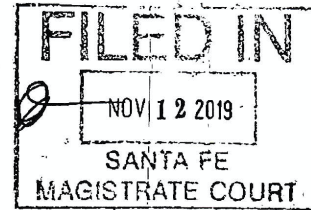
[As amended, 9/2/97; rev forms 4/4/18]
Page 1 of 6

website: www.nmcourts.gov

Civil forms 4-204, 4-301 and CV File Worksheet

Case No M-49-CV-2019-
00991

STATE OF NEW MEXICO
SANTA FE COUNTY MAGISTRATE COURT IN SANTA FE



SARAH [REDACTED], Plaintiff
[REDACTED] 4 [REDACTED], Defendant
[REDACTED], Address
CERRILLOS, NM 87010, City, State, Zip No. M49CV [REDACTED]

CIVIL COMPLAINT

1. Plaintiff or defendant resides, or may be found in, or the cause of action arose in this county.
2. Plaintiff claims from Defendant the amount of \$ 8,550 and also claims interest and court costs. Plaintiff claims from Defendant personal property of the value of \$ 258, which is described as follows: repairs to fence/property line
(safety measures)

(Please consider an injunction as fines have not helped.)

3. Plaintiff's claim arises from the following event or transaction:
Since 2011, [REDACTED] dogs have threatened + attacked [REDACTED].
Despite [REDACTED] actions, Ybarra's negligence deprived Leamy of
safety, [REDACTED] 11/9, [REDACTED] 9,
killed Leamy's dog within her fenced yard.

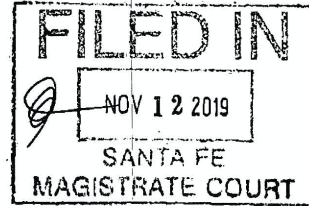
[REDACTED] filing.)

[REDACTED] language interpreter:

[REDACTED] 11/12/19

Stear
SARAH LEAMY Signed
[REDACTED] Name (print)
[REDACTED] Mailing Address (print)
CERRILLOS, NM, 87010
[REDACTED] City, state and zip code (print)
505-[REDACTED] num
[REDACTED] MAIL.COM
[REDACTED] (print)

STATE OF NEW MEXICO
COUNTY OF SANTA FE
MAGISTRATE COURT



Case No. M 49 CV 2019 [REDACTED]

SARAH LEAMY
Plaintiff

Vs

THIS FORM MUST BE FILLED OUT

[REDACTED]
Defendant

INTERPRETER FORM

1. Does any party on the case require an interpreter? ☐ Yes ☒ No
(If you answered no on the above you can skip to question 4)
2. An Interpreter is requested for ☐ Plaintiff ☐ Defendant ☐ Witness in matter
3. The type of interpreter needed ☐ Spanish ☐ American Sign Language
☐ _____ Other Language
4. Are you the ☒ Plaintiff or ☐ Defendant or ☐ Other?

Dated: 11/12/19

A copy of this request was:
☐ mailed to the address set forth below
☐ hand delivered to the address set forth below

On _____ (date) to:

☐ Plaintiff
☐ Defendant

Street address _____

City, state and zip code _____

If you are filing this form with a new case
the above box does not need to be filled out

[Signature]
Signed

SARAH LEAMY
Name (Print)

[REDACTED]
Address (Print)

CERRILLOS NM 87010
City, State and Zip Code (Print)

505- [REDACTED]
Telephone Number

MEMORIES

BEST SNOW!



It's amazing! Who knew!
Harry did, Harry did, Harry did!

The plan then is to write each day, to make a step forward in fighting Dick and the county.

Why?

Talking to a friend last night, she offered to write up her experiences with him and his dogs, the aggression and fears that came from living next door, twenty years ago. Yes. This isn't a new threat. I've lived here almost twelve years. She'd lived up here a long time ago. Mo's been here five years. Amy. Katie. We've all had to deal with this sense of being held hostage by our neighbor and his various packs of dogs. And Mo's dog died. Those dogs killed her. Rosie died. They killed her. Who's next?

Community Petition for Action against Mr Dick of In Santa Fe County, NM87010.

- Given that on August 23 2019, Dick's dogs attacked both humans and dogs at ----- and then killed Rosie, a dog on her own property
- Given that Dick is a repeat offender with a proven record of owning vicious dogs, who have attacked humans, horses and dogs in the area
- Given that when taken to court, he has removed some of the pack only to then breed more, and within two years creates another pack of aggressive running at large dangerous dogs
- Given that according to the Dangerous Dog Act, "An owner of a dangerous or potentially dangerous dog that causes serious injury or death to a domestic animal, without provocation, is guilty of a fourth degree felony"

Given that there are court records, photos, letters, and 7yrs of evidence, and that the Prosecution pursuant to this section of the act requires a showing that:

(1) an owner knew of the propensity of a dog to inflict serious injury; or (2) the dog had previously been found by a court to be a dangerous or potentially dangerous dog.

And given that another dog, Lulu, was killed on her own property at ----- three years ago and that no prosecution or conviction was made then either,

WE DEMAND THAT THERE IS A LIFETIME BAN ON ANY DOGS LIVING AT -----'dick'-----. 2669 PEOPLE SIGNED.

<https://www.change.org/p/santa-fe-county-animal-control-santa-fe-county-commissioners-justice-for-rosie-and-lulu-dealing-with-owners-of-problem-dogs>

What will it take for the authorities to stop Dick from owning dogs? I think of the Victory Dogs and how those fighting pitbulls were taken in and rehabilitated. It's not the dogs themselves that are the problem here. The common denominator is the owner. It's how he raises them. To protect his business of ...? Who knows.

MEMORIES

SKETCHES, 2017



The goal is to file a tort claim against the county this week. Or rather, I have the form, the template and the information. It's writing it out numerous times to find the right mix of legalese and personal need. Using the statutes and Dangerous Dog Act in detail, listing the number of times Animal Control's been called, the complaints, the escalation every few years, and more recently the two deaths. I'll ask why has nothing been done? Why did AC fail to show up at the final court dates? Why have they not protected us? I'll mention how I'm focused on accountability, on stopping this from happening again, and also how I'm living with the stress of being a hostage at home, unable to walk my own land, and in fear for my life.

Santa Fe County woman claims neighbor's dogs are threatening neighborhood

[NEW MEXICO](#)

by: [Francesca Washington](#)

Posted: Nov 22, 2019 / 04:33 PM MST / Updated: Nov 22, 2019 / 04:33 PM MST

SANTA FE COUNTY, N.M. (KRQE) – People in Santa Fe County say a bad dog owner has allowed the animals to roam freely and wreak havoc in the area.

One woman says the dogs killed her pet and wants the county to do something to keep it from happening again. “Two dogs are dead; that’s not funny,” says Sarah Leamy.

Sarah Leamy says three months ago, she left her In Santa Fe County property to go into town. “When I came back, I couldn’t find my one dog, Rosie,” Leamy says.

After a short search, she found Rosie’s body. “That sense of responsibility, that sense of helplessness. It’s horrendous. She was my friend,” Leamy says.

When Santa Fe County Sheriff’s deputies arrived, witnesses told them Rosie was attacked in her fenced yard by four pit bulls owned by a neighbor, Dick. “His dogs have attacked people, humans, horses, donkeys, everything,” Leamy says.

According to court records, Dick has charges for vicious animals, animal restraint violations, lack of animal licenses and rabies vaccinations dating back to 2011. All but one of those charges have been dismissed by the court, and he’s not charged in this latest case.

Leamy believes irresponsible animal owners in Santa Fe County aren’t being held accountable. “They have done nothing to keep me safe, and I wonder if they’re waiting for a human to be killed,” Leamy says.

Dick did surrender his dogs to the Santa Fe County Animal Shelter, but Leamy fears it’s only a matter of time before he replaces them. “He cycles through them, every time this happens,” Leamy says.

The Santa Fe County Sheriff's office says Dick hasn't been charged because of a lack of evidence. Leamy is now suing Dick for almost \$9,000 for the pain his dogs have caused her and to fix her fence.

MEMORIES

SKETCHES, 2016



Rosie, Rosie, Give me your answer do. I'm half crazy all for my love of you. It won't be a stylish marriage. I can't afford a carriage. But you'll look sweet, upon a seat, of a bicycle made for two.

Driving to the emergency vet, Rosie's scalp swollen, bloody and torn after a dog fight, I sang to her over and over this little rhyme, one my mum used to sing to me, making me laugh. Rosie shook on the seat next to me in the 4Runner, her white fur a mess, her eyes wide. On the highway, the roads empty, I petted my lap, once twice and she crept over, all forty pounds of akita/lab mix. She nestled in, shaking still. I sang the ditty again, *Rosie, Rosie, give me your answer do*, and she stopped shaking, her head pressed against the rumble in my chest. When I stopped, well, ran out of lyrics, she shook so I sang it again and she relaxed. For 45 minutes, I sang those three lines over and over, and my girl leaned in for more.

NEWSWEEK U.S.

NEW MEXICO NEIGHBORHOOD HAS GONE TO THE DOGS, SAYS NEIGHBOR

BY **MELISSA LEMIEUX** ON 11/22/19 AT 9:59 PM EST

SHARE

U.S. NEW MEXICO DOGS

Families living in a Santa Fe neighborhood say "bad" dog owners allowing their pets to roam freely have resulted in havoc and pet deaths, according to KRQE.

"Two dogs are dead; that's not funny," said local resident Sarah Leamy. She recounted for KRQE that she went to In Santa Fe County to visit another of her properties, then returned to discover her dog, Rosie, was missing. A search of the area eventually turned up her dog's body. "That sense of responsibility, that sense of helplessness. It's horrendous. She was my friend."

Police determined upon investigation that Lemay's dog had been attacked by her neighbor's four pit bulls in a fenced in area. These dogs are accused of roaming the area and causing further havoc, and said neighbor has vicious animals, animal restraint violations, lack of animal licenses and rabies vaccinations charges with the city dating back to 2011.

"His dogs have attacked people, humans, horses, donkeys, everything," Leamy said. Leamy also accuses her neighbor of "cycling through" his dogs, surrendering them after accusations arise and then getting new dogs.

Leamy is suing her neighbor for \$9,000 in emotional damages and to have her fence repaired. Santa Fe authorities replied to questions as to why they didn't charge her neighbor by saying that he had never been charged due to lack of evidence.

Leamy isn't the only New Mexican who's had difficulties with their neighbor's dogs.

Cathy Faber, an Eldorado, New Mexico resident, was walking her two dogs when her neighbor's Rhodesian ridgebacks jumped herself and her animals.

"The two big dogs picked up my dogs and shook their necks and they tried to kill them," she testified at a court hearing Friday.

The attack didn't stop, she said. "We had to run all the way home, about 100 yards," Faber said. "They continued to attack my dogs as we were running away. I couldn't keep up. I ran and ran and ran, and once I got to our front gate, they were still attacking my two dogs on our property."

Several New Mexican neighborhoods have experienced troubles with dog attacks lately.

"Before that — when I tried to pick up Corazon [her mixed-breed dog] — that was when one of the dogs bit me on the left hand and bit my iPhone and killed it."

State District Judge Matthew Wilson returned a request made by Faber to remove the dogs from the home of her neighbors, citing the fact that Faber named the wrong neighbor in her complaint. The neighbor claimed that they thought their dog was "only playing" with Faber and her dogs.

MEMORIES



that cat's giving me grey hair.

STORIES AS MEMORIES

(From G'dog, a collection of fables. Finishing Line Press, 2021)

A Great Plan

The dogs called a meeting to decide on how to free themselves from the tyranny of the terrible tiger. They hardly dared move off their beds for fear of this tiger, which really was only a ten pound cat called Stephen. Stephen attacked ankles, bit tails, hung off collars, ate their food right out from under the dogs noses, and dared the two dogs to do something about it.

They didn't.

Many plans were discussed but Harold didn't think much of them. Rosie was a great one for wild ideas. Harold shook his head. At last Rosie said:

I have a plan. It is very simple. I know it will succeed. All we have to do is build a wall around the tiger. When it is built, he won't be able to come into our comfortable world. He will have to fend for himself and get his own food. Our tails will be safe.

The two dogs thought long and hard. It seemed a good plan. Who can scale a wall? They wouldn't be able to, that's for sure. The dogs were surprised they'd not thought of such an easy plan before.

The two dogs built such a wall while the cat napped. They used bedding from the bedroom, pillows, cushions, coats and boots. It was a very good wall, a solid wall, a huge wall. The dogs lay down and fell asleep assured that they were finally safe from the tiger-like cat. Stephen woke up, glanced at the bedding, and hopped over. He let the sleeping dogs lie and ate their kibble. He had a plan. But that's another fable. Hold on.

It's time for lists and collecting together the stories from everyone. Its not just about me and Rosie and how Dick's dogs killed her in my yard. That is the drive forward though, to get some #justiceforRosie but it's not the end point. I want to use this experience to stop it from happening again. Up here and elsewhere. I've been looking up other cases about vicious dogs in New Mexico, finding a news paper story from 2013 and the call for stricter penalties. I've printed up the Dangerous Dog Act of New Mexico. It gives us all the rights to remove Dick's dogs, convict him of their actions but it's limited when, in a case like this, where the specific dogs aren't the issue, it's the owner who keeps raising aggressive dogs. What then? Very little. The DDA addresses incidents of certain dogs and has no bite (haha) against the repeat offender owner when the dogs aren't the same ones in each incident. I've found the Albuquerque has Angel's Law and I want to look into that in more detail. The same for Corrales, NM, who implemented a lifetime ban on a resident owning any more dogs but I can't find the story anywhere. Research. It's a time for study. I want to make a difference. Remember Rosie in another way.

MEMORIES

BEST WAY TO TRAVEL #1 (FRONT SEAT)



I don't always like to sit in the front because I get scared of bridges but when it's just a big open road, this is kinda cool when she lets me drive.

**BEST WAY TO TRAVEL #2 (IF YOU'RE NOT ALLOWED
UP FRONT FOR SOME REASON THAT YOU DON'T
UNDERSTAND)**



I'm enraged

*A gun wielding
Difficult woman
With buzzed hair
Wide stance
Hands on hips
Eyes blazing*

*Fuck you, Dick
Fuck you
And
Your
fucking
dogs*

*I won't be a victim
I won't let you win*

*Or so I yell
- whisper really-
My inside voice
And I go back to bed
With my teddy bear
John*

MEMORIES of happier times

SKETCHES, 2018



COURT CASE PROCESS 2019-2021

STEPS TAKEN TO PREVENT ROSIE'S DEATH and COMMUNITY LETTERS

ASKING FOR HELP

Throughout the years I have had a number of encounters with dangerous dogs living at the Dick residence. From approximately 1998 - 2000 I owned ----- (next door to Dick). During this time there were multiple occasions of being surrounded by three or more dogs on my own land. I needed to throw rocks and yell at them so they would not attack me.

I have been present on the land with the new owner, Mo M., when three or more dogs from Dick's residence have surrounded her fenced yard, barking, baring their teeth and posturing aggressively. I have witnessed this multiple times over the past three years.

I was present after Dick's dogs killed Mo M.'s dog Lulu, who was in her fenced yard.

Lori S.

Sept 2019

MEMORIES

BEST PLACE TO RUN ON A BEACH

PACIFIC CITY, OREGON

After a month on the road and a few nights in campgrounds with lots of rules and no no no, rosie, come, no, rosie come! It was good to be allowed to run on a beach and I'd not really seen sand like this before and so Harry told me to run as hard as I could but don't drink the water.

He was right. The water was nasty.



MEMORIES

ARTICLE FOR DIRT ROADS AND DOGS, 2016



ON CREATING A FIRST AID KIT FOR DOGS AND HUMANS WHO DRIVE THEM EVERYWHERE

Rosie and the pups ran through the trees, barking madly, chasing a rabbit. Harold yelped from the left, Rosie to the right and Ollie ran full pelt right past the quivering rabbit. I walked around Morphy lake and took in the morning damp air, breathing deeply. The dense woodland hid the mountains around this State Park, deserted at this time of year. I sat on a rock and woke up slowly. The dogs found me, all three panting wildly, lapping at the fresh water, and finally settling down at my feet. We wandered back to camp and I made coffee over a fire. Rosie sat near me, my white dog with a red chest. Red chest...****...

Rosie had a three inch gash across her chest and armpit. She licked herself but couldn't reach the bleeding hole. Oh ****, Rosie has a three inch gash! We're in the middle of the mountains. She pants and licks and pants some more. My coffee is ignored as I search the truck for a first aid kit. I've forgotten the bloody thing. Rosie and Oliver sit in the back of the truck as I scramble to find a clean cloth to clean her up. She did pretty well considering...white as usual within a reasonable time. It's the least I could do.

Yes, pack a first aid kit. I just did. I don't want to go through that again, having to worry about keeping her wounds clean. It's not the first time she's come back bleeding. Harold and Oliver, not so much, but Rosie once came back with an inch deep puncture wound in her chest from spiking herself on a branch. Oh, and she got bit on the head by a foster dog, that wasn't pretty.

Well, moving along, this Sunday morning, I pulled together a first aid kit for us, part human and part canine focused. I thought you might like to use this as a beginning for your own kit. First off, I found a clear plastic tub with a sealable lid to keep the dust out. And the mice, mice get into everything.



Then I emptied out the old metal container that I'd been using which was full of all those odds and ends collected over the years, good but not necessarily still within date. The trash pile grew on the floor and luckily enough a usable collection of goodies built up on the lid, ready to be checked off my lists.

I almost forgot to pack the spare reading glasses but then I grabbed the splinter removal kit. I'd need to see what I was doing, wouldn't I?

- anti-biotic cream
- gauzes of different sizes
- bandaids
- adhesive tape
- allergy pills
- ibuprofen
- children's aspirin (for the dogs)
- eyewash
- blunt nosed scissors
- a cold pack
- and oral anesthetic gel
- Dog specific meds f
- pain
- anti-biotics
- eye ointment
- and Rosie's knock-out pills (anti-anxiety for if she had to go to a vet.)

That day at Morphy State Park in New Mexico we ended up dressing her in a tee shirt from a friend to stop her licking the wound and simply hoping for the best. Little bugger that Rosie is, she seemed indifferent to be honest but it was a bit of a mess for a while there. Oh well, this summer, I have a first aid kit ready for her shenanigans and now nothing will happen, right? Right.

COURT CASE PROCESS 2019-2021



THE ONGOING SITUATION:

For the last decade, dogs from Dick's property run at large, unprovoked threaten or attack a human or animal. After months of regular incidents, there is an escalation and then a dog fight at which point Animal Control decides there's enough evidence or witnesses to charge Dick or his tenants. The case comes to pretrial and with enough circumstantial evidence, photos and/or witnesses, a date is set, then on that final date, the prosecutors fail to show. During this time, some of the

dogs are removed, and then more are bred from the one left with Dick, usually a female dog, or others are brought in and then within months or a year, he has another pack of pitbulls and the escalation of attacks begin again. *(See the list of court cases.)* I would like to acknowledge that around 2014 Dick built dog pens but it has not been enough. Since then, there have still be numerous dog attacks, running at large, with calls to Animal Control, Sheriffs and more court cases. Someone at the property has repeatedly let them to run at large, knowing that they are dangerous, and despite neighbors as well as myself calling to ask him to contain them.

COURT CASE PROCESS 2019-2021

ATTEMPTED TORT CLAIM, 2019

The Santa Fe County Sheriff's department (and therefore Animal Control) states that their mission is to 1. "protect and serve the people of Santa Fe County," 2. is "dedicated to enhancing the public safety and welfare of the communities we serve" and 3. to uphold and enforce the law.

On August 23rd 2019, at approx. 6pm, Dick's dogs broke through Sarah Leamy's fence/gate onto her property, attacked and killed her dog, Rosie. (Witness statements are available.) This isn't some random one-off dog fight. This is the predictable end result of the pattern of a repeat offender, one who knowingly owns and raises numerous packs of dangerous dogs. Each pack becomes vicious, and are let run at large, are unfixed, no rabies, no licenses, no restraints, and as such threaten the community. Dick's dogs have attacked humans, horses, and dogs. They have killed two grown dogs and a puppy.

The common denominator is the owner and not the specific dogs.

Dick (1955) lives at..... in Santa Fe County. Leamy (1967) lives next door.

For the last ten years, Dick has raised such dangerous dogs that have created this ongoing unsafe environment. His dogs have repeatedly attacked the following neighbors and tenants and from 2008-2019 Sarah Leamy, the plaintiff in this tort claim.

For the last ten years, they have all called Animal Control and the Sheriff's Office asking for help, threatened, fearing for their children, families, animals and even their own lives. In the last 11 months, Leamy alone has called Dispatch eight times, scared by Dick's dogs and the threat they posed. (See Verizon Records for the full ten years' worth of calls for each neighbor and tenant.) These neighbors have provided Animal Control detailed complaints, photos, paw prints, witness statements in the belief that the county would protect them.

The Santa Fe County though has failed in their duty to protect, serve, or enhance the public safety of this community.

For the five cases when AC actually filed criminal charges against Dick, AC failed to appear at the last hearing dates thus the charges were repeatedly dropped, and Dick walked away with a clean record, free to start again with a new pack of inbred pitbulls, raising them to be guard dogs yet letting them threaten lives.

SF County failed to prosecute Dick despite the ability to do so under the Dangerous Dog Act NMSA 1978 77-1A-1-6. The definitions within this act clearly label the actions and threat posed by Dick's dogs (again, this is a pattern with different packs of pitbulls with Dick being the common denominator), see Section 77-1A-2 B, C, D 1-3. SF County failed to seek the stated penalties for the prohibited acts of 77-1A-6 A3b, with this most recent death as a result. The penalties under 77-1A-6B state that who ever violates these prohibited acts (as Dick has done repeatedly with AC having the evidence to prosecute), shall be sentenced (Sections 31-19-1 NMSA 1978) as a misdemeanor for the first time and subsequent offences become a fourth degree felony (Sections 31-18-15 NMSA 1978).

Under this same Section C, it states that an owner of a potentially dangerous dog that causes serious injury or death to a domestic animal, without provocation, is guilty of a fourth degree felony (as above).

Rosie's death was unprovoked, within her fenced yard. This then is a fourth degree felony.

In order to prosecute under the Dangerous Dog Act calls for F.1), AC needs to prove that the owner knew of the propensity of a dog to inflict serious injury. Dick knew as did Animal Control given the number of complaints and threats within the last year alone. (Subpoena Dispatch's records of incoming complaints against Dick and his address. Subpoena phone records of all living or renting in the neighborhood who called AC and SO.)

In 2011, 2015, 2016, 2017, 2018 Dick was charged with owning vicious dogs, running at large, without rabies or licenses. There was no mention of the Dangerous Dog Act in those criminal charges. Each time, the case was either dismissed because the Prosecutor or ACO 'failed to appear,' and in the last case, the Prosecutor dropped the charges at the final hearing date without reason.

Thus, the attacks, threats, and deaths have not become misdemeanors on Dick's record, which would have built up to felonies by now. The lack of convictions in court is despite all the evidence and only because the representative of the Santa Fe County failed to appear. Therefore, it's clear that the county has not used all legal procedures, ordinances, nor the Dangerous Dog Act to protect and serve their community of In Santa Fe County, NM.

As a result of the county's gross negligence and inability or reluctance to prosecute Dick within the full scope of the law, he removes one pack, appeases the Animal Control Officers, and within a year, has bred and raised another pack of dogs to be vicious, dangerous and a threat to the neighborhood, with no penalties or record for his actions.

As a result, Amy S. sold her home, knowing it was unsafe to raise a family there.

As a result, Kathleen R. moved out of Cundiff's rental property.

Andrew K., Leamy's tenant, left 2 weeks after Dick's dogs killed Rosie within the yard, then threatened him through the fence that following morning.

As a result, Graham, another of Leamy's tenant in 2017, broke her year long rental agreement after her dog was attacked, the case taken to court and then dropped by the prosecutor. Again, she did not feel safe as a pregnant woman.

As a result, Mo M.'s dog died after Dick's dogs attacked Lulu on her own property, she has also lost Airbnb income, with renters leaving after witnessing Rosie's death on Aug 23, 2019.

As a result, Leamy stopped renting through Airbnb after another serious attack on Duval's horses in 2015.

As a result of the county's inability to protect Leamy or the neighbors, she is suffering acute PTSD (see medical records), unable to work or focus (see paystubs), insomnia and panic attacks. The Sheriff's and Animal Control's suggestion that she carry a gun and shoot is proof enough that they agree she is not safe, within her fenced yard, walking the rest of her 20 acres, or even using the road to reach the highway. (Their advice to shoot the dogs of a man with a long record of violence, drug and gun issues is itself not an act of protection or safety.)

The reality that she needs to be armed 24/7 in order to be safe and protected is unacceptable.

As a result of Rosie's death, Leamy's career will be affected. She is an internationally known, award-winning writer, photographer, cartoonist, publisher and presenter, whose focus has been on traveling with Rosie. Her publishing house features Rosie. Her author's photos, business cards, five books, and two in-progress manuscripts, blog, social media platform, all feature Rosie. Her classes and presentations at Overland Expo 2015, 2016, 2019 and the arranged class in 2020, all feature Travels with Rosie.

She has lost rental income, and Airbnb business income. She can't in good conscience rent out her home nor sell the 20 acres, studio and off-grid home.

After Rosie's death within her fenced yard, has reinforced that she is not safe at home. As stated earlier, Sarah Leamy is suffering from severe PTSD. With good cause, Leamy fears for her other domestic animals. She is scared of other people's dogs. She fears for her life.

DENIED

MEMORIES

ROSIE'S FIRST DAY WITH US



MEMORIES

JOURNAL, 2016

2016

Feb 8th [redacted] • lower msg threatening to
take care of Ollie if coming over into town

Feb 13th [redacted] dogs kill Lulu (M's dog @ 121)

Feb 11th 1 surrendered Ollie to shelter

Feb 23 1 call AC / Dupont re being dogs

Feb 25th 2 sheriffs / 2 [redacted] units go to [redacted]

Feb 29th [redacted] dog fence fight at mine
1 call AC + ask for trap. Nothing.

March 5th [redacted] dog at fence on her own.
(Sunday) photos. emailed to Pabito / Stefanie
AC called. 2 officers, Lewis +
Romero (?). Set up trap.

March 7th [redacted] female - fence fight with
[redacted] little dog. She shot warning shots.

MEMORIES

BEST KIND OF TABLE TO SIT ON #1

A PICNIC TABLE IN CAMPGROUND IN COLORADO



I didn't like getting wet feet and it was raining. It seemed like the best place to be. The food was an added bonus.

COURT CASE PROCESS 2019-2021

Neighbors affected by the neighborhood aggressive dogs

- Mo M. Her dog was killed 2/16, no follow through from AC. On night Rosie was killed, she had Airbnb guests, they were attacked, heard Rosie being killed. Sheriff has statement as does Mo. See Police record.
- Amy S: Previous owner NEXT TO DICK. Her dog was attacked on their property. I broke up the fight, took her to vet, charges made, no show from the prosecutor. Her partner Brandon was bitten by Dick's dogs in front of him in 2014.
- Andy K, rented RV space/tenant. Witnessed the dogs at large, scared to leave RV the morning after the dogs killed Rosie as they were at the back gate going wild, barking, woke him up. Ongoing fear of being outside fenced acre.
- Sarah G, tenant in my home. Her dog was attacked, file made, no show from the prosecutor. She left the rental early.
- Richard D– near by. He, his wife, his dogs and horses were attacked in 2015? One of the last big cases on the public records. No show prosecutor.
- Katie R- rented on near by with her aging father and their dog in. Attacked the running at large dogs numerous times. Called AC. No action taken by them.
TOLD TO GET A GUN.

COURT CASE PROCESS 2019-2021

EXHIBITS: Photos

DOGS AT LARGE

2015 This dog belonged to “A.Hole”, the “caretaker” and she was an aggressive intact female who bred multiple litters while living at Dick’s. She had pushed her way onto my place and acted menacingly.



2016: Solo male intact Pitbull that threatened me while I tried to open my gate to drive to work. He ran back towards Dick’s property.

COURT CASE PROCESS 2019-2021

A LIST OF RELEVANT COURT CASES AGAINST DEFENDANT

2010: M-49-FR-20100----

Charges of controlled substance, Under the Influence, Deadly weapon.

(Included here because of the officer's comments: "CONCERN FOR COMMUNITY DUE TO DEFENDANT BEING UNDER THE INFLUENCE OF ALCOHOL AND ALSO DRUGS AND BEING IN CONTROL OF A WEAPON.")

2010: D-101-CR-20100----

Charges of felony controlled substance, Under the influence, and negligent use of a deadly weapon. *(As Above for reasons to be included.)*

2011: M-49-MR-20110----

Multiple charges of vicious animals, rabies, license, dogs running at large.

2015: M-49-MR-20150----

Multiple charges of vicious animals, running at large, rabies, licenses.

2016: M-49-MR-20160----

Multiple charges of restraint of animals, rabies, licenses.

2017: M-49-MR-20170----

Multiple charges of vicious animals, restraint of animals, licenses, rabies.

2019: M-49-CV-20190----

Private nuisance charge.

Dec 2nd 2019, Dick's response to current court case; "I no longer own any pets/dogs... I do not plan on owning any other dogs."

ONE MONTH LATER

2020: M-49-MR-2020----

Multiple charges of vicious animals, dogs running at large, restraint of animals, rabies and license. (Guilty for vicious animals, Sept 2020.)

2020: M-49-MR-20200----("A. Hole.", resident at Dick's)

Multiple counts of vicious animals, running at large, restraint of animals, rabies, licenses. (Guilty for running at large, restraint. Sept 2020)

ALL THESE ARE PUBLIC RECORDS.

MEMORIES

BEST KIND OF TABLE TO SIT ON #2

A PICNIC TABLE WITH A CAT AND LOTS OF FOOD AND STUFF ON IT

Stevie's first day camping and he didn't know what to do so I showed him.
Run. Sleep. Eat. Sleep. Beg. Run.



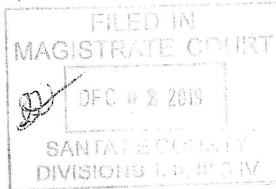
COURT CASE PROCESS 2019-2021

STATE OF NEW MEXICO
Santa Fe County Magistrate Court in Santa Fe

Sarah Leamy, Plaintiff(s)

v.

██████████ Defendant(s)



Nov 2019

No. M-49-CV-2019-██████████

ANSWER TO CIVIL COMPLAINT

1. The Plaintiff (is) (is not) entitled to the amount claimed because:

I have complied with my neighbors wishes and gave up all of my dogs. I no longer own any pet dogs. I have not been provided with any proof that my dogs injured any others or damaged the fence. I do not plan on owning any other dogs.

2. The personal property claimed by Plaintiff should not be turned over to Plaintiff because:

3. (If applicable) Defendant asserts the following counterclaim or set-off against Plaintiff:

4. Trial by jury (is) (is not) demanded. (If Plaintiff has already demanded trial by jury, as indicated in the complaint, a jury will be provided automatically and you need not fill in this item. If Plaintiff has not demanded trial by jury, you may do so here, but if you do you must pay an additional cost upon filing this answer.)

5. (Check if applicable.)
[] Defendant requests a _____ language interpreter:

Date: Nov. 30, 2019

[Signature]
Name (print)
██████████
Mailing Address (print)
Cerrillos, NM 87010
City, state and zip code (print)
██████████
Telephone number
E-mail address (print)

USE NOTES

1. ██████████
2. This request must be served on all other parties pursuant to Rule 2-203 NMRA or Rule 3-203 NMRA. See also Rule 2-307 NMRA for how motions are presented to the court.

Distribution 1 copy-Court 1 copy Service 1 copy-Return of Service
Santa Fe County Magistrate Court 2036 Galisteo St., P.O. Box 5138
Santa Fe NM 87502 Phone: 505-984-9914 (fax) 505-986-5866

[As amended, 9/2/97; rev forms 4/4/18]
Page 5 of 6
website: www.nmcourts.gov

Civil forms 4-204, 4-301 and CV File Worksheet
Case No M-49-CV-2019-00991

YET IN January 2020: Another three dogs attacked Sarah Leamy and her senior dog.



2020 Court case. Dick was found **Guilty** of owning vicious dogs. Oh, a little bitty fine. Free to carry, Dick.

Yet there was never a case against the neighbor for Rosie's death.

MEMORIES, 2014

Dirt Roads and Dogs. WYOMING, 2016

SARATOGA: It's perfect, for the first time on the trip I truly relax.

The free BLM campground was so flooded that I took off my boots and waded through the river with the dogs, batting away the mosquitos, just because we could. Then I got back in the van, loaded up one two three critters and headed back to the local campground on the lake. For only \$7 per night it was well worth it, spacious and open with so many different kinds of bird and waterfowl that I sat at night with a cuppa tea happily watching all the activity.

Town itself has two branches of the North Platte River, high with snowmelt, running and flooding through the parks and town of 1692 population and a through fare of visitors and truckers on this small highway. The Hobo Hot Springs made my day; tiled swimming pool sized hot tub that overflows into the river, shaded by cottonwoods, cleaned by the town, open and airy with hot showers and all this for free? Yes, perfect, especially since I followed this with a visit to the local microbrewery and chatted to Tammy and Jasmine. An entertaining few hours listening to their stories brought a smile to my face.

Saratoga is definitely one of those hidden gems.



ATLANTIC CITY: I'd heard of it but I couldn't remember where or why so I decided that was next on the list. Another day's drive of about 150 miles brought us out on high range BLM land near the Wild River Mountains. The gravel road took us past a couple of campgrounds but they were crowded. Not my style at all. Into town we drove, just to see the small mining town of 57 that has been a booming gold mining town that came and went a few times over time. There is a dark and crowded tavern, which tempted me, but first I needed to find a campsite for the night. Dispersed camping on BLM was the plan. I stopped out of town a few times, walking around, but didn't feel safe in the trees and

steep valleys. I took the loop road to the northeast and came out on open rangeland I pulled off

and parked up, letting the critters out to explore. We were so high and exposed that the wind did quite a number on my hair, but crazy works for me...

JACKSON HOLE: On the way to Jackson Hole we pulled off Hwy 28 and onto FS 30530 and followed the gravel road a mile or so back past other campers and found a place off to the side in a meadow. Perfect. Again though, with trees near by, little Stevie wants to run and hide in the forest, which makes me nervous. I can't see what's out there, what's watching us. On open rangeland I'm most relaxed. The steep valley made the campsite a tad claustrophobic for me and there was more traffic than I'd like but we still got to relax, make a fire, walk all three critters and sleep well.





I'm happy to be in a van, everywhere I look and everything I read warns of Bear activity. Be Bear Aware! Yikes. Not my happy place. I carry a bum-bag as we call them in England, one with the Spot GPS tracker, a knife, the bear spray, camera, and water. That is my standard walking gear nowadays.

Tall trees, small meadows, and flooding rivers, that's Wyoming. I love it.

GRAND TETONS: A back route into the park took us past Rendezvous Park on Snake River so I of course pulled over and let the dogs out, but not Stevie. I'd done laundry in town, grabbed a coffee, and now felt suitably relaxed enough to stop and walk the pups. The cloud cover was so low that the Tetons hid out of sight completely. The Wilson-Moose road appealed for the name and that is had signs all over saying 'extremely narrow and winding road'. It wasn't that bad! Nothing compared to most places I've driven. Anyway, it's a great little road through the valley at the base of the Tetons, still hidden the buggers. No big game to be seen just birds and squirrels but hey, that's okay by me! The windows were open, the temperature just perfect, and there we were driving through the Grand Teton National Park in a van with no time limits or deadlines. Life is good.

Jenny Lake was stunning, deep, wide, dramatic, and fed by waterfalls and glaciers. Yep, if it weren't for all the other pesky tourists taking photos like me, I'd have stayed! Oh, but for the fact that dogs are only allowed in parking lots, vehicles, and turnouts. No walking the pups here. I had a plan though, to have lunch on the east side in the Bridger-Teton National Forest. Yep, if you head back south on 191 towards Jackson, you'll see a sign for Two Ocean Lake and that gravel road takes you up and back into the forest. Dogs free. Sandwich. Cat free. Cuppa tea. Breaktime!

Snake River Brewery in Jackson called my name and there we headed once all the critters were worn out. Outside the brewpub were signs declaring no dogs allowed. That put me off but since it was still a cool wet day the critters were fine in the van for an hour or so. The brewery was

established in 1993 and obviously is doing great! Two stories of a warehouse size building, the bar itself had enough space for over twenty of us I'd guess plus tables and restaurant business filled to the brim. It was loud, vibrant, and packed completely. Yep, a good Sunday afternoon beer sounded perfect to me. The Rolling Thunder German style lager was just right.

Frank on my left swapped stories with me the whole time. Frank was about my height and build, in his mid fifties with bright blue eyes. He's been in the area since 1979 and raises sled dogs. He's famous for it apparently and has over 200 at his property, not that he sells them, but they are raised to work and when they no longer can, he keeps them at home in a doggy retirement community. Fascinating man. Time went fast and my notebook filled up with his suggestions for small towns and local hot springs in Montana and Idaho.

The GPS coordinates for the BLM campground near the river brought me out at some gated communities so that didn't work. I backtracked up into the National Forest, looking for an empty dispersed campsite but suddenly came across Slide Lake and the Atherton Campground. The windows look out over the lake as the sun sets and I fall asleep before dark. As usual.

For only \$12, I have a table, fire pit, potable water, bathrooms, and I'm ten feet from a lake. Sweet...and this is my office for the morning! Ducks, sunshine, chai, free critters, and an omelet to set me up for the day. Okay. I can do this. Stevie runs into the trees; I take a deep breath and then make chai. The sound of spoon on a tin of wet cat food brings him back inside.

YELLOWSTONE NATIONAL PARK: If you like to be enclosed by tall lodge-pole pines on a highway full of RVs, trailers, and vans like mine, you'll love it. I didn't. I couldn't wait to get out. It was a long wait. The road from Atherton Campground back to Hwy 191 is paved but slow, incredible views though as the clouds lifted. The main highway north was slow too, the bison crossed in front of us, the deer and antelope played in the meadows and then we hit Yellowstone and the trees began. For hours we drove through the mountains and forests towards Old Faithful and the Geysers. There are no views worth mentioning as the trees lined every mile northwest. The park had put in many a turnout but why bother, you couldn't see anything?

Finally we got to the Old Faithful, and the parking lots were full, on a Monday in June, it was packed. I drove around and found somewhere, opened the windows, and took a wander. Old Faithful was to spout off again in half an hour so I felt I should stay. I stayed, not feeling the magic. I just wanted to get out of there. Not good...I took the damn photo and left as soon as I could. Choices, choices.

North of there was the turning to the west entrance or I could head further north to the hot springs and the north entrance into Gardiner. I got out. Within 30 miles I drove through wide-open valleys with lush meadows and rushing rivers, my kind of happy. West Yellowstone town was right there at the exit and as much as I wanted to get some shampoo and a six pack I drove through town knowing I can come back in the morning. Yep. Freedom from those bloody trees.

Hebden Lake is about 12,350 acres, wide and deep blue, with mallard ducks, and yes Grizzlies. There are signs everywhere for the grizzlies. I'm not impressed. So even though I'm on the edge of a lake, with incredible views, I'm inside and not by a campfire. Not tonight anyway. We all hung outside, the critters walking and sniffing but as the evening falls we head inside the van for safety and warmth. Two others are camped here, both in vehicles on long road trips so we chat a while before hiding out for the night. Time to read maps and play with my routes and plans for the next week. Heading West.



COURT CASE PROCESS 2019-2021

EXHIBITS: PREVIOUS COURT CASES TO PROVE THAT THIS IS AN ONGOING SITUATION

Name Search	Case Number Search	DWT Search	Case Detail
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State of New Mexico v. [REDACTED]

CASE DETAIL									
CASE NUMBER	CURRENT JUDGE	FILING DATE	COURT						
M-49-MR [REDACTED]	Sena, Donita O	01/14/2020	SANTA FE MAGISTRATE						

PARTIES TO THIS CASE				
PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME	
D	Defendant	1	[REDACTED]	
OF	Officer	1	BAKER BAYLEE OFC	
P	Plaintiff	1	STATE OF NEW MEXICO	
ATTORNEY: PRUCINO ROGER L				

CRIMINAL CHARGE DETAIL										
PARTY	COUNT	SEQ #	STATUTE	CHARGE	CLASS	CHARGE DATE	CIT #	PLEA	DISPOSITION	DISP DATE
D 1	1	5	Santa Fe 1991-6-5-4	VICIOUS ANIMALS	PM	01/05/2020		Guilty	Conviction - Plea	09/14/2020
D 1	2	4	Santa Fe 1991-6-5-1	DOGS RUNNING AT LARGE	PM	01/05/2020		Not Guilty	Dismissed by Prosecutor Per Plea Agreement	09/14/2020
D 1	3	4	Santa Fe 1991-6-4-4	Restraint of Animal	PM	01/05/2020		Not Guilty	Dismissed by Prosecutor Per Plea Agreement	09/14/2020
D 1	4	4	Santa Fe 1991-6-4-1	RABIES VACCINATION	PM	01/05/2020		Not Guilty	Dismissed by Prosecutor Per Plea Agreement	09/14/2020
D 1	5	4	Santa Fe 1991-6-4-5	ANIMAL LICENSE REQUIREMENTS	PM	01/05/2020		Not Guilty	Dismissed by Prosecutor Per Plea Agreement	09/14/2020

HEARINGS FOR THIS CASE						
HEARING DATE	HEARING TIME	HEARING TYPE	HEARING JUDGE	COURT	COURT ROOM	
09/14/2020	10:30 AM	Sentencing Hearing	Sena, Donita O	SANTA FE MAGISTRATE COURT	Courtroom 2	
07/06/2020	10:30 AM	Sentencing Hearing	Sena, Donita O	SANTA FE MAGISTRATE COURT	Courtroom 2	
06/01/2020	9:30 AM	Status Hearing	Sena, Donita O	SANTA FE MAGISTRATE COURT	Courtroom 2	
02/24/2020	8:30 AM	Pre-Trial Hearing	Sena, Donita O	SANTA FE MAGISTRATE COURT	Courtroom 2	
02/03/2020	8:00 AM	Arraignment	Sena, Donita O	SANTA FE MAGISTRATE COURT	Courtroom 2	

REGISTER OF ACTIONS ACTIVITY						
EVENT DATE	EVENT DESCRIPTION	EVENT RESULT	PARTY TYPE	PARTY #	AMOUNT	
09/21/2020	NCJ: JUDGMENT AND SENTENCE		D	1		
	Amended					
09/14/2020	Agreement to Pay Mailed to Defendant		D	1		
	Defendant to pay in full within 30 days per payment plan					
09/14/2020	NCJ: JUDGMENT AND SENTENCE		D	1		
09/14/2020	WAIVER OF COUNSEL FILED		D	1		
09/14/2020	PLEA & DISPOSITION AGREEMENT FILED					
09/14/2020	GUILTY/NO CONTEST PLEA PROCEEDING FILED		D	1		
08/13/2020	NTC: OF HEARING					
	Sentencing hearing set for 9/14/20 @ 1030am					
08/13/2020	RPN: GENERAL REOPEN					
07/29/2020	MTN: MOTION					
	motion to reopen					
07/06/2020	CLS: DISMISSED WITHOUT PREJUDICE					
	Lack of prosecution					
06/01/2020	NTC: OF HEARING					
	Sentencing Hearing set on 7/6/20 at 10:30am					
04/28/2020	NTC: OF HEARING					
	Status hearing reset to 6/1					
04/28/2020	ORD: FOR CONTINUANCE		D	1		
	status hearing set for 5/4					
04/23/2020	MTN: FOR CONTINUANCE		D	1		
	Status hearing set for 5/4					
03/17/2020	NTC: OF HEARING					
	Status hearing 5-4-20 @ 9:30am					
03/17/2020	ORD: GRANTING					
	continuance					
03/16/2020	MTN: FOR CONTINUANCE		D	1		
02/24/2020	ENTRY OF APPEARANCE FILED		P	1		
02/24/2020	NTC: OF HEARING					
	Status Hearing set 3/23/20 at 9:30am					
02/03/2020	NTC: OF HEARING					
	Pre-Trial Hearing on 2/24/20 at 8:30AM					
02/03/2020	ORD: SETTING CONDITIONS OF RELEASE					
	Standard conditions					
02/03/2020	ADVISEMENT OF RIGHTS READ					
01/16/2020	Summons Issued - Arraignment/First Appearance					
	Arraignment on 02/03/2020 at 8:00AM					
01/14/2020	STATEMENT OF PROBABLE CAUSE					
01/14/2020	OPN: CRIMINAL COMPLAINT FILED					

JUDGE ASSIGNMENT HISTORY			
ASSIGNMENT DATE	JUDGE NAME	SEQUENCE #	ASSIGNMENT EVENT DESCRIPTION
01/14/2020	Sena, Donita O	1	INITIAL ASSIGNMENT

[Return](#) [Print](#)

MEMORIES

BEST THING TO DO AFTER DRIVING ALL DAY

EXPLORE!

I get kinda crazy if you make me sit for too long but it's okay because we always stop in the best places where I can run and run and run and I don't get into trouble.



COURT CASE PROCESS 2019-2021

SANTA FE COUNTY ANIMAL ORDINANCE NO. 1991-6

ANIMAL CONTROL

ARTICLE 1: GENERAL PROVISIONS

1.2 Definitions:

P. "Owner" means a person who owns, has, keeps, harbors, or knowingly permits an animal to remain in, on, or about his premises.

R. "Run at large" means to be free of control beyond an enclosed lot or the premises or vehicle of the owner.

U. "Vicious animal" means any animal which bites, has bitten, or in any manner attacks or attempts to attack or bite any person. "Vicious animal" also means any animal which, unprovoked, kills or maims any animal owned by a person.

4-4 RESTRAINT OF ANIMALS

A. All persons owning or having charge, custody, or control of any animal shall keep such animal restrained to prevent damage or harm to people and property.

B. The owner of a dog shall not allow it to run at large or create a nuisance on another's property, be it public or private.

C. Any animal trespassing upon private or public property shall be deemed prima facie not to be under the immediately control of the owner

ARTICLE 5: PROHIBITED ACTIVITIES

5-1 DOGS RUNNING AT LARGE

Any dog permitted to run at large in violation of this Section is declared to be a nuisance,

5-4 VICIOUS ANIMALS

It is unlawful for any person to keep or harbor a known vicious animal in the County. Any attack by a vicious animal or any animal displaying traits of a vicious animal may be repelled by the use of reasonable force.

5-5 ANIMAL DISTURBING THE PEACE

A. It is unlawful for any owner to allow any of his animals to otherwise endanger the health, safety, and welfare of the inhabitants of the County.

B. Violations of this Section shall constitute a nuisance.

I then found paperwork on how to sue a neighbor. Reading this, then back online, and then finding the best wording from the Santa Fe County Animal Ordinances.

If You Have a Problem with a Neighboring Property

Find others concerned about the problem and enlist their help.

Make sure police are informed in detail.

1. **Report incidents when they occur.**
2. **Keep activity logs or diaries**
3. **Encourage civil abatement action.**

Consider direct contact with the property owner.

1. **Use tax records to find the owner.**
2. **Contact the owner.**
3. **Describe events.**
4. **Give police references.**
5. **Help locate criminal records if appropriate.**
6. **Share activity logs.**

Enlist the help of others.

1. **Remind others to call.**
2. **Call the Housing Authority.**
3. **Call code inspection.**
4. **Consider calling the mortgage holder.**
5. **Write letters.**

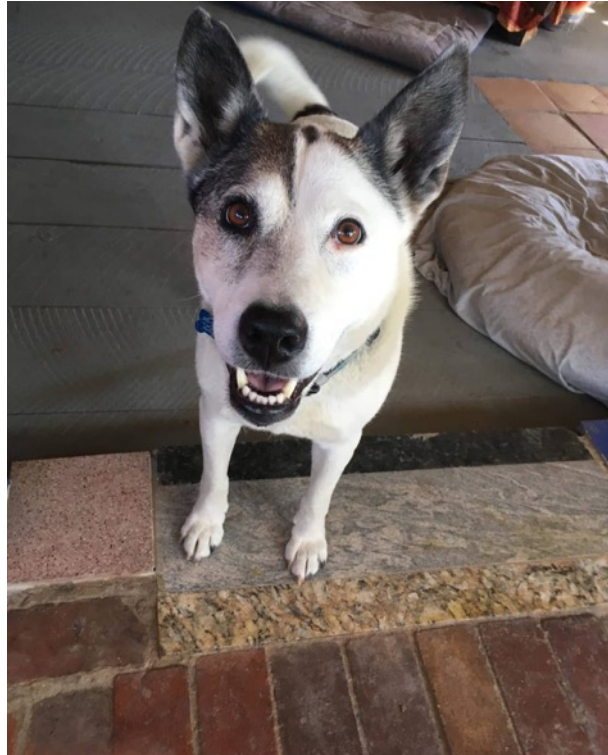
Two strategies of last resort.

1. **Consider getting the media involved**
2. **Start legal action against the property owner.**

MEMORIES

July 2017. Rosie.

7th August 2019: Author Photograph by
Eric Cousineau



COURT CASE PROCESS 2019-2021

EXHIBIT: Paperwork submitted in summer of 2020 for the trial.

STATE OF NEW MEXICO
COUNTY OF SANTA FE, NM.
IN THE MAGISTRATE COURT

NO. M-49-CV-2019-0-----
LEAMY, SARAH (PLAINTIFF) vs. "DICK", DEFENDANT)

PLAINTIFF'S WITNESS AND EXHIBIT LIST – AMMENDED 9/14/2020

For their witness list, the Plaintiff may call upon the following witnesses:

1. Amy S.

Santa Fe, NM 87507

Amy S. is expected to recount her experience living next door to Mr Dick and his dogs from 2011 to 2014. The dogs from Mr Dicks attacked and bit her partner, Brandon, in front of Dick, ripping Brandon's pants and puncturing his thigh in multiple places. She will detail the numerous times her dogs were attacked by packs of pitbulls, the steps taken to address the problem, the effects on her, her animals, and her decision to sell and move as a result.

2. Mo M.

Santa Fe County, NM 87010

Mo M. is expected to talk about her experiences as a neighbor with packs of Pitbull mix dogs from Dick's property attacking her, her dogs, her guests at the Airbnb, and the steps she's taken to address these threats. Mo will describe how the situation with Dick has affected Leamy in that she feels she can no longer safely use, enjoy or access her own property. Mo has worked with dogs in animal shelters, rescues, and as for her own business for over 20 years, and as such understands dog behaviors, pack dynamics, and can recognize easily individual dogs and their characters.

3. Tracy R.

Cerrillos, NM 87010

Tracy R. is expected to talk about her experiences as a friend over the last 10 years and employer from 2018-2020. She'll address the pattern of random dog attacks, Leamy's attempts to create a safe space for herself on her own property, the steps taken with Animal Control to address the constant threats, and how Leamy has been significantly affected at work and at home. Tracy has rescued and raised dogs, especially pitbulls, for over 20 years and as such, understands the consequences of bad conditions, lack of training, and how aggressive dogs are a result of the owner and not the individual dog.

4. Kathleen R.
Cerrillos, NM 87010

Kathleen R. will talk about her experiences as a renter in the vicinity, how she and her elderly father and their dog had repeat encounters with aggressive packs of pitbulls and her attempts to ask Dick to take control of those dogs. She is expected to talk about witnessing the stress of living next to aggressive dogs who randomly run at large, threaten and attack Leamy and her own pets, the steps Leamy has taken, the death of Leamy's dog, Rosie, and the long term affects of such trauma. Kathleen has worked with dogs in rescues and personally and knows how the role of a bad home situation can have on dogs' behavior and the threat that imposes on the neighborhood.

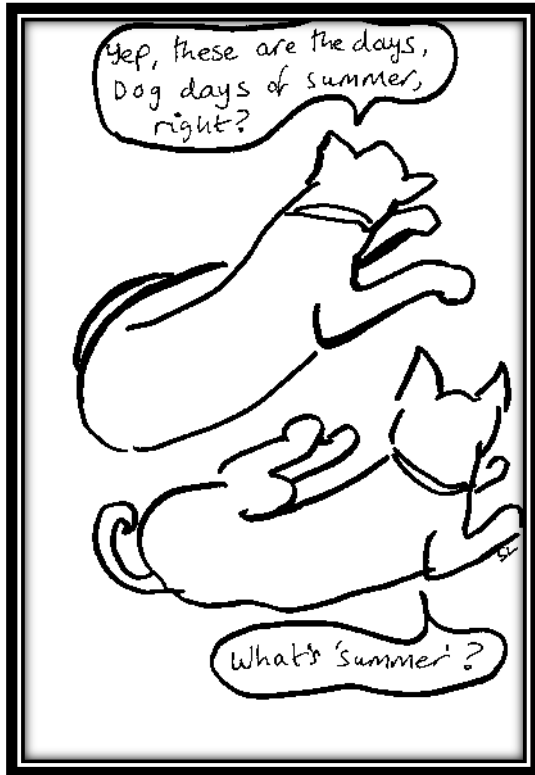
5. Rebecca N.
Cerrillos, NM 87010

Rebecca N. is expected to address her long term friendship with Leamy and the changes she witnessed in Leamy's ability to use her own 20 acres safely due to the pattern of aggressive and dangerous dogs running at large, dogs that come from and return to Dick's property next door. She will also describe her experiences when pet sitting at another neighbor's in the vicinity with a pack of pitbulls who attacked her friend's dog in 2010. She will talk about how the long-term stress and trauma has affected Leamy emotionally and socially. Rebecca has worked as a dog trainer, as well as rescued and raised numerous dogs and knows that keeping multiple dogs in one home takes training and commitment to being responsible for their dynamics inside and outside the home.

For their Preliminary Exhibit List, the Plaintiff may use the following exhibits:

1. A map of the plats for ---- Road to help show the location and proximity between Leamy, Dick, and Mo M..
2. Photos of the various packs of dogs at Leamy's property since 2014 to Jan 2020.
3. Photos of Leamy's own dog Rosie in life and after she was apparently killed by a pack of dogs on Aug 23, 2020.
4. A list of out-of-pocket costs.
5. Court cases from 2010-2020 against Dick which are related to either the risk of his retaliation against Leamy or on repeated vicious dog related charges.
6. Copies of Statements submitted to the 2015 case # M-49-MR-20150----, relating to dog attacks leading up to the attack on Richard D, his horses and dogs nearby.
7. Copies of letters sent to Animal Control, Santa Fe Animal Shelter, rescues, NM Animal Protection Services, local journalists at newspapers, radio stations, asking for help with the pattern of the neighborhood dog pack attacks, their removal, and then the repeated rebreeding/replacement of more aggressive dogs at Dick's property.
8. List of all neighbors and tenants who have been attacked by packs of pitbulls running at large since 2010.
9. Medical records re PTSD evaluation and recommendations.
10. Copies of the statement given to the police from two Airbnb guests who were attacked by a pack of four pitbulls while staying at Mo M.'s home on the same evening that Rosie, Leamy's dog, was killed.
11. Receipts from hard costs/out of pocket costs.

STORIES AS MEMORIES



LAST DAY¹

The morning was chilly after the monsoons, and a mustard yellow Mexican blanket was tucked around bare shoulders. You lay in bed with Rosie curled up against your belly, her apple tucked under paws. Harold lay along the length of your back. Little Stevie walked along the ridge between, purring to himself. You didn't move. The dreams faded. The cat licked your nose. There was no better way to wake up from a nap. You can relax now. No rush. No rush.

¹ From STAY, a hybrid memoir

Correspondence with Airbnb (part 2)



Mo

Aug 24 at 3:39 PM

August 23, 2019

Hi Charles, I'm just checking with you all. Everything ok? Did you happen to see animal control come by the neighbor?

Hi Mo,

Thanks for checking on us.

I did not see animal control, but it's possible they came.

I will be contacting them myself tomorrow morning, AFTER our departure so as not to rouse the neighbors.

I sincerely ask that this situation is not escalated while we are on the premises, as we do not know the 'tenor' of the dog owners.

I will say as a homeowner in New Mexico that this a HUGE liability for you as a renter, and I sense and appreciate that you grasp the gravity of the situation, both for the safety of your guests and the safety of their animals.

These four pit bulls were literally circling the property trying to attack.

We do live outside of Taos and are quite use to 'wild' dogs, coyotes etc...

I can assure you this is a very different situation.

Thanks,
Charles

The night Rosie died, two guests at the neighbor's Airbnb were attacked by a pack of pitbulls. Their police statement is clear evidence that Dick's dogs were out and vicious that night, they heard Rosie being killed.

YET Santa Fe County said there was no evidence and never filed charges against Dick.

MEMORIES

COLORADO, 2014



COURT CASE PROCESS 2019-2021

ARTICLE 1A Dangerous Dog

77-1A-1. Short title.

This act may be cited as the "Dangerous Dog Act".

77-1A-2. Definitions.

As used in the Dangerous Dog Act:

A. "animal control authority" means an entity authorized to enforce the animal control laws of a city, county or state, whether acting alone or in concert with other governmental authorities. In those areas not served by an animal control authority, the sheriff or municipal law enforcement shall carry out the duties of the animal control authority under the Dangerous Dog Act;

B. "dangerous dog" means a dog that caused a serious injury to a person or domestic animal;

C. "owner" means a person who possesses, harbors, keeps or has control or custody of a dog or, if that person is under the age of eighteen, that person's parent or guardian;

D. "potentially dangerous dog" means a dog that may reasonably be assumed to pose a threat to public safety as demonstrated by the following behaviors:

(1) causing an injury to a person or domestic animal that is less severe than a serious injury;

(2) chasing or menacing a person or domestic animal in an aggressive manner and without provocation; or

(3) acting in a highly aggressively [aggressive] manner within a fenced yard or enclosure and appearing able to jump out of the yard or enclosure;

E. "proper enclosure" means secure confinement indoors or outdoors, such as in a fenced yard, locked pen or other structure, that is designed to prevent the animal from escaping the confined area and young children from entering the confined area but does not include chaining, restraining or otherwise affixing the animal to a stationary object; and

F. "serious injury" means a physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.

77-1A-3. Exceptions.

A dog shall not be declared a dangerous or potentially dangerous dog if:

A. the dog was used by a law enforcement official for legitimate law enforcement

purposes;

B. the threat, injury or damage was sustained by a person or domestic animal who was: (1) trespassing upon premises occupied by the owner or the dog;

(2) provoking, tormenting, abusing or assaulting the dog or had repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(3) C. (1) (2) (3)

committing or attempting to commit a crime; or the dog was:

responding to pain or injury;

protecting itself or its offspring; or

protecting or defending a human being or domestic animal from attack or assault.

77-1A-4. Seizure of dog; petition to court.

A. If an animal control authority has probable cause to believe that a dog is a dangerous dog and poses an imminent threat to public safety, the animal control authority may apply to a court of competent jurisdiction in the county where the animal is located for a warrant to seize the animal.

B. If an animal control authority has probable cause to believe that a dog is a potentially dangerous dog and poses a threat to public safety, the animal control authority may apply to a court of competent jurisdiction in the county where the animal is located for a warrant to seize the animal.

C. After seizure, the animal control authority shall impound the dog pending disposition of the case or until the owner has fulfilled the requirements for a certificate of registration pursuant to the provisions of Section 5 [77-1A-5 NMSA 1978] of the Dangerous Dog Act .

D. After seizure:

(1) the owner may admit that the dog is dangerous or potentially dangerous and comply with the requirements for a certificate of registration pursuant to Section 5 of the Dangerous Dog Act; or

(2) the animal control authority may, within fourteen days after seizure of the dog, bring a petition in court seeking a determination of whether the dog is dangerous or potentially dangerous. If the court finds, by clear and convincing evidence, that the dog is dangerous and poses an imminent threat to public safety or potentially dangerous and poses a threat to public safety, the court shall order the owner to comply with the registration and handling requirements

for the dog and obtain a certificate of registration within thirty days or have the dog humanely destroyed. If the court does not make the required findings pursuant to this paragraph, the court shall immediately order the release of the dog to its owner.

E. If the owner does not admit that the dog is dangerous or potentially dangerous and the animal control authority does not bring a petition in court within fourteen days of seizure of the dog, the court shall immediately order the release of the dog to its owner.

F. If the owner admits that the dog is dangerous and transfers ownership of the dog to the animal control authority, the animal control authority may humanely destroy the dog.

G. A determination that a dog is not dangerous or potentially dangerous shall not prevent an animal control authority from making a subsequent application for seizure based on the dog's subsequent behavior.

77-1A-5. Registration and handling requirements for dangerous and potentially dangerous dogs.

A. An animal control authority shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes that:

1. (1) the owner is able to keep the dog under control at all times;
2. (2) a license, if applicable, has been issued pursuant to the requirements of the jurisdiction;
3. (3) the dog has a current rabies vaccination;
4. (4) the owner has a proper enclosure for the dog;
5. (5) the owner has paid an annual fee, if applicable, established by the animal control

authority to register a potentially dangerous dog;

6. (6) the dog has been spayed or neutered;
7. (7) the dog has been implanted with a microchip containing owner identification

information that is also provided to the animal control authority; and

(8) the owner has entered the dog in a socialization and behavior program approved or offered by the animal control authority.

B. If a dog previously determined to be potentially dangerous has not exhibited any of the behaviors specified in Subsection D of Section 2 [77-1A-2 NMSA 1978] of the Dangerous Dog Act for thirty-six consecutive months, the owner may request the animal control authority in the jurisdiction to lift the requirements for registration pursuant to this section. If the animal control authority has no reasonable basis to believe that the dog has exhibited the behaviors specified, it shall relieve the owner of the requirements of this section.

C. An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to the requirements of Subsection A of this section, establishes that:

(1) the owner has paid an annual fee, if applicable, established by the animal control authority to register a dangerous dog;

(2) the owner has written permission of the property owner or homeowner's association where the dangerous dog will be kept, if applicable;

(3) the dangerous dog will be maintained exclusively on the owner's property except for medical treatment or examination;

(4) when the dangerous dog is removed from the owner's property, the dog shall be caged or muzzled and restrained with a lead no longer than four feet, and the dog shall be under complete control at all times;

(5) the dangerous dog will not be transported in a vehicle that might allow the dog to escape or gain access to any person or animal outside the vehicle; and

(6) a clearly visible warning sign with a conspicuous warning symbol indicating that there is a dangerous dog on the premises is posted where the dog is kept and is visible from a public roadway or from fifty feet, whichever is less.

D. An animal control authority may order the immediate impoundment or humane destruction of a dog previously determined to be a dangerous dog if the owner fails to abide by the conditions for registration, confinement or handling set forth in this section.

77-1A-6. Prohibited acts; penalties.

A. It is unlawful for an owner of a dangerous or potentially dangerous dog to:

1. (1) keep the dog without a valid certificate of registration;
2. (2) violate the registration and handling requirements for the dog;
3. (3) fail to notify the animal control authority immediately upon:
 1. (a) the escape of the dog; or
 2. (b) an attack by the dog upon a human being or a domestic animal;
4. (4) fail to notify the animal control authority of the dog's death within five business days;
5. (5) fail to notify the animal control authority within twenty-four hours if the dog has been

sold or given away and provide the name, address and telephone number of the new owner of the dog;

(6) fail to surrender the dog to an animal control authority for safe confinement pending a determination of the case when there is reason to believe that the dog poses an imminent threat to public safety; or

(7) fail to comply with special handling or care requirements for the dog that a court has ordered.

B. Whoever violates a provision of Subsection A of this section is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978 and, for a second or subsequent offense, is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.

C. An owner of a dangerous or potentially dangerous dog that causes serious injury or death to a domestic animal, without provocation, is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.

D. An owner of a dangerous or potentially dangerous dog that causes serious injury to a human being, without provocation, is guilty of a third degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978.

E. An owner of a dangerous or potentially dangerous dog that causes the death of a human being, without provocation, is guilty of a third degree felony resulting in the death of a human being and shall be sentenced in accordance with the provisions of Section 31-18- 15NMSA

F. (1) Prosecution pursuant to this section requires a showing that: an owner knew of the propensity of a dog to inflict serious injury; or the dog had previously been found by a court to be a dangerous or potentially dangerous dog.

MEMORIES

Washington, 2016



Rosie was a silly dog, affectionate and playful. Harold, the big brother, and Rosie loved it when we came to the Pacific Ocean. Our first coastal trip with Rosie.



COURT CASE PROCESS 2019-2021

MAGISTRATES COURT AND THE NUMEROUS CONTINUANCES THAT DRAGGED OUT THIS CASE FROM AUGUST 2019 TO JANUARY 2021.

STATE OF NEW MEXICO
SANTA FE COUNTY MAGISTRATE COURT IN SANTA FE

Sept
2020

FILED IN
SANTA FE COUNTY
August 06, 2020
MAGISTRATE COURT
IN SANTA FE

Sarah Leamy, Plaintiff(s)

v.

██████████ Defendant(s)

No. M-49-CV-2019-██████████

NOTICE OF NON JURY TRIAL

TO:
Plaintiff: Sarah Leamy
Plaintiff Attorney:

Defendant: ██████████
Defendant Attorney:

YOU ARE ORDERED TO APPEAR for a Non-Jury Trial before the Honorable John A. Rysanek, as follows:

Date of Hearing: **Thursday, September 17, 2020**

Time of Hearing: **8:30 AM**

Place of Hearing: Due to COVID-19 Pandemic, all hearings are being conducted through Google Meet.

You do not have to come to court. You may participate through video by accessing the following link online: ██████████. If you cannot participate by video you may participate by calling: ██████████. Please call 5 minutes before your scheduled hearing and be certain your device is set on mute until the court requests your entry of appearance on the case. Please be advised that this pin and link are only for the above referenced Judge.

Matter to be Heard:

The failure of any party to appear at the time and place specified for trial will be ground for entering a default judgment against the party.
The motion

will be heard by the court immediately before trial.

Jacquelyn Vigil, Clerk

Please notify the clerk of the court of the nature of any disability at least five (5) days before any hearing, so appropriate accommodations can be made.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on August 06, 2020 to:

Sarah Leamy

██████████

PO Box 836
Cerrillos, NM 87010

██████████
Cerrillos, NM 87010

Jacquelyn Vigil, Clerk

Distribution: 1 copy - Court 1 copy - Defendant 1 copy - Plaintiff [Approved, May 9, 1991; as amended, December 17, 2001.] M-NTC-4-401-NOTICE OF TRIAL

Court Information:
Santa Fe County Magistrate Court 2056 Galisteo St., P.O. Box 5138
Santa Fe, NM 87507 phone 505.982.0912 fax 505.986.4565 web site www.nmstate.gov

MEMORIES

BEST PLACES TO RUN FREE

NATIONAL FORESTS



See! You can't stop me! hehehehehehehehe

COURT CASE PROCESS 2019-2021

STATE OF NEW MEXICO
SANTA FE COUNTY MAGISTRATE COURT IN SANTA FE

FILED IN
SANTA FE COUNTY
September 09, 2020
MAGISTRATE COURT
IN SANTA FE

Sarah Leamy, Plaintiff(s)

v.

Defendant(s)

No. M-49-CV-2019-

RESET NOTICE OF NON JURY TRIAL

TO:
Plaintiff: Sarah Leamy
Plaintiff Attorney:

Defendant:
Defendant Attorney:

YOU ARE ORDERED TO APPEAR for a Non-Jury Trial before the Honorable John A. Rysanek, as follows:

Date of Hearing: **Thursday, October 08, 2020**

Time of Hearing: **10:30 AM**

Place of Hearing: Due to COVID-19 Pandemic, all hearings are being conducted through Google Meet.

You do not have to come to the court; you may participate through video by accessing the following link online: [REDACTED] If you cannot participate by video you may participate by calling [REDACTED] Please call 5 minutes before your scheduled hearing and be certain you device is set on mute until the court requests your entry of appearance on the case. Please be advised that this pin and link are only for the above referenced Judge.

Matter to be Heard:

The failure of any party to appear at the time and place specified for trial will be ground for entering a default judgment against the party.
The motion

Will be heard by the court immediately before trial.

Jacquelyn Vigil, Clerk

Please notify the clerk of the court of the nature of any disability at least five (5) days before any hearing, so appropriate accommodations can be made.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on September 09, 2020 to:

Sarah Leamy

PO Box 836
Cerrillos, NM 87010
[REDACTED]
Cerrillos, NM 87010

Jacquelyn Vigil, Clerk

Distribution: 1 copy - Court 1 copy - Defendant 1 copy - Plaintiff [Approved, May 9, 1991; as amended, December 17, 2001.] M-NTC-4-401-NOTICE OF TRIAL
Court Information:
Santa Fe County Magistrate Court 2056 Galisteo St., P.O. Box 5138
Santa Fe NM 87502 phone 505-984-9914 (fax) 505-986-5866 web site: www.nmccourts.gov

STATE OF NEW MEXICO
IN THE MAGISTRATE COURT

COUNTY OF SA ☒ FE

Sarah Leany _____, Plaintiff

_____, Defendant

MOTION FOR CONTINUANCE

Comes now the (Plaintiff/Defendant) in the above cause and moves the Court continuing the hearing set for the 17th day of September, 2020

and as grounds therefore states:

I would like to request a continuance for this case as
I have tried repeatedly to obtain statements from
my witnesses and have been unable to do so. Any
additional time you could allow would be much
appreciated.

Opposing party has _____ has not ☒ been contacted, and they do _____ do not _____ oppose the continuance.

DATE 1 Sept. 2020

MOTION IS HEREBY:

GRANTED ☒ DENIED _____

DATE SEP 08 2020

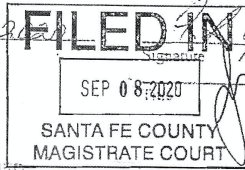
Magistrate Judge

CERTIFICATE OF MAILING

I hereby certify that on this day I mailed copies of this notice to the following parties:

Dated: _____

Click



MEMORIES

BEST BLUSTERY LAKE

FLATHEAD, MONTANA

We'd been driving for ages and then it rained and we stopped and after Sleam had a beer and a sandwich we got to run along this private beach on this huge lake that blew up water in our faces and Stevie didn't get out of the van but me and Harry and Sleam did and then we went and found a campsite up the road and it was the best wet night ever.



COURT CASE PROCESS 2019-2021

STATE OF NEW MEXICO
SANTA FE COUNTY MAGISTRATE COURT IN SANTA FE

OCT 29th
2020

FILED IN
SANTA FE COUNTY
October 08, 2020
MAGISTRATE COURT
IN SANTA FE

Sarah Leamy, Plaintiff(s)

v.

[REDACTED], Defendant(s)

No. M-49-CV-2019-[REDACTED]

RESET NOTICE OF NON JURY TRIAL

TO:

Plaintiff: Sarah Leamy

Plaintiff Attorney:

Defendant:

Defendant Attorney:

YOU ARE ORDERED TO APPEAR for a Non-Jury Trial before the Honorable John A. Rysanek, as follows:

Date of Hearing: **Thursday, October 29, 2020**

Time of Hearing: **1:30 PM**

Place of Hearing: Due to COVID-19 Pandemic, all hearings are being conducted through Google Meet.

You do not have to come to the court; you may participate through video by accessing the following link online: [REDACTED]
video you may participate by calling: **1-470-485-9287 PIN: 826 256 137#**. Please call 5 minutes before your scheduled hearing and be certain you device [REDACTED] on mute until the court requests your entry of appearance on the case. Please be advised that this pin and link are only for the above referenced Judge.

Matter to be Heard:

The failure of any party to appear at the time and place specified for trial will be ground for entering a default judgment against the party.
The motion

will be heard by the court immediately before trial.

Jacquelyn Vigil, Clerk

Please notify the clerk of the court of the nature of any disability at least five (5) days before any hearing, so appropriate accommodations can be made.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on October 08, 2020 to:

Sarah Leamy

PO Box 836
Cerrillos, NM 87010

[REDACTED]
Cerrillos, NM 87010

Jacquelyn Vigil, Clerk

Distribution 1 copy - Court 1 copy - Defendant 1 copy - Plaintiff [Approved, May 9, 1991; as amended, December 17, 2001.] M-NTC-4-401-NOTICE OF TRIAL

Court Information:

Santa Fe County Magistrate Court 2056 Galisteo St., P.O. Box 5138
Santa Fe NM 87502 phone 505-984-9914 (fax) 505-986-5866 web site: www.nmcourts.gov

COURT CASE PROCESS 2019-2021

STATE OF NEW MEXICO
IN THE MAGISTRATE COURT COUNTY OF SANTA FE

Sarah Leamy, Plaintiff

Case Number: M-49-CV-2

[REDACTED], Defendant

MOTION FOR CONTINUANCE

Comes now the (Plaintiff/Defendant) in the above cause and moves the Court continuing the hearing set for the 8th day of October 2020 and as grounds therefore states:

A last minute request for a continuance is necessary and unavoidable because my witnesses fear retaliation from my neighbors if they make a statement. They agreed to do so but backed out at the last minute seeking legal counsel.

Opposing party has [REDACTED] has not [X] been contacted, and they do [REDACTED] oppose the continuance.

DATE 7 October 2020

MOTION IS HEREBY:

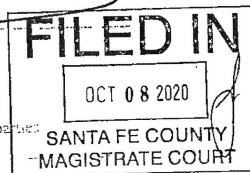
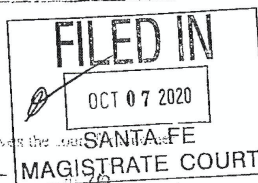
GRANTED ☒ DENIED ☐

DATE OCT 07 2020

CERTIFICATE OF MAILING

I hereby certify that on this day I mailed copies of this notice to the following parties:

Dated: _____



MEMORIES

BEST VIEW OF THE TETONS

ON THE OTHER SIDE OF THE VALLEY!

Haha, that was a joke. We were in Jackson and down in the valley you couldn't see anything so we drove up the hill away from the big roads with all the big campers and rvs and stuff that scared me and we found this big open field on a ridge and we could camp there for free and so we did and we all got to run free up there and it was the best air in the west.



COURT CASE PROCESS 2019-2021

Nov 2020

STATE OF NEW MEXICO
SANTA FE COUNTY MAGISTRATE COURT IN SANTA FE

FILED IN
SANTA FE COUNTY
October 20, 2020
MAGISTRATE COURT
IN SANTA FE

Sarah Leamy, Plaintiff(s)

v.

██████████ Defendant(s)

No. M-49-CV-2019-██████████

RESET NOTICE OF NON JURY TRIAL

TO:
Plaintiff: Sarah Leamy
Plaintiff Attorney:

Defendant: ██████████
Defendant Attorney:

YOU ARE ORDERED TO APPEAR for a Non-Jury Trial before the Honorable John A. Rysanek, as follows:

Date of Hearing: **Tuesday, November 10, 2020**

Time of Hearing: **1:30 PM**

Place of Hearing: Due to COVID-19 Pandemic, all hearings are being conducted through Google Meet.

You do not have to come to the court; you may participate through video by accessing the following link online: ██████████

██████████ Please call 5 minutes before your scheduled hearing and be certain your device is set on mute until the court requests your entry of appearance on the case. Please be advised that this pin and link are only for the above referenced Judge.

Matter to be Heard:

The failure of any party to appear at the time and place specified for trial will be ground for entering a default judgment against the party.
The motion

will be heard by the court immediately before trial.

Jacquelyn Vigil, Clerk

Please notify the clerk of the court of the nature of any disability at least five (5) days before any hearing, so appropriate accommodations can be made.

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on October 20, 2020 to:

Sarah Leamy

PO Box 836
Cerrillos, NM 87010

██████████

██████████
██████████

Jacquelyn Vigil, Clerk

Distribution 1 copy - Court 1 copy - Defendant 1 copy - Plaintiff [Approved, May 9, 1991; as amended, December 17, 2001.] M-NTC-4401-NOTICE OF TRIAL
Court Information:

Santa Fe County Magistrate Court 2056 Galisteo St., P.O. Box 5138
Santa Fe NM 87502 phone 505-984-9914 (fax) 505-986-5866 web site: www.nmcourts.gov

IT HAPPENED AGAIN.

ANOTHER CONTINUANCE.

ARE YOU SERIOUS?

MEMORIES

BEST DRINK ON THE ROAD

BEER?



Sleam said it's the best on a hot afternoon and so I tried hers but it wasn't so good if you ask me.

Jan 2021

RT

V.

No. M-49-CV-2019-XXXX1

TO:
Plaintiff: Sarah Leamy
Plaintiff Attorney:

YOU ARE ORDERED TO APPEAR for a Non-Jury Trial before the Honorable John A. Rysanek, as follows:

Place of Hearing: Due to COVID-19 Pandemic, all hearings are being conducted through Google Meet.

Matter to be Heard:

The motion

Jacquelyn Vigil, Clerk

CERTIFICATE OF SERVICE

PO Box 836
Cerillos, NM 87010

Cerillos, NM 87010

Jacquelyn Vigil Clerk

Court Information:
Santa Fe County Magistrate Court 2056 Galisteo St., P.O. Box 5138
Santa Fe NM 87502 phone 505-984-9914 (fax) 505-986-5866 web site: www.nmcourts.gov

MEMORIES

BEST VEHICLES TO TRAVEL IN #1

TOYOTA 4RUNNER

We had the best fun in Faith the 4Runner, there was room for me and Harry and Oliver but then Sleam would make me sit in the back so she had the front seat but sometimes it was mine and that made me happy.



BEST VEHICLES TO TRAVEL IN #2

VAN DREAMY, A 2004 DODGE B1500 WHATEVER THAT MEANS

This van is like a big dog bed with a front seat that's all mine and sometimes I share with Harry but Stevie doesn't like it and Oliver left home to live with someone else so I really do have the best seat now and the back is one big bed and I'm good, I share it with Sleam and Stevie at night and that's when Harry can have my seat in the front but only then.



BEST VEHICLES TO TRAVEL IN #3

SHORTY, A 1972 LAND ROVER

We had fun but it got hot and the windows didn't open enough and we kept stopping on the side of the road and Sleam was tense and so we didn't like that but sometimes we got to camp by lakes and rivers together, all of us in a tent, but it's not the best for dogs like me because it's loud and hot and not my favorite.



NOT THE BEST VEHICLE TO TRAVEL IN

1959 LAND ROVER

Too loud. But it did have a bench seat so I could lie down and put my head on Sleam's lap when we drove places but no, I don't recommend it for other dogs. We stopped a lot too, with that making Sleam not so happy.



COURT CASE PROCESS 2019-2021

EXHIBITS

THESE COMMUNITY LETTERS SHOW THE STEPS TAKEN OVER THE YEARS TO PROTECT OURSELVES FROM THE ONGOING ATTACKS BY THE NEIGHBOR'S VICIOUS DOGS.

2015

Dear Judge Bevacqua-Young,

I hope you are well. I am writing to you about a court case coming to you on August 21st, with the State against my neighbor. I don't know if this is appropriate but if so please read on to find out more of the ongoing problem that Dick and his pack of loose aggressive dogs are to his neighbors and the In Santa Fe County community.

Case M-49-MR-2015-----

We are all so worried about our own safety and potential revenge that none of us can come to court to say anything directly. I hope that reading some of our experiences on paper will be enough. He has a court history of trouble with drugs and firearms, another of unreported incidents, and we can't risk any more than this indirect approach. I hope you understand.

I have included copies of emails I sent to Animal Control and the Shelter in December 2014 and again in July 2015 about the ongoing threat to the lives of our animals and even ourselves by Dick's dogs and asking for their help and advice. Nothing came of my attempt. I then sent out another email to the Santa Fe New Mexican and they printed my article one Sunday in their opinion page in July 2015. Nothing came of that either!

I'm concerned that Animal Control doesn't tell you the whole story each time Dick comes to court. He was in front of you only last year in 2014 and just finished paying off that fine two months before being cited again for owning loose more vicious dogs. (A different pack but for the mama dog.) There are so many questions that I have tried to ask AC with no results. Here are a few:

How many times do they receive complaints?

How many times do they drive up here to talk to Dick each month?

Do they go into the property and see the conditions these dogs are kept in? (Junk, trash, feces, a bucket of water and chains for the aggressive females).

Why don't they cite him for these conditions or the lack of rabies/ licenses/ and being unaltered when they cite him for having vicious unrestrained dogs?

Why is it okay for him to get the dogs their shots after being cited?

Do they realize that it is a different pack of dogs each time? A new litter grown up and raised to be aggressive on and off their property?

Do they count the number of dogs themselves or trust his word? (There was another litter born in May, more inbred dogs by the same mama and her sons.)

Do they address the fact that Dick has a live in caretaker, 'A.Hole', with a loose aggressive unaltered unlicensed female? Or that he has other young men stay there with their own dogs or who adopt from his ongoing source of puppies?

The attached paperwork tells of our own experiences and what we have done to try to help Dick, to change the situation, and our suggestions. Our hope is that Dick will accept that he can't keep a pack of dogs safely. We'd love to see him have the company of one fixed, healthy, and cared for dog. (He has a history of agreeing to altering the dogs but changing his mind last minute though so that would need to be verified by a reputable vet.)

Please bear our stories in mind when you listen to the rest of the facts about the problem with Dick's dogs, that's all we can ask.

Thanks for your time,

Sarah Leamy

Mo M.

Kathleen R.

Eddie R

Peter S

Roberta S

Stephen S

Andrew S

Amy S

Brandon S

Bruce and Nancy M

Santa Fe County, NM 87010
August 10, 2015

Animal Control Officer Chavez

Dear Officer Chavez,

I write to you concerning the very scary situation that is reoccurring in my immediate neighborhood. I have in the past considered filing a complaint and believe it may have been you whom I spoke to on the phone concerning this matter. It is terrifying to repeatedly encounter an aggressive pack of dogs while on my property. It was made clear to me that Animal Control has limited possible solutions while staying in the confines of the law. I was told that it is a legal option to shoot the dogs in questions if they pose a threat to myself or my property but for personal reasons as well as the repercussions surely possible from my mentally unstable neighbor this is not a solution for me. The offer to lend me a trap for the purpose of trapping the dogs in question does not seem a reliable solution either. I realize that as an Officer of the Law there are few options for you to pursue. However the idea that we wait, held hostage in our homes, until these animals enact serious bodily harm so we can file public, legally binding charges, hardly seems like a viable plan. I implore you in this current case to carefully weigh the safety of many versus the implied rights of one irresponsible animal owner. An animal owner who allows the repeated breeding of his animals that he is not equipped or willing to deal does not deserve the privilege of their companionship. Many of his packs in the past have created similar problems for nearby property owners and animals. Please take into consideration that these animals deserve an opportunity to live without resorting to wild and aggressive behaviors and without spaying and neutering as well as responsible care they will continue to breed, recreating the same dangerous scenario.

Thank-you for your consideration in this matter of keeping our neighborhood and families safe.

Sincerely,

Kathleen R
2015

To whom it may concern

I am writing you on behalf of my neighbors and community of ----- In Santa Fe County New Mexico. I am the newest and nearest neighbor to Dick and his many dogs.

Since I bought this property at -----, I have experienced nothing less then complete mayhem, from what I would consider very dangerous dogs. Dick let's his dogs run wild through out our little neighborhood of 5-6 households. His dogs regularly, if not daily run free, enter my property, rush my fence, bark and growl at me and my dogs, fence fight with my 2 dogs, try to attack my dogs and on occasion myself. This dangerous and awful behavior occurs day or night. It's unpredictable, and quiet scary. I personally feel held hostage on my own property and in my own home. I fear if I am caught out hiking with my dogs, we will be attacked and maimed, if not worse.

I have had many, many correspondence with Dick over the last year with no avail. So with this court date, I implore you to please consider doing what is most appropriate within the law, to rectify this dangerous and unfortunate situation. Thank you for your consideration, and I trust you will take this case seriously within the state laws.

Mo M (2015)

MEMORIES

SKETCHES, 2017



MEMORIES, 2015

ON THE ART OF SOLO TRAVELS (but take a dog with you)

“Aren’t you scared?”

Traveling alone is for many people unthinkable. With some planning, and the company of your four-legged friends, it’s perfectly doable. You might even enjoy it. This article will give you some ideas as to why solo travel can be a great adventure and an inspiration to your friends and family. Honestly!

Planning: on your own, you’re free to follow the signs that capture your attention. It’s good to have a loose plan, places you’d like to visit if in the area, perhaps set a few goals, for small weeklong trips or for extended travels. Plan to stop a lot taking the dogs for walks, to stretch your legs and theirs. Bringing the dogs along will slow you down but it also gives you reason to stop and enjoy the places you’re driving through. These days with the Internet, it’s easier to plan a lot more, looking at photos, reading forums, and asking for suggestions. There are many resources for public camping grounds, contact information for various ranger stations in the National Forests, and it’s worth asking for their advice.

Packing: less is best. However you travel, whether it be backpacking, hitching, with motorcycles, buses, trains, pick-up trucks, or with a camper van, it’s best to keep it simple. The packing becomes more complicated when taking dogs though. There is more to consider. Packing does seem to stay fairly consistent regardless of how you go, with taking the basics of clothes, bedding, kitchen, water, tools, and now critters’ food and bedding too. Bring harnesses, leashes, and tie-downs so you can contain the dogs when in campgrounds. Keep packing to a short list if you can though, with the idea in mind that you might have to abandon ship (van) in an emergency. See if all of your most necessary items fit in a small backpack in case of emergencies like leaving a vehicle at a mechanic for a few days. It helps to be prepared.

Eating: You can eat what you like and when you like! What a concept! No more daily discussions as to what’s for dinner, or who’s cooking? Who’s buying? It’s just you. The dogs don’t care what you eat, just give them something too. Frito pie for breakfast? Bacon sandwich before bed? Chocolate with coffee in the morning? Cheese and crackers? Veggies and eggs? Whatever you like whenever you like. It’s wonderful. Just bring enough dog kibble for the time you’re away. Otherwise you really will have to share!

Engagement: As a solo traveler, you’ll probably interact much more with locals. You’ll be seen as trusting and you’ll find that these strangers treat you with trust too. It sets the tone; you’ll open up and chat over a coffee, a campfire, or a beer at a local brewery. Your anecdotes also pave the way for their hospitality. It was a trade in a sense, a mutual interest in each other, listening and sharing.

Safety: Let your friends know where you’re going. Talk to the Rangers and Campground hosts and let them know your concerns. Leave the dog beds and bowls outside the tent or camper to



show that you have their protection, even if only a toy poodle is inside, no one knows that. It's fun to set up camp as if two of you are staying there, a couple of fold out chairs, coats and footwear and if nothing else you can then invite people from the campsite to join you around the campfire if you like.

Know yourself: Where are you happiest? How do you spend your days? Are you mostly surrounded by friends and co-workers? Or do you work alone? Live alone? What are your social needs, in other words? Think about what stresses you out and what makes you relax. Knowing yourself is one of the amazing benefits of solo travels, you have to take care of yourself and you will. You'll learn new rhythms and routines that are yours. To share your experiences, that is some friends ask about, how do you find meaning when you have no one to share with? But you do with social media these days; you can post a photo to Instagram or Facebook, text a friend, or even call your family from most places. And simply sitting next to a lake in the mountains alone with your dogs, you'll see how the world is magical, stunningly beautiful and you'll sigh deeply as you relax.



COURT CASE PROCESS 2019-2021

IN JANUARY 2021, "DICK" EMAILED THAT HE'D LIKE TO TALK TO ME ABOUT SETTLEMENT OFFERS THAT I'D SENT (November, 2020).

General Release of Liability

THIS GENERAL RELEASE (this "Agreement") dated this 10th day of November, 2020.

BETWEEN:

Sarah Leamy ("Leamy")
Santa Fe County, NM 87010

AND

Dick
Santa Fe County, NM 87010

Case # M-49-CV-2019-----
Santa Fe Magistrates Court
Santa Fe, NM

IN CONSIDERATION OF the covenants and agreements contained in this Agreement, the parties to this Agreement agree as follows:

Consideration

1. In consideration of Dick paying the sum of only the Magistrate Court costs and zero damages, Dick agrees to two conditions. One: Dick will have no dogs on his property at 123 W/D Road, whether they belong to Dick or are visiting. Two: Dick pleads guilty to knowingly maintaining a public nuisance which has adversely affected Leamy and the quiet use and enjoyment of her property.

Upon failure to comply with BOTH of these terms Dick is liable for the fuller damages in the original suit of \$8800, payment due within a year of non-compliance.

Upon the agreement to this settlement, Leamy releases Dick claim and demands for any damage as a consequence of the dispute detailed below occurring before the date of this Agreement.

Details of Dispute

2. The claim or dispute relates to Dick maintaining a private nuisance with his aggressive dogs running at large, mauling people and animals, and for being unable or unwilling to safely keep dogs on his property, for the last ten years, as proven by the numerous court cases against Dick by Santa Fe Animal Control.

Full and Final Settlement

3. It is declared that the terms of this settlement are fully understood that the amount or type of consideration stated is the sole consideration for this Agreement and that the sum is accepted voluntarily for the purpose of making a full and final compromise adjustment and settlement of all claims for injuries, losses and damage resulting or which may result from the above noted dispute.

4. This Agreement contains the entire agreement between the parties to this release and the terms of this release are contractual and not a mere recital.

Governing Law

5. This Agreement will be governed by and construed in accordance with the laws of the State of New Mexico.

IN WITNESS WHEREOF Leamy and Dick have duly affixed under their signatures to this Agreement

SARAH L LEAMY

Date: 10th day of November, 2020.

Sarah Leamy

Date: ____, ____, 2020

I responded by phone, text and email. He did not reply. We went to court. I didn't want to.



The
Routine
Q & A.

COURT CASE PROCESS 2019-2021

MY OPENING STATEMENT IN JANUARY 2021

The Setting:

I live at ----- in In Santa Fe County, Santa Fe County. Mr Dick lives at #-----.

(EXHIBIT 1- there is a map so that you can see how the properties relate to each other).

I am suing Mr Dick for knowingly maintaining a private nuisance. He has for the last ten years allowed his dogs to run at large. **He took pride in the fact.**

Mr Dick's dogs have, UNPROVOKED, chased and menaced both me, my neighbors, and our domestic animals. There are public records of multiple cases with SF County charging Mr Dick for owning vicious dogs that he permitted to run at large, and were unrestrained, unaltered, with no rabies, vaccinations, tags, or licenses. These records are proof of how Mr Dick has known of the threat and effects of his dogs on the neighborhood.

(EXHIBIT 4 COURT CASES VS "DICK")

As I will list later, these repeated and unpredictable attacks have had a significant impact on my ability to enjoy and use my own property. I'm scared.

I will now briefly cover the incidents caused by Mr Dick's dogs, the steps taken to address this, share his responses, and lastly explain the cumulative effect on me and my life.

The reason I finally took action and filed this suit: On August 23, 2019, my dog Rosie was mauled to death on my property. **(SEE EXHIBIT 7 – Police record and witness statement.)**

I now suffer from complex PTSD, have trouble focusing on work, suffer from nightmares, anxiety, and as I said, I'm scared whenever I walk on my own property. **(SEE EXHIBIT 5- Medical records).**

Mr Dick stated in the legal response to the suit in Dec 2019

- "I have complied with my neighbor's wishes and gave up all my dogs"

BUT At the time when Mr Dick's son gave up 4 of 6 dogs to the animal shelter, I had not spoken to anyone about my wishes.

He also stated, "I do not plan on owning any other dogs."

BUT in January 2020, three dogs from Mr Dick's property attacked me and my senior dog outside our gate. Luckily my other neighbor Mo M. heard the barking and screaming, and helped chase the dogs away. In September 2020, Mr Dick was found guilty of owning Vicious Dogs, running at large, without rabies or animal licenses. **(EXHIBIT 4 COURT CASES)**

This is an ongoing private nuisance, not a one-off.

For the last decade, dogs from Mr Dick's property run at large and unprovoked, they have threatened, mauled and attacked both humans and animals. **(SEE EXHIBIT 2 – photos, EXHIBIT 4 – court cases and EXHIBIT 6 – statements).**

The pattern is of packs of vicious pitbulls at our fences and gates, multiple dog fights, phone calls to Mr Dick and Animal Control. With enough evidence at pretrial a court date is set. **(SEE**

EXHIBIT 4 – court cases.) During this time, most of the dogs are removed with one or two left with Dick, and within a year, he has another pack of dangerous dogs who are allowed to run at large, unfixed or socialized.

Steps taken: At the start, I used to walk over there to talk to Mr Dick, but when that turned ugly in 2012, I would then call/text when his dogs were at my gate or chasing me and my dogs. He would do nothing. **(See witnesses, Amy S, Kathleen R. and Mo M. with similar experiences.)**

Next step was calling Animal Control and County Sheriffs who would issue warnings. I have written to various organisations asking for advice, including SF Animal Shelter where I worked, Best Friends Sanctuary, NMDOG, local vets, and NM Animal Protection services. **(EXHIBIT 6 - statements.)**

I would like to acknowledge that in 2012 or 2013, Mr Dick had an accident leading to serious back issues. His family and friends built dog kennels. He brought in men as caretakers to help. And I know from personal experience how hard it is to maintain a home and raise multiple dogs when in pain **but 8 yrs. later we are still dealing** with the consequences of Mr Dick owning, keeping, or allowing vicious dogs on his property. And as a result my own dog is dead as is Mo M.'s dog. **(EXHIBIT 6 – statements from 2015 and as a Witness)**

Santa Fe County Animal Ordinances consider Mr Dick as responsible because he is the property owner regardless of who claims legal ownership or care of these dogs. Given all the previous court cases, his caretakers building dog pens and more recently in this case with his reassurances about not having more dogs, nothing has kept me or my pets safe. And that's what terrifies me even when there are currently no dogs over there. I'm scared.

AS A RESULT, my life has changed significantly.

I'm often unable to focus and for months after my dog Rosie was killed, I wasn't a good employee. I changed. **(Witness Tracy R.)**

I lost my tenant in 2017 after her dog was attacked on my property.

I now suffer from complex PTSD I don't sleep well. I've changed, lost my confidence. **(SEE EXHIBIT 5- medical.)**

I'm scared of dogs, even after working at the Animal shelter and rescues. **(Witness Rebecca N.)**. I don't feel safe in the yard or on the rest of the 20 acres because I MIGHT be attacked by a pack of pitbulls. It's the uncertainty or unpredictable nature of these attacks that keeps me constantly on high alert which is in part the cause of complex PTSD.

In Conclusion: Dick has knowingly maintained a private nuisance.

As a result of his W/D Roads running at large, I am unable to enjoy my home, walk around or use my property fully. I have been seriously harmed mentally, emotionally, and professionally.

WHAT IS THE SOLUTION? I DON'T KNOW. Fences and fines have not worked.

I would like to ask the court to consider an Injunction against any dogs to be owned, kept or permitted at Mr Dick's property.

MEMORIES



STATEMENT #1

Subject: M-49-CV-2019----- Judge John A. R

Witness:

Amy S.

Santa Fe, NM 87507

Previous Address on -----

In Santa Fe County, NM 87010

My husband and I lived at ----- from August of 2011 to September of 2014. Our property was immediately adjacent to Mr. Dick's. Over the course of the years living there, we had increasing problems with Dick's dogs. A few of the most harmful episodes are:

1. In Dec 2013 or Jan 2014, while I was at work, Dick's dogs came to my fully fenced property and attacked my dogs. My female dog's head was pulled through the fence and mauled. Her ear was torn in half and she had numerous puncture wounds to her face and neck. The vet bills were expensive and the recovery long. Sarah Leamy was instrumental in helping with the situation. She was the one who heard the attack and helped to break it up. Immediately following the incident, we contacted Animal Control who came out to Dick's property and upon discovering the dogs did not have rabies shots, they were impounded. Mr Dick paid to get the dogs back within a week or so.
2. Shortly after the above incident, Mr. Dick's dogs started becoming aggressive towards us. When my husband was returning from work, Mr. Dick was out with his dogs. They saw my husband and rushed him, Mr Dick was there and could not control them. They reached my husband and attacked. They tore his pants and punctured his upper thigh. My husband was able to escape by throwing himself backwards over our fence, which ended up hurting his back. Within 15 minutes of the attack, Mr Dick's daughter called us and asked us not to call animal control again, because Dick had promised to get rid of the dogs. Several days later, my husband was working in our fenced yard, his dogs again attacked our injured dog again. So at that point we did call Animal Control. An officer came out, took our statement, and photographed my husband's wounds. At that point we reminded the officer about the previous incident with my dog's head being mauled. The officer went to Mr. Dick's home for a very short amount of time and then left. The dogs were never removed.
3. Numerous smaller incidents over the years caused us fear and anxiety. We were not able to walk our dogs on our own property as we were afraid of his dogs attacking our dogs (and later, us). He would continually replace dogs with new ones if they were ever removed, lost, ran away, or died. He refused to spay or neuter his dogs as he called it "mutilation" and allowed his dogs to breed while never taking care of the offspring. Many of his puppies died from rattlesnake bites and a few of the puppies tried to come live with us. We even took one to the vet who had been bitten by a snake, but the puppy died.

I believe the way Mr. Dick raised the dogs led to their behavior. They were neglected and left to their own devices. A bag of dog food would be set out and cut open so all the dogs would need to fight for dominance at the food bag at a very early age. We believed this is part of what led to their aggression and pack mentality. Mr. Dick was fully aware of the harm his dogs were inflicting, and never corrected any of it.

Steps taken to deal with the issue of Dick's violent and uncontrolled dogs included:

- • Speaking directly with Mr. Dick on numerous occasions about the issues
- • Contacting and dispatching Animal Control twice
- • Speaking with Mr. Dick's daughter about the issues
- • Building and reinforcing a fence around our property
- • Curtailing our use of our own property to avoid confronting his dogs

None of the above actions yielded any results.

Shortly after my husband was attacked and we realized neither the county authorities nor Mr. Dick was going to do anything to remedy the situation, we began looking for another place to live, far from Dick and his dogs. We eventually found one and moved in September of 2014.

MEMORIES AS REMINDERS

Harold, Oliver, and Rosie.
New Mexico. 2015



STATEMENT #2

M-49-CV-2019-----

Dear Judge John R,

This is my witness statement to be added to the court paperwork on civil matter M-49-CV-2019----- at Magistrate Court Santa Fe County.

My name is Kathleen R.. I used to live within sight of Dick's property and home.

I have known Sarah Leamy for more than fifteen years as friends and neighbors. I have been a dog sitter, dog owner and was an animal care provider for several years for a rescue that had multiple dogs, living together in groups. I know dogs and pack dynamics through work and home. I recognize dogs and have seen Mr Dick's dogs off his property several times a month while I lived in the neighborhood (2012-2015). I personally encountered them repeatedly on my rental property. I witnessed the pack of dogs descend upon my fifty pound dog in the driveway of my home. She submitted and rolled on her back. Five pitbulls surrounded and pinned her to the ground, barking and biting at her aggressively. I startled them by screaming, running at them, and calling for my dog. She was able to get up and come to me. I kept screaming as all but one dog scattered and ran off the driveway. The remaining unneutered male only left when I threw rocks and sticks at him. The five dogs ran up hill towards Mr Dick's house. It was a horrifying and traumatic experience. I then called his cell phone to tell him that once again his dogs were running at large and had attacked my dog on my property. He told me that he knew they were loose and that they didn't come when called home. I didn't find his sense of responsibility as acceptable considering the trauma and danger. I then called Animal Control. They said I could shoot any animal that I deemed dangerous on my property. I told them that I don't own a gun and said that it was unwise and dangerous given Mr Dick's reputation and potential retaliation. It was not an option for me. Animal Control didn't do anything else. This is only one example of how Mr Dick's dogs run at large with him knowing that they are dangerous.

Having talked to everyone in the neighborhood over the years, I know this was not an isolated situation. The unpredictability of roaming aggressive dogs lead to extreme sense of threat, I wasn't safe neither was my dog or my elderly father. I couldn't enjoy my rental property or walk to visit my friend and neighbor, Ms. Leamy. Living at that level of danger and fear has greatly increased Ms. Leamy's flight response. I've seen her flee her home for months at a time following a dog attack, as she did last January. Even with lapses between direct attacks on Ms. Leamy by Mr Dick's dogs, the residual trauma and ever present fear of future attacks made it very difficult for her to relax at home, or feel safe, let alone enjoy the beautiful place she lives.

Nobody should endure being under the threat or siege of aggressive dogs who kill and attack others, especially when the owner is neither willing nor able to keep the neighborhood safe.

This has been going on for too long without law enforcement protecting Ms. Leamy or the animals and people of the neighborhood. I can't trust Mr Dick to be a responsible dog owner. He has repeatedly weaponized different packs of dogs through wanton neglect and inability to contain them. Knowingly allowing them to terrorize the neighbors and Ms. Leamy. Therefore, I don't think it's safe or reasonable for Mr Dick to ever have dogs on his property.

Your respectfully,

Kathleen R..



STATEMENT #3

Re: M-49-CV-2019-0-----

Court Date Nov 10th, 2020.

Dear Ms. Jacquelyn Vigil and Judge John A. R,

I am writing to you regarding the case of Sarah Leamy and her ongoing neighbor situation.

My name is Tracy R.. I own property and live in Cerrillos NM.

I have known Sarah for the last 15 years. She was first a friend and fellow 'dog person,' and in 2018 I hired her to work as our 'Social Communications Director' where her writing skills could be put to use in building a community around our software offering.

I have been around dogs all my life, having dogs as a child and adult. I currently own 4 dogs, 2 Pitbulls, an American Hound Dog and an Australian Cattle Dog. None of them are 'easy' breeds. I know firsthand what it takes to manage a 'pack.'

I've met my share of aggressive dogs, having been chased and bit by an overzealous German Shepard when I was 10. This experience did not push me away from dogs, in fact it led me to want to understand them even more. I started training dogs at around 22 years old. I took classes from an individual who worked for Walt Disney and led the "Orange County Kennel Club" in Southern California. My talent with dogs led to a volunteer position with the Kennel Club where I helped other members who had issues with their own dogs, some of them aggressive behavior problems.

What I clearly learned from dog training is there are two types of dog owners. The first type is willing to put the time into dealing with 'bad' dog behavior. The second type of dog owner is not. For those individuals not willing to deal with 'bad' dog behavior, I would encourage them to re-home their pet to someone more willing to serve the animals needs. Most responsible owners took my suggestions. The others simply continued to struggle with a dog that was unsuitable for them, a potentially dangerous situation for both owner and dog.

I personally do not know Dick. I have casually met him, including playing with some of his puppies at the In Santa Fe County Ballpark where he tends to take them when he wants to find them a home. I have known local neighbors who have gotten puppies from Dick. The puppies I have met seem to be great dogs with equally great owners.

What I have witnessed over the years is the residents of In Santa Fe County have tried to solve the situation with Dick on their own by adopting the puppies. Some have claimed they have tried helping Dick build a fence for the dogs. Many residences of In

Santa Fe County have adopted his puppies or helped with finding them homes. And In Santa Fe County has some amazing dog owners. I would bet if you asked most people who live in In Santa Fe County about

Dick's ability to manage a dog, you would have them in agreement. What I have been told by the neighbors is that Dick should not own dogs at all. In other words, it appears that Dick is the second type of dog owner. The type not willing to deal with bad dog behavior.

I've not been to Dick's house, but I have heard that he has made attempts to keep his dogs fenced in, a move most In Santa Fe County residents applaud. But apparently, just fencing in his dogs has not worked. What I have heard is that Dick has many visitors, with people coming and going from his house at all hours of the day and night. Somehow the dogs get out as often reported on Facebook by In Santa Fe County residents who have seen them running about.

As long as I've lived in this area, I have read and heard the constant stories about Dick's dogs running 'wild.' I have heard stories about Dick training dogs for dog fights, withholding food from them to make the aggressive and physically abusing his dogs. I have never seen or witnessed this behavior myself.

I live several miles from Dick, so I have never had to deal with his dogs personally. I understand that others have had dealings with his dogs. Some have reported that their dogs have been mauled to death or severally injured by Dick's dogs. Again, I have not personally witnessed such an event.

Because of my experience with dog training and at the pleading of many In Santa Fe County residents, I started a In Santa Fe County Ballpark dog training class during the summer months. Sarah attended my "Ballpark" dog classes. She had just adopted her new puppy named "Rosie." She wanted to learn basic obedience training for both her older dog Harold and her new pup. What I saw was that Sarah was of the first type of dog owner. One that cared to address any unwanted dog behavior as soon as it manifested. And in my opinion, she did it with kindness and consistency. Both Harold and Rosie were amazing companions, learned to behave and understood their job which was to love Sarah and stay at home.

Sarah came to work for me in 2018. She often brought her dogs to work which we allowed as it became clear that she used her dogs for emotional support. I did not understand this relationship during our dog training years together. But the more I got to know Sarah with her dogs, I witnessed how connected she was to her four-legged friends. This is her family. As a person with no immediate family in the US, it seemed to me that her dogs became her support group.

In early 2019, Sarah came to work on several occasions where she told me she was 'shaken up' because of interactions with "Dick's dogs." Sarah once came to work and said she had spent most of the night with her dogs in her car because Dick's dogs were

at her house and she was afraid to get out of her car. She said she thought if she got out of the car, they would attack her. She said her biggest concern was Dick's dogs attacking Rosie or Harold. She expressed concern for her safety and the safety of all her pets, including her cat who often went outside on her 20+ acre property. She

reported other times where she encountered Dick's dogs on her property. Each time Sarah reported an encounter with Dick's dogs she said she was 'freaked out.' She told me on some occasions she was 'afraid to go home.'

When I heard that Sarah had found Rosie mauled in her front yard, I was heartbroken. I reached out to Sarah and told her to take as much paid time-off as was required. She responded to me only via a private Facebook message. In other words, she was not ready to talk. I understand she took her cat and Harold to Colorado. In other words, she went dark.

Having known Sarah both personally and professionally, I can say she was deeply impacted by the experience of finding her dog mauled in her yard. Sarah came back to work in early September 2019 but was not herself. If I tried talking to her about the situation, she would literally walk away, get in her car and leave. I learned not to mention it. Sarah started leaving work early stating she could not concentrate. She told me she could not sleep, was 'afraid' to be at her house, had no appetite and complained of headaches. She stopped asking for more work to do and stopped making suggestions for creative content. All in all, Sarah was different. I felt she needed someone to talk to in order to work through the grief. But I started learning it was more than grief, she told me on several occasions, she 'could not go home.'

In August of 2019 we heard that Dick had surrendered his dogs, a sad ending for his dogs and what I thought would solve the situation. But as Sarah soon after predicted, Dick would just get new dogs to start breeding. Sarah said when the female started producing puppies, they would start their 'pack' behavior all over again.

It was not long after that discussion when Sarah reported to me that Dick had gotten new dogs. The only real solution to solving this problem is Dick should not have dogs. It appears that he cannot handle dogs and it appears that he does not care to deal with a breed that can often be 'dog aggressive.' If Dick is going to have dogs of any kind, there must be a way to make him accountable to both the dogs and his neighbors.

As a past dog trainer, I know dogs take work and commitment. It also sometimes requires a willingness from the dog owner to change their own behavior. In the last 15 years that I have lived in Cerrillos, Dick and his dogs have been a regular conversation. It seems if he wanted to change his behavior, the residents of In Santa Fe County have given him ample time and support.

Rosie's death changed not only Sarah, but how the town perceives the situation. From my conversations with neighbors I am told that everyone agrees, something must be done with Dick and his dogs. At a minimum, Dick should not be breeding dogs. If he can

have dogs, he should only be allowed to own dogs that are spayed or neutered, just like the rest of us. It seems he has been above the law for far too long. Something must be done for all the residents of In Santa Fe County and the dogs themselves. I love the Pitbull breed, but far too many end up in homes that are not appropriate. Allowing the continued backyard breeding of Pitbulls is part of the problem. It is my opinion as a dog trainer, advocate and owner that Dick should be stopped from breeding dogs and owning dogs for the safety of all.

Thank you for the opportunity to tell my story.

Tracy
Cerrillos, NM 87010

SIGNS THAT I MIGHT NOT BE FUNCTIONING SO WELL

What's in
the checking
account?

How will I
pay my
property
taxes?

Look at that
house for sale -
I could do that.

Note to self -
Call a
Realtor.

Did I eat
today?

I didn't
go to the
pub.

When did
I call my
brother?

Did I buy
a Lexus?
\$10k.

Shit.
A week's
worth of
firewood?
how did that
happen?

Did I
email her
back?

am I
cold?

Why did I
sell the
4 runner?
I'm stuck in the
snow.

I should
work more.

Why don't I
write every
day?



More coffee
might help

Is it
naptime?
Yes. It is.

STATEMENT #4

We met 20 plus years ago up on Goldmine Rd. in Cerrillos when you were selling your house.

I trained Guide Dogs for the Blind in high school and continued training and dog sitting/walking into my college years. I was trained at Guide Dogs on various training methods. When I lived on 40 acres I rescued 8 different dogs and coached them on how to all get along. I have continually owned very well adjusted and friendly dogs for the past 55 years.

About 10 or so years ago I was dog sitting for another of Mr. Dick's neighbors. One day when I went to check on my friends dog I noticed a pack of pit bulls running from her property. When I got to my friends dog I noticed that her ear was ravaged and bloody, and she was severely traumatized, shaking and crying. The pit bulls ran off up the hill to Mr. Dick's property.

When I first met Ms. Leamy I found her to be a competent, strong, can do sort of person. As the years went by I found that my original assessment of her was spot on. She built her own home, by hand, she built pens and animal enclosures to keep her pets safe. She fenced a small portion of her 20 acres to protect her dogs and her home. Ever since the mauling death, in her own fenced yard, of her dog Rosie, she has noticeably deteriorated. She now jumps in fear of other dogs, even my own very friendly dog that she knows well. She used to have a lightness to her, good humor, friendly and outgoing, eager to help her friends in need. In this past year she has withdrawn, become less outgoing in every way. Insecurity is now her life. She no longer feels safe in her own home or property.

I sold real estate for 15 years in the In Santa Fe County Cerrillos area. We were trained in the legal concept of "quiet enjoyment" of your own property. She no longer has that in any way at her home.

I believe that the only way for Ms. Leamy to regain a feeling of safety, relaxation, and quiet enjoyment of her property is for Mr. Dick to be banned from owning or having any dogs on his small unfenced 2 acre property next door.

REBECCA N.



COURT CASE PROCESS 2019-2021

EXHIBITS: PREVIOUS CASES AGAINST NEIGHBOR FOR VICIOUS DOGS

STATE OF NEW MEXICO VS. [REDACTED]										
CASE DETAIL										
CASE #		CURRENT JUDGE		FILING DATE		COURT				
[REDACTED]		[REDACTED]		[REDACTED]		[REDACTED]				
PARTY TYPE		PARTY DESCRIPTION			PARTY #		PARTY NAME			
D		Defendant			1		[REDACTED]			
P		Plaintiff			1		STATE OF NEW MEXICO			
[REDACTED]										
PARTY	COUNT	SEQ #	STATUTE	CHARGE	CHARGE DATE	CIT #	PLEA	DISPOSITION	DISP DATE	
D 1	1	6	SFE 1991-6-5-4	VICIOUS ANIMALS	08/22/2011		No Contest	CRB: DEFERRED	10/05/2011	
D 1	2	6	6-2-5 A	OWNERS DUTY; RABIES VACCINATION	08/22/2011		No Contest	CRB: DEFERRED	10/05/2011	
D 1	3	6	SFE 1991-6-4-5	ANIMAL LICENSE REQUIREMENTS	08/22/2011		No Contest	CRB: GUILTY/NO CONTEST PLEA	10/05/2011	
D 1	4	6	SFE 1991-6-5-1	DOGS RUNNING AT LARGE	08/22/2011		No Contest	CRB: DEFERRED	10/05/2011	
[REDACTED]										
HEARING DATE		HEARING TIME		HEARING TYPE		HEARING JUDGE		COURT		COURT ROOM
10/04/2011		9:00 AM		[REDACTED]		[REDACTED]		SANTA FE		
[REDACTED]										
EVENT DATE		EVENT DESCRIPTION		EVENT RESULT		PARTY TYPE		PARTY #		AMOUNT
04/10/2012		CLS: ALL OBLIGATIONS MET								
10/05/2011		AGREEMENT TO PAY FINE AND FEES FILED		D		I				
10/05/2011		9AP-26294 issued by 63 (6063) NTC: AGREEMENT TO PAY FINE DEF. TO PAY \$296.00 \$50/MO UNTIL PAID IN FULL JAV								
10/05/2011		GUILTY/NO CONTEST PLEA DEF.PLEAED NO CONTEST JAV								
10/05/2011		ARRAIGNMENT HELD								
09/26/2011		OPN: CITATION FILED		D		I				
		CITATION 3439 VICIOUS ANIMAL CITATION 3440 NO RABIES VACCINATION CITATINO 3438 NO LICENSE CITATION 3437 DOG RUNNING AT LARGE ISSUED BY OFFICER PAUL PORTILLO SFCCA ON AUGUST 22 2011 TO APPEAR OCTOBER 4 2011 RLM								
JUDGE ASSIGNMENT HISTORY										
ASSIGNMENT DATE		JUDGE NAME			SEQ #		ASSIGNMENT EVENT DESCRIPTION			
10/05/2011		[REDACTED]			1		INITIAL ASSIGNMENT			

2016

New Mexico Courts

Case Lookup

[Exit](#)

Name Search

Case Number Search

DWI Search

Case Detail

State of New Mexico v. [REDACTED]

CASE DETAIL

CASE NUMBER	CURRENT JUDGE	FILING DATE	COURT
M-49-MR-2016 [REDACTED]	[REDACTED]	06/13/2016	SANTA FE MAGISTRATE

PARTIES TO THIS CASE

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
D	Defendant	1	[REDACTED]
OF	Officer	1	MERENO MIKI
P	Plaintiff	1	STATE OF NEW MEXICO

CRIMINAL CHARGE DETAIL

PARTY	COUNT	SEQ #	STATUTE	CHARGE	CLASS	CHARGE DATE	CIT #	PLEA	DISPOSITION	DISP DATE
D 1	1	4	Santa Fe 1991-6-4-1	RABIES VACCINATION	PM	05/14/2016		Not Guilty	Dismissed by Prosecutor / Nolle Prosequi	08/17/2016
D 1	2	4	Santa Fe 1991-6-4-5	ANIMAL LICENSE REQUIREMENTS	PM	05/14/2016		Not Guilty	Dismissed by Prosecutor / Nolle Prosequi	08/17/2016
D 1	3	4	Santa Fe 1991-6-4-4	Restraint of Animal	PM	05/14/2016		Not Guilty	Dismissed by Prosecutor / Nolle Prosequi	08/17/2016
D 1	4	4	Santa Fe 1991-6-4-1	RABIES VACCINATION	PM	05/14/2016		Not Guilty	Dismissed by Prosecutor / Nolle Prosequi	08/17/2016
D 1	5	4	Santa Fe 1991-6-4-5	ANIMAL LICENSE REQUIREMENTS	PM	05/14/2016		Not Guilty	Dismissed by Prosecutor / Nolle Prosequi	08/17/2016
D 1	6	4	Santa Fe 1991-6-4-4	Restraint of Animal	PM	05/14/2016		Not Guilty	Dismissed by Prosecutor / Nolle Prosequi	08/17/2016

HEARINGS FOR THIS CASE

2017

New Mexico Courts

Case Lookup

[Exit](#)

Name Search

Case Number Search

DWI Search

Case Detail

State of New Mexico v. [REDACTED]

CASE DETAIL

CASE NUMBER	CURRENT JUDGE	FILING DATE	COURT
M-49-MR-2017 [REDACTED]	[REDACTED]	12/15/2017	SANTA FE MAGISTRATE

PARTIES TO THIS CASE

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
BD	Bond Depositor	1	[REDACTED]
D	Defendant	1	[REDACTED]
OF	Officer	1	CHAVEZ JONATHON OFC
P	Plaintiff	1	STATE OF NEW MEXICO

CRIMINAL CHARGE DETAIL

PARTY	COUNT	SEQ #	STATUTE	CHARGE	CLASS	CHARGE DATE	CIT #	PLEA	DISPOSITION	DISP DATE
D 1	1	5	Santa Fe 1991-6-5-4	VICIOUS ANIMALS	PM	12/05/2017		Not Guilty	Dismissed - Failure to Appear by Prosecutor	11/16/2018
D 1	2	6	Santa Fe 1991-6-5-4	VICIOUS ANIMALS	PM	12/05/2017		Not Guilty	Dismissed - Failure to Appear by Prosecutor	11/16/2018
D 1	3	5	Santa Fe 1991-6-4-4	Restraint of Animal	PM	12/05/2017		Not Guilty	Dismissed - Failure to Appear by Prosecutor	11/16/2018
D 1	4	6	Santa Fe 1991-6-4-4	Restraint of Animal	PM	12/05/2017		Not Guilty	Dismissed - Failure to Appear by Prosecutor	11/16/2018
D 1	5	5	Santa Fe 1991-6-4-5	ANIMAL LICENSE REQUIREMENTS	PM	12/05/2017		Not Guilty	Dismissed - Failure to Appear by Prosecutor	11/16/2018
D 1	6	6	Santa Fe 1991-6-4-5	ANIMAL LICENSE REQUIREMENTS	PM	12/05/2017		Not Guilty	Dismissed - Failure to Appear by Prosecutor	11/16/2018
			Santa Fe	RABIES				Not	Dismissed - Failure to	

2020

New Mexico Courts

Case Lookup

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Case Detail

State of New Mexico v. [REDACTED]

CASE DETAIL

CASE NUMBER	CURRENT JUDGE	FILING DATE	COURT
M-49-MR-2020 [REDACTED]	[REDACTED]	01/14/2020	SANTA FE MAGISTRATE

PARTIES TO THIS CASE

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
D	Defendant	1	[REDACTED]
OF	Officer	1	BAKER BAYLEE OFC
P	Plaintiff	1	STATE OF NEW MEXICO
		ATTORNEY: PRUCINO ROGER L.	

CRIMINAL CHARGE DETAIL

PARTY	COUNT	SEQ #	STATUTE	CHARGE	CLASS	CHARGE DATE	CIT #	PLEA	DISPOSITION	DISP DATE
D 1	1	2	Santa Fe 1991-6-5-4	VICIOUS ANIMALS	PM	01/05/2020		Not Guilty		
D 1	2	2	Santa Fe 1991-6-5-1	DOGS RUNNING AT LARGE	PM	01/05/2020		Not Guilty		
D 1	3	2	Santa Fe 1991-6-4-4	Restraint of Animal	PM	01/05/2020		Not Guilty		
D 1	4	2	Santa Fe 1991-6-4-1	RABIES VACCINATION	PM	01/05/2020		Not Guilty		
D 1	5	2	Santa Fe 1991-6-4-5	ANIMAL LICENSE REQUIREMENTS	PM	01/05/2020		Not Guilty		

MEMORIES

NEW MEXICO, 2018



MAINE, 2017



COURT CASE PROCESS 2019-2021

EXHIBIT: MEDICAL EVALUATION

NM MEXICO DEPARTMENT OF HEALTH

Medical Cannabis Program

Website: www.nmhealth.org/go/mcp Telephone Number: 505-827-2321

Medical Certification Form

TO BE COMPLETED BY A MEDICAL PROVIDER

Applicant Full Name: Sarah Leamy Date of Birth (MM/DD/YYYY): 05.31.1967
Location of Exam: 3801 Atrisco Dr. NW, ABQ, NM 87120 Patient in your care for how long: Consult

Medical Reason for Provider Certification - **Please check all that apply. Circle the primary certifying condition.**

<input type="checkbox"/> Alzheimer's Disease	<input type="checkbox"/> Glaucoma	<input type="checkbox"/> Obstructive Sleep Apnea
<input type="checkbox"/> Amyotrophic Lateral Sclerosis (ALS)	<input type="checkbox"/> Hepatitis C Infection	<input type="checkbox"/> Opioid Use Disorder
<input type="checkbox"/> Autism Spectrum Disorder	<input type="checkbox"/> HIV/AIDS	<input type="checkbox"/> Painful Peripheral Neuropathy
<input type="checkbox"/> Cancer	<input type="checkbox"/> Hospice Care	<input type="checkbox"/> Parkinson's Disease
<input type="checkbox"/> Crohn's Disease	<input type="checkbox"/> Huntington's Disease	<input checked="" type="checkbox"/> Post-Traumatic Stress Disorder
<input type="checkbox"/> Damage to the Nervous Tissue of the Spinal Cord (with objective neurological indication of intractable spasticity)	<input type="checkbox"/> Inclusion Body Myositis	<input type="checkbox"/> Severe Anorexia/Cachexia
<input type="checkbox"/> Epilepsy/Seizure Disorder	<input type="checkbox"/> Inflammatory Autoimmune-mediated Arthritis	<input type="checkbox"/> Severe Chronic Pain
<input type="checkbox"/> Friedrich's Ataxia	<input type="checkbox"/> Intractable Nausea/Vomiting	<input type="checkbox"/> Spasmodic Torticollis (Cervical Dystonia)
	<input type="checkbox"/> Lewy Body Disease	<input type="checkbox"/> Spinal Muscular Atrophy
	<input type="checkbox"/> Multiple Sclerosis	<input type="checkbox"/> Ulcerative Colitis

PLEASE ATTACH the most recent clinic notes confirming the applicant's diagnosis

Provider Name: Monica Morales Clinical Licensure (MD, DO, NP, PA, etc.): CNP
Board Certified Specialty: Family NM Medical License #: CNP-02067
DEA License #: [REDACTED] NM Controlled Substance License #: [REDACTED]
Mailing Address: P.O. BOX 66750 City: Albuquerque State: NM Zip: 87193
Provider Telephone Number: 505-990-3978 Fax Number: 505-212-3263

If this certification was provided via telemedicine, per statute you must first see the patient in-person.
Provide the date of your last in-person visit here: _____

Based on your examination of the patient, by signing below you are certifying everything below:

- The patient's condition is chronic and debilitating.
- You have discussed the potential risks and benefits with the patient. You find that the potential health benefits of the medical use of cannabis likely outweigh the health risks for the patient.
- You understand the Medical Cannabis Program needs clinical records annually for verification purposes.
- You are licensed in New Mexico to prescribe and administer drugs that are subject to the Controlled Substances Act and your primary practice is in New Mexico.

Medical Provider Signature: [Signature] Date: 10.17.19
(Please print form - then sign) (Must be dated within 90 days of receipt by program)

NMDOH USE

Program Staff Signature: _____ Date: _____
☐ Approved ☐ Denied ☐ Additional notes in BioTrack

Page 2 of 2 Please send all pages at the same time Revised 6-14-2019



It's been three months and a week since Rosie died. Killed. Attached by the fucked-up neighbor's fucked up fucking dogs... And no, I'm not over it.

(Thanks for the oh-so-useful comment.)

There. Done.
Admitted.
Written in stone.
Or ink. No pencils
allowed. First Thought.
True Thought.

I don't sleep.



Stevie
Cuddles.

Harold sleeps on the double dechar dog bed (2 in 1).

MEMORIES

COLORADO, 2016



NEW MEXICO, 2019



COURT CASE PROCESS 2019-2021

EXHIBITS: POLICE REPORT

Santa Fe County Sheriff

Incident Report

Report: 08/23/2019 19:14
Case Number: 02-19-014877

Incident

Case Number: 02-19-014877	Report: 08/23/2019 19:14	Occured From: 08/23/2019 17:00	Occured To: 08/23/2019 18:00	Report Type: Original
Department Classification: VICIOUS		Case Status: EXCEPTIONALLY CLEARED	Case Status Date: 08/23/2019	Cleared: 08/23/2019 20:40
Common Name: 110 Wild Dog Road Madrid NEW MEXICO 87010				

Day of Week: Friday
Dispatched: 08/23/2019 19:18
Arrived: 08/23/2019 20:00
Gang Related: NO
Criminal Case Type: MISDEMEANOR
Reporting Area: AREA 7

Location Type: RESIDENCE
District: B TEAM
Beat Assignment: DISTRICT 2
Alcohol Related: NO
Drug Related: NO

Person 1 - Sarah Leamy

Person Type: VICTIM	Home Phone:	Business Phone:	Other Phone: (815) 909 - 4012
Race: WHITE	Sex: Female	DL Number: [REDACTED] 2653	DL Exp. Date: [REDACTED] 2023
SSN: [REDACTED]	Birth Date: [REDACTED] 1977	Birth Place: NEW MEXICO, UNITED STATES	
Person Address: [REDACTED]			
Employer Information: Self Employed			

Person Information

Age: 41
Occupation: Writer
Driver License State: NEW MEXICO
Driver License Country: UNITED STATES

Ethnic Origin: HISPANIC
Minimum Height: 5'8"
Minimum Weight: 150 lbs.
Adult/Juvenile: ADULT

Description

Hair Color: SALT/PEPPER
Hair Length: MEDIUM (UP TO 2")
Eye Color: BLUE
Build: SLIM
Complexion: MEDIUM

Marital Status: UNKNOWN
Residency Type: AGENCY HOME COUNTY
Residency Status: RESIDENT
Citizenship: UNITED STATES

Reporting Officer: Michael Martinez 6585	Department: Team B	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: Michael Martinez 6585	Department: B Team	Date/Time: 08/24/2019 13:05

02-19-014877

Santa Fe County Sheriff

Incident Report

Report: 08/23/2019 19:14
Case Number: 02-19-014877**Person 2 - Frank Ybarra**

Person Type: SUSPECT-ARRESTEE	Home Phone:	Business Phone:	Other Phone:
Race: WHITE	Sex: Male	DL Number: [REDACTED] 509	DL Exp. Date: [REDACTED] 2017
SSN: [REDACTED]	Birth Date: [REDACTED] 1955	Birth Place: NEW MEXICO, UNITED STATES	
Person Address: [REDACTED] 0 (SANTA FE County)			
Employer Information:			

Person Information

Age: 64
Occupation: Unknown
Driver License State: NEW MEXICO
Driver License Country: UNITED STATES

Ethnic Origin: HISPANIC
Minimum Height: 5'9"
Minimum Weight: 155 lbs.
Adult/Juvenile: ADULT

Description

Hair Color: SALT/PEPPER
Hair Length: SHOULDER LENGTH
Eye Color: BROWN
Build: SLIM
Complexion: MEDIUM

Marital Status: UNKNOWN
Residency Type: AGENCY HOME COUNTY
Residency Status: RESIDENT
Citizenship: UNITED STATES

Property 1 - TAPES/COMPACT DISCS/RECORDS/VIDEOS

Description: Lapel video on CD in envelope	Year	Make:	Model: Watchguard
Category: EVIDENCE	Condition	Serial Number:	Color:
Stolen Location:		Recovery Location:	

Property Information

UCR Type: MISCELLANEOUS**Value:** \$0.00

Reporting Officer: Michael Martinez 6585	Department: Team B	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: Michael Martinez 6585	Department: B Team	Date/Time: 08/24/2019 13:05

Santa Fe County Sheriff

Incident Report

Report: 08/23/2019 19:14
Case Number: 02-19-014877**Property 2 - PHOTOGRAPHS**

Description: Photographs on CD in Envelope	Year	Make:	Model:
Category: EVIDENCE	Condition	Serial Number:	Color:
Stolen Location:		Recovery Location:	

Property Information

UCR Type: MISCELLANEOUS**Quantity/Weight:** 1**Value:** \$0.00**Property 3 - ANIMALS/PETS**

Description: 8 year old	Year	Make: Lab mix	Model:
Category:	Condition Deceased	Serial Number:	Color: WHITE
Stolen Location:		Recovery Location:	

Property Information

UCR Type: MISCELLANEOUS**Narrative 1 - ORIGINAL**

Date: August 23, 2019
Incident: Vicious/Animal Attack
Persons recorded: Sarah Leamy
Recording: Lapel; will be submitted into evidence

On Friday, August 23, 2019, at approximately 6:18 p.m. RECC dispatched Animal Service Officers and Deputies to 110 Wild Dog Road. RECC stated the caller requested both agencies respond due her to dog being killed by her neighbors dogs and the neighbor being aggressive.

While en route to the location, RECC stated the call information was updated to the neighbors dogs were the ones aggressive, not the neighbor himself.

Upon my arrival, I observed a male and female standing in the driveway to 110 Wild Dog Road. I parked my unit at the entrance and exited my unit when both persons on scene pointing to the location of the deceased dog. I observed a white, smaller, dog laying down on its right side facing southeast. As I approached the deceased dog, I observed blood on the coat of the dog just behind the front legs

Reporting Officer: Michael Martinez 6585	Department: Team B	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: Michael Martinez 6585	Department: B Team	Date/Time: 08/24/2019 13:05

02-19-014877

Santa Fe County SheriffReport: 08/23/2019 19:14
Case Number: 02-19-014877

Incident Report

on the body. I also observed severe injury to both the front legs and small amounts of blood to the ears.

While looking over the dog, I spoke to the dogs owner, Sarah Leamy. Sarah was visibly upset and stated the dogs name was "Rosey". Sarah stated Rosey was eight years old and she owned Rosey since she was a pup. Sarah stated Rosey was both a indoor and outdoor dog but when Rosey was out doors, she tended to remain on the property. The property itself appeared to be enclosed using field fence with a cattle gate located on the east end of the property and a gate at the north end of the property. I asked Sarah if animals had easy access to get onto her property and she stated the only way would be through the two gated sections. In looking at the way Rosey laid, I did not see a significant amount of blood, where the dog would have bled out. I asked Sarah if she had possibly seen another location on her property where the initial dog attack took place. Sarah stated there was a location to the south of where Rosey was, that showed scratching in the dirt surface. We walked to the location, approximately 40 feet to the south. There, I noticed what Sarah called was scratching from dog paws and their nails. I also noticed several dog paw impressions in the same area. I could not tell how many dogs left the impressions. I did not see and fur or blood to indicate the attack may have taken place at that location.

Sarah gave the following account of what had taken place:

She was away from her property and her tenant left the property at around 5:00 p.m. returning around 6:00 p.m. When they arrived the could not locate Rosey and began calling for her. Sarah stated Rosey was then located where she laid. Sarah stated she did not see the attack take place. Sarah says her neighbor [REDACTED] allows his dogs to run loose and she has had previous negative dealings with those dogs roaming. Sarah says Santa Fe County Animal Services is familiar with [REDACTED] is dogs. Sarah stated [REDACTED] dogs are Pitbulls and are aggressive. Sarah stated [REDACTED] dogs range from four dogs to eleven dogs. Sarah then stated she is sure that the dogs that killed Rosey are [REDACTED] dogs because domestic dogs attack at the body compared to coyotes that attack at the buttocks. Sarah stated that the attack was done by domestic dogs and [REDACTED] dogs are allowed to roam.

I informed Sarah I would document the incident and would refer it to animal services. I told Sarah I would not go to [REDACTED] home at night when there may be eleven aggressive dogs roaming loose. Sarah asked that I document the fact I would not go to the home at night for safety reasons to deputies and animal service officers. Sarah stated she requested this in fear that [REDACTED] would rid the dogs of any potential evidence showing his dogs were the ones that attacked. I assured Sarah I would document this fact.

I then told Sarah I was going to walk around her property on the outside to see if I could see any dog paw impressions in the area. I started to walk from the east side to the north on Wild Dog Road. While walking, I met up with another neighbor, "Arlo" he stated he was going over to visit Sarah as he heard what had taken place. I asked Arlo if he was familiar with [REDACTED] and his dogs. Arlo stated [REDACTED] had four Pitbull dogs and are on the loose. He stated he was asked [REDACTED] if he had seen the dogs as [REDACTED] could not find them. Arlo stated [REDACTED] lived around four hundred yards north from Sarah. Arlo then walked away to Sarah's home. I continued to look in the area on the north side of Sarah's property and did locate dog paw impressions just outside the property. I lost the impressions on the north side of the road into the wooded area. I did not follow the impressions as I was warned by Arlo of the rattle snakes in the area and them being active. I discontinued my search at that time as it was dark and not lighted, except for flashlight.

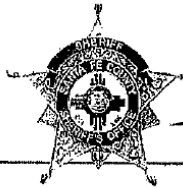
Sarah stated she would dispose of Rosey.

Photographs of the scene and Rosey were taken and will be submitted into evidence along with lapel footage.

RECC was informed to have Animal Services follow up with [REDACTED] in August 24, 2019. I took no further action on this case.

Reporting Officer: Michael Martinez 6585	Department: Team B	Report Status: Approved
Supervising Officer:		Date/Time:
Verifying Officer: Michael Martinez 6585	Department: B Team	Date/Time: 08/24/2019 13:05

02-19-014877



SANTA FE COUNTY SHERIFF'S OFFICE

SHERIFF ADAN MENDOZA
amendoza@santafecountynm.gov
UNDERSHERIFF KEN JOHNSON
kjohnson@santafecountynm.gov

VOLUNTARY STATEMENT

The following is a voluntary statement given by [redacted] (Name) (as witness)
to Deputy Cisneros/Lewis of the Santa Fe County Sheriff's Office on Monday, September 2, 201
at 2pm in reference to case number 02/19/015053 (Date filed out) (02-19-015053)
Full Name: [redacted] DOB: 1976 Age: 42
Place of Birth: Decatur, Georgia Marital Status: Married Phone #: [redacted]
Nebraska City, Nebraska

What is your place of employment, occupation, and how long have you been employed there?

Not employed (Charles)

Lu - IQVIA (Durham, NC) - clinical data management/health care (biopharmaceut
industry) - work remotely from my home

What is your level of education? What school are you attending?

C: Bachelor's degree (English Literature/Exercise Physiology)
L: Bachelor's degree (Health Information Management)

Please tell me in your own words what happened on Aug 22-23, 2019 in reference to this case.
(Date of incident)

Please use full names and dates as best as you can remember.

See attached document



SHERIFF ADAN MENDOZA
amendoza@santafecountynm.gov
UNDERSHERIFF KEN JOHNSON
kjohnson@santafecountynm.gov

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

I have read the above given statement and I find it to be true and correct to the best of my knowledge. I affirm that no threats or promises were made to me by any member of the Santa Fe County Sheriff's Office in order to coerce me into giving this statement.

Sig

Witness

9.2.19
Date 02-Sep-2019

Date

We arrived at Mo McGarry's Airbnb vacation rental at [REDACTED] Los [REDACTED] approx. 5.00PM on Thursday, August 22, 2019 for a four night stay.

While unpacking the vehicle my wife Lu heard dogs barking aggressively and a woman yelling loudly from the direction of Mr. [REDACTED]

On the following evening, Friday, August 23, 2019 at approx. 5.30 pm we were walking around inside the fenced area on Mo's property when four dogs charged toward us and our two dogs unprovoked. These dogs came directly from [REDACTED] property.

We identify those dogs as four gray Pit Bulls with some white markings ranging in estimated weight between 60 and 100lbs. per dog.

The dogs ran full speed, growling and barking with hackles raised. As they approached Mo's property they attempted to lunge through the wire fencing surrounding the perimeter with their attention shifting between us and our two huskies. The dogs became increasingly agitated and violent toward us and our dogs, clearly visible by their physiognomy.

We were able to quickly get our dogs inside Mo's house while the pit bulls struggled to get through the fencing.

[REDACTED] four dogs continued to circle the property seeking ingress at multiple points of Mo's rental. We next heard Mrs. Sarah Leamy's dog barking loudly (coming from 110 Wild Dog Road) and we watched as [REDACTED] attention shifted and they ran towards Mrs. Leamy's house (south toward the Ortiz mountains).

We heard the pit bulls attack Mrs. Leamy's dog and heard it succumb to the attack within approx. 5 minutes.

It is our belief that had there not been fencing to slow [REDACTED] dogs that our dogs would have been killed as well as my wife and I been seriously maimed and/or killed, with the latter being quite possible given the viciousness, size, and tenacity of [REDACTED] dogs.

At no point during these events did we witness any effort by [REDACTED] or any other residents of [REDACTED] attempt to intervene and stop the assaults by his dogs.

Immediately after the incident, I (Charles) contacted Mo through Airbnb messenger and informed our host that we did not feel safe on the property due to [REDACTED] vicious dogs and we would be vacating first thing in the morning. Mo informed us that animal control was contacted.

We vacated the property the next morning and called Animal Control ourselves on Saturday, August 24, 2019 while on our way home.

We were later informed by Mo and AC that [REDACTED] had relinquished all four dogs of his own cognizance and that they were eventually 'euthanized' at the SFASHS.

While we felt a great sense of relief to learn that [REDACTED] dogs are no longer a public threat, we are dismayed that this happened in the first place and believe [REDACTED] acted negligently.

We were also informed that there have been incidences in the past concerning Mr. Ybarra and his dogs, but that is beyond the scope of this complaint.

In conclusion:

Given the grave seriousness of the attempted assault on our family, the mauling and murder of Mrs. Leamy's dog, and Mo's attempts to run a successful vacation rental business we believe that [REDACTED] negligence with his dogs put the entire neighborhood at risk. We hope he is barred from owning any more canines in the future despite breed, size, sex, age etc.

We had no prior relationship to any parties involved, except for a few Airbnb messages with Mo [REDACTED] regarding logistics of the rental, check in time, etc.

This is our final testimony to this matter in any and all capacity and request that any future parties involved in any further proceedings respect and refer to this document as it serves as our unwavering account of these events.

We wish to move beyond this dangerous and traumatic experience.

Thank You,

[REDACTED]


23rd August 2019: Rosie



I prefer to remember Rosie like this.



COURT CASE PROCESS 2019-2021

After all the delays for “DICK” to get his witnesses and evidence, he had none. He made a statement so full of allegations and implications that I’d been unable to respond. This then is my belated response.

The judge made no ruling. It’s complicated he said. He said he’d decide within a month.

MY REBUTTAL STATEMENT

January 18, 2021

I deny all of Mr Dick’s implications and statements made in his initial legal response to the suit, his statements in his appeals for continuances, and **then in the trial itself.**

I didn’t speak up at the time. I couldn’t. Each delay, each continuance, the last 17 months of being in the system for this trial has added to my emotional distress. I’ve had to relive all these dog attacks, remembering breaking up so many dog fights, saving Ms. Amy S’s dog from 5 pitbulls who had pulled her head through their fence. I’d had to call Ms. Amy S. and her husband at their work numbers, drive their dog to Santa Fe with us both covered in blood, doing the same for my own dog when Rosie needed stitches. And then my guilt that I hadn’t been able to keep her safe. That she’s dead because of other dogs.

And then to face Mr Dick in court, to listen to his final statement, I was so off guard I couldn’t process his allegations against me. Fear, anxiety, PTSD throws me off, I didn’t know what to say.

His allegations included:

1. That his (unnamed) witnesses were scared of retaliation from me.

(See his paperwork for repeated continuances, despite a lack of evidence or witness statements under oath.)

- I have never threatened anyone in my whole life. I am a single middle aged woman, an orphan and a foreigner. I am no threat to animal or human.
- However, May 27th 2020, a threatening message was scratched in the dirt at my gate with footprints heading back towards Mr Dick’s property. (Officer Zach Sizemore responded to the call and photographs. Call #201801194.)

2. That I had threatened to torch his property.

- Hearsay? Who told him that? When was I meant to have said it?
- I did not.

- I have never threatened or had even considered arson. It's not in me. (*See my clean record with the courts.*)
3. That then his home was torched/arson March 10th 2020. The implication was that I had something to do with it.
- From Jan to end of March 2020, I was living in my camper van on the coast of Oregon. After that dog attack January 6th 2020, I had needed to leave (PTSD response). I came back the third week of March due to the pandemic.
4. That I have shot at or threatened shooting his unnamed witnesses.
- In November 2019, I bought and own a licensed handgun on the sheriff's and Animal Control Officers' recommendation that I protect myself. (*See Ms. Reid's testimony on that response by law officers.*)
 - I have only used the gun twice, both times as part of supervised training using target practice, with Joshua Gannon, a former Marine.
 - However, I have repeatedly heard shots from Mr Dick's property, the echo and thump of guns fired into my valley as I'm walking, as has Ms. Rice (----- Road and her phone calls to the sheriffs in Dec 2020.) For example January 17th, a high powered rifle shot 3 times into the valley on my 20 acres, where I'd just walked.

COURT CASE PROCESS 2019-2021

DAMAGES

An overview of costs

1. Loss of Rental Income; Sarah G. \$1800
2. Loss of Rental Income; Andrew K.. \$300
3. Immediate Costs after Rosie's death; Rental \$500
4. Cost of protective fencing 1/20 acres: \$4300
More Fencing \$258
5. Out of pocket Psychological Costs: Medicine \$305
6. Legal filing costs: Sheriff \$40
Initial Consultation \$165
7. Pain and suffering: \$1410
Magistrate Courts: \$77
8. Loss of income, incalculable.

I have created a file with the receipts I can find. There are gaps in proof that I tried to work around and explain here.

1. Loss of Rental Income: In Sept 2017, I rented to Sarah G for \$600 month (my house). I had moved to Vermont for a master's degree, opened an account in Montpelier, and used her rental income to pay mine there. It was for a year's agreement. I don't have the bank records as that VT account was closed once I moved back. I did include proof that I had been in Vermont at that time (*See VT Gov paperwork*). In December 2017, Sarah G and her dog were attacked on my property by a pack of dogs, and the court case went to trial in early 2018. Sarah G broke the lease

3 months early, in May of 2018. She left because of the threat of those dogs and as a newly single pregnant woman, she was not safe. (*See her email.*) Her leaving early cost me **\$1800.**

2. Loss of Rental Income: In May 2017, I rented an RV space to Andrew K. for \$300 per month. In August 2019, the day after Rosie was killed, a pack of dogs tried to push through the fence to get to him. He left at the end of the month. He generally paid cash but I included 2018 bank records of some of his payments. (*See copy of agreement and bank statements.*) This cost me another **\$300**

3. Immediate costs after August 23rd 2019: I left my home. I was terrified that I'd be attacked by these dogs, that I'd lose my senior dog too. I rented a month in a friend's yurt out of contact with friends community and I based myself out of there even as I took time off. (*See receipt for \$500 rental costs. See Tracy R. 's testimony on how I'd been out of touch with everyone for weeks after Rosie's death.*) **\$500.**

I bought two rolls of fencing and a new gate to repair and shore up existing fences between myself and Mr Dick's. Labor cost nothing as friends volunteered their time. (*See receipt for fences.*) **\$258**

4. Costs of Protective fencing: In 2015, there was a summer of vicious dog attacks including biting Richard D, his horses and dogs only half a mile away (*See Exhibit 4, Court Cases and Exhibit 6, statements*), multiple fence fights at mine, once I was attacked at my gate at night and had to hide in my truck for 20 minutes, multiple fence fights at Mo M.'s, a community petition to the courts (*See Exhibit 6, copies of emails and statements*). Shaun W of Goldmine Road, Cerrillos, NM. then enclosed an acre of my 20 acre property. (*See copy of his invoice.*) **\$4300**

5. Out of Pocket Psychological Costs: The PTSD evaluation, medicine for anxiety and PTSD. Therapy was covered by Medicaid. (*See Exhibit 5 for medical records and invoices*). **\$470**

6. Legal Filing costs (See receipts) : **\$117**

7. Pain and Suffering: the ongoing effects are hard to quantify but include nightmares, medicine for anxiety and insomnia, that PTSD response of flight or freeze whenever unfamiliar dogs run up to me, the clenching of terror, being hyper alert when I am outside and at home.

Using the multiplier method a legal aide suggested, I'd ask for some compensation towards the pain and suffering. So out of pocket $\$470 \times 3 = \mathbf{\$1410}$

8. Loss of Income: Incalculable. I include this not to claim more money from Mr Dick but to show how much my dogs, Rosie included, are integral to my career as a writer, artist, presenter, and publisher – as well as being my only kind of family as a foreigner here.

- As an author, I write about traveling with pets. (Van Live, Exploring NM books)
- My cartoon books heavily featured Rosie and my pets. (Before Coffee, Before Kibble)
- My artwork and photographs focused on my dogs. (Exploring New Mexico, Dirt Roads and Dogs)
- I am auto-journalist and write/photograph for Land Rover magazines which consistently featured road trips with Rosie and my pets. (Classic Land Rover Magazine 2015-19)
- My business cards have Rosie and Harold as the logo.
- I run a micro-press with Rosie as the header image and logo.
- I am a featured presenter at travel trade shows such as Overland Expo and Washington Overland Rallies, teaching how to travel with multiple dogs.
- Since her death in August 2019, I have not published any such work. Nor have I presented at any travel trade shows.



COURT CASE PROCESS 2019-2021

FINAL COURT DATE? We wait.



I want to scream; It's been 17 months. I need to move on.

But I don't. I wait.

And then, on February, 1st 2021, I received the following letter in the mail. The judge ruled in my favor. He also denied an injunction that would have limited Dick's ability to have any more dogs at his property.

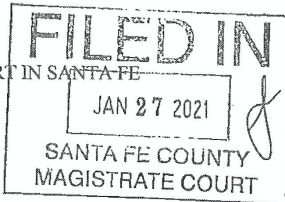
A win in the sense that I stood up to a long term bully. I stood up for Rosie. For all of us.

STATE OF NEW MEXICO
SANTA FE COUNTY MAGISTRATE COURT IN SANTA FE

Sarah Leamy, Plaintiff(s)

v.

██████████ Defendant(s)



No. M-49-CV-2019

ORDER ON BENCH TRIAL

THIS MATTER having come before the court on Tuesday, January 12, 2021 for a Bench Trial. Both parties appeared *Pro Se*. The court, having been sufficiently advised of the matters herein stated, finds in favor of the plaintiff, Sarah Leamy. Plaintiff's oral motion for an injunction against Defendant is denied pursuant to NMSA 1978, 35-3-3(C)(6). Damages are awarded in the amount of \$5,175.00

IT IS THEREFORE ORDERED that Defendant, ██████████ pay Plaintiff, Sarah Leamy, the sum of \$5,175.00.

John A. ██████████ Judge

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing was served on 1-27-21 to:

Sarah Leamy

PO Box 836
Cerrillos, NM 87010

██████████

██████████
Cerrillos, NM 87010

, Clerk

***To answer the initial question,
Are We Safe Yet?***

No. He can get more dogs.

BUT I have my memories of Rosie, Harold and all our dogs loving their lives. I'm grateful.

One Life. Love it.

