

**FILED**

**SEP 19 2016**

Waller County JP#1  
Judge Charles J. Karisch

CR16-0049-JP1

**Agreement of Kathie Digillo and the Waller County District Attorney's Office**

1. True Blue is awarded ownership of 24 horses not awarded to Digillo or others.
2. Digillo is awarded seven horses to be chosen by her after payment of restitution to True Blue through the District Attorney's Office. Digillo shall select the seven horses within one week of her final reimbursement payment due on September 16, 2016. These horses shall be returned to Digillo only after satisfactory certification of the property mentioned below. In the event that the property is not certified, Digillo shall be responsible to pay for their care and upkeep with True Blue or shall make satisfactory arrangements with a third party to maintain the quality of life and standards under the care of True Blue. Should this occur, the District Attorney's Office shall continue to monitor the horses and ensure that their quality of life is maintained, but the defendant shall be responsible for the costs.
3. Three individuals shall complete paperwork or submit bills of sale to the District Attorney's Office in order to acquire three horses that were purchased prior to the seizure. Once the paperwork is completed or submitted to the District Attorney's Office, these three individuals shall be awarded ownership of these horses by the court. One of these horses is identified as "Flyer" and he shall be picked up upon payment of \$12,000 restitution made out to True Blue. The other two horses shall be picked up by their owners or qualified designees after the remaining restitution has been paid to the District Attorney's Office, namely the sum of \$18,000.00 due on September 16, 2016 payable at the District Attorney's Office. These horses shall be picked up by their owners after submitting the documents mentioned above.
4. Once the restitution mentioned above is paid to the District Attorney's Office, the ten horses mentioned above shall no longer be the property of True Blue.
5. Digillo's property shall be inspected and certified as safe for horses by qualified veterinary staff at Brazos Valley Equine Hospital or veterinary staff with similar qualifications (BVEH etc.) acceptable to the District Attorney's Office with Digillo being responsible for payment. This shall include certification that the property is able to safely house horses, that proper food and nutrition requirements are available for the horses, that proper and recurring veterinary care for the horses is provided, that the horses not be confined in inhumane ways, that proper care and feeding is occurring, and that the property is reasonably safe from parasites and salmonella according to accepted veterinary standards. These certifications shall be routinely made (at least three times a year) by these agreed upon facilities while the horses are in the possession of Digillo.
6. Digillo shall not be allowed to acquire any new horses either on her property or on any other property. Digillo shall not breed any horses or allow any horses on her property to breed. Digillo shall employ humane and reasonably accepted measures to ensure that the horses do not breed and are enclosed in facilities that are reasonably accepted for rearing horses. Digillo shall not use third parties to do any of the acts mentioned above.
7. The horses on Digillo's property are not allowed to breed. To ensure that no horses breed, accepted methods shall be instituted and shall have the best welfare of the horses as the

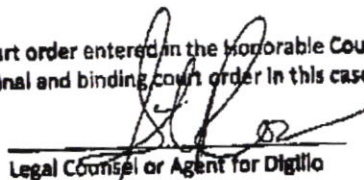
primary goal. These measures shall be approved by BVEH etc. and submitted to the District Attorney's Office for acceptance.

- 8. Digillo, at her expense, shall ensure periodic inspections of her property at least three times a year to ensure that the property is safe for horses. Digillo shall have BVEH etc. staff routinely inspect the horses to ensure that they are healthy and ensure that adequate food and water is available through accepted techniques.
- 9. Digillo shall reimburse True Blue in the sum of \$30,000 for the care of the horses including \$12,000 paid by September 2, 2016 and \$18,000 paid within two weeks. Payment shall be made to the WCDA who shall then tender the amounts to True Blue.
- 10. Any violation of this court order and agreement shall result in the return of the animals to any appropriate charity for adoption.
- 11. Digillo shall have a reasonable amount of time to make remediation attempts at any violation of the above agreement. Should the parties fail to agree what a reasonable time is, then the experts at BVEH etc. shall determine the time at the expense of Digillo.
- 12. This agreement is only valid between and applicable to the District Attorney's Office and the defendant through the court and the court order entered September 2, 2016. No other parties, including True Blue, are parties to this agreement.
- 13. The defendant shall not use any third person or other party to obtain horses or for the purpose of violating this agreement and court order.
- 14. The defendant shall lose all rights of appeal (including writs) in relation to the the possession of the horses and this agreement. The criminal case and appeals therefrom are not affected by this hearing or this agreement.

This agreement is a reflection of the agreement and court order entered in the Honorable Court on September 2, 2016 and is adopted by the Court as the final and binding court order in this case.

  
Defendant

Assistant District Attorney

  
Legal Counsel or Agent for Digillo

September 16, 2016

Date

  
Honorable Charles Karisch

Date



- No horses released until directions made
- \$12,000 to True Blue on 9.2.16 → Flyer
- \$18,000 to " " by 9.16.16
- Flyer, Gray Stallion, & 2 yo Gray colt picked up by people who bought them
- Ben Buchannan at BVFH to inspect property and certify that it is appropriate for horses including fencing, food, disease free including salmonella and parasites.
- Once certified appropriate, Δ to ~~receive~~ pick up 7 horses ~~that can't be used~~. Geldings recommended \*
- No new horses on property, and no pregnancies, new borns, <sup>breeding</sup> foals allowed
- Δ to relinquish all rights to the remaining horses to True Blue who shall adopt them per their normal procedures
- Should Δ ultimately, keep any horses, the care permanently and maintenance shall be monitored by an independent equine vet such as Ben Buchannan
- Δ waives all appeals on the disposition of these horses arising out of this procedure
- The criminal case is not affected by any proceedings in this case.

RECEIVED

SEP 02 2016

Waller County JP#1  
Judge Charles J. Karisch

CR16-0049-JP1

**FILED**

**SEP 02 2016**

Waller County JP#1  
Judge Charles J. Karisch

**ORDER: CRUELLY TREATED ANIMAL(S) HEARING (Sec. 821.023, H.S.C.)**

**CAUSE NUMBER:** CR16-00497P1

**IN RE:**

**§ IN THE JUSTICE OF THE PEACE, PRECINCT ONE**

**§ CITY OF HEMPSTEAD**

**§ WALLER COUNTY, TEXAS**

**ORDER**

On this the 2 day of September, 2016, came to be considered the above-referenced matter. This Court, having determined that it has jurisdiction over the subject matter in controversy and that venue was proper, heard the evidence, and considered all pleadings on file with the Court, and having considered the same, **THIS COURT FINDS** that Respondent, Kathie Digilio as owner(s) of the following described animal(s):

see attachment one in search warrant

~~did not~~ cruelly treat the animal(s), and therefore, **IT IS ORDERED** that the animal(s) be returned to the owner(s).

· did cruelly treat the animal(s) by

improperly caring for the horses and maintaining too many horses on her property (describe the cruel treatment), and **IT IS THEREFORE ORDERED** that said owner(s) be divested of ownership of said animal(s);

- 1) namely 27 horses including three sold prior to seizure
- 2) see court order and agreement reflected and entered by the parties

**IT IS FURTHER ORDERED** (check one)

~~that said animal(s) be sold by public auction, with the proceeds from the sale of the animal to be first applied to the costs ordered below.~~

· that said animal(s) be given to a Justice or county animal shelter or a nonprofit animal welfare organization, namely True Blue (specifically 24 horses

as per the agreement between the State of Texas and the Defendant). Three horses including "Flyer" returned to their owners per the agreement.



It is ordered that seven horses be returned per agreement,  
that as the Court finds that it is in the best interest of the animal or that the public health and safety would be  
best served by doing so, that said animal(s) be humanely destroyed.

IT IS FURTHER ORDERED that the owner pay costs in the amount of \$ \_\_\_\_\_.  
The Respondents have the right to appeal this Order divesting the owner of ownership to the (County Court)  
(County Court at Law) of Waller County, Texas. The Court finds that the estimated costs likely to be incurred to  
house and care for the impounded animal during the appeal process is \$ 30,000 . It is therefore **ORDERED**  
that the amount of bond necessary to perfect an appeal is \$ 30,000 (sum of the ordered costs and costs  
likely to be incurred).

Charles I Karisch

Justice of the Peace, Precinct One  
Waller County, Texas

#	Description	Sex	Age	Body Score	Location
1	Two white back legs, 1 front right sock, blaze	Mare	Adult	4	Austin Co - Kristy
2	Brown, 1 back left stocking and front left, blaze	Boy	Baby	2	Austin Co - Casie
3	Gelding, four white stockings, blaze, red	Gelding	7 years	5	Wash co -Mel
4	Two front socks and back right, stripe, red	Gelding	8 years	4	Austin Co - Faye
5	Red, front left sock, blaze	Mare	Adult	1	Wash Co -Mel
6	Brown, 2 rear socks, front left sock, star, strip	Mare	Young	2	Waller Co - Ellen
7	Gray stallion, front left stocking, rear 2 stockings, blaze	Stallion	5 years	3.5	Wash co -Mel
8	Brown, front left sock and two back socks	Mare	Adult	4	Wash Co - Cindy
9	Brown, 2 back socks, front right sock Drags back leg - old injury as per vet	Gelding	2 years	1	Waller Co - Ellen
10	Gray stallion, blaze, stockings	Stallion	6 years	3	Wash Co- Mel
11	Red, 1 right front and 1 back left stocking	Mare	Adult	4	Austin Co - Dav
12	Sorrel, 2 front socks and left rear sock, blaze (BRED)	Mare	Adult	4	Austin Co - Casie
13	Bay, four socks, blaze	Filly	Young	2.5	BurlesonCo-Lynne
14	Red, Right rear sock and left rear stocking and 2 front stockings, blaze	Gelding	Young	3.5	Austin Co - Faye
15	Big Bay - no markings	Mare	Adult	4	Austin Co - Amy
16	Red, 2 front stockings, RR stocking, blaze (BRED)	Mare	Adult	4	Austin Co - Kristy
17	Brown, 4 socks and a blaze	Mare	Adult	3	Austin Co -Kristy
18	Red, four stockings, blaze	Filly	Young	3	Austin Co - Dav
19	Red, 2 rear socks, blaze	Mare	Adult	3	Wash Co - Cindy
20	Sorrell, crypt orchid, blaze, front stockings	Boy	Yearling	2	Wash Co -Mel
21	Red, rear left stocking, front left sock	Mare	Adult	3	Waller co - Ellen
22	Red, front right sock, two back socks	Filly	Young	1.5	Waller Co - Ellen
23	Brown mare, blaze, rear socks	Mare	Adult	2	Harris Co-Linda
24	Gruella baby of #23, blaze	Filly	Baby	3	Harris Co-Linda
25	Red, two back stockings	Mare	Adult	3	Brazos Co - Mary
26	Red, left rear stocking, right rear stocking, blaze	Mare	Adult	2.5	Brazos Co - Mary
27	Star, strip, 2 front socks left rear sock, right rear white above hock	Filly	Young	3	BurlesonCo-Lynne
28	Brown, Four socks, blaze, mama to 27	Mare	Adult	3	Austin Co - Casey
29	Brown, 2 rear socks, front left sock, blaze	Mare	Adult	3	Austin Co - Casey
30	Brown, 2 rear socks, white on front left above pastern, cut on back leg. Vet Report	Mare	Adult	3	BurlesonCo-Lynne
31	Red, blaze, 4 stockings, blind in left eye (old injury) Uveitis - had an old mask on that was shredded and falling off. Has a new mask now. Vet Report	Mare	Adult	2.5	BurlesonCo-Lynne
32	Brown, strip, 2 rear socks	Mare	Adult	2	Waller Co - Ellen

Attachment  
One



Waller county horses from 31125 Hegar Rd.

<b>33</b>	Red, 2 rear socks, strip (BRED) Injury at coronet band and blind in one eye. Old injury as per the vet	Mare	Adult	4	Waller Co – Ellen
<b>34</b>	Brown, white strip, 2 rear socks	Gelding	Adult	3	Austin Co - Amy

Condition	Neck	Withers	Shoulder	Ribs	Loft	Tailhead
<b>1</b> Poor	Bone structure easily noticeable	Bone structure easily noticeable	Bone structure easily noticeable	Ribs protruding prominently	Spinous processes projecting prominently	Tailhead, pinbones, and hook bones projecting prominently
<b>2</b> Very thin	Bone structure faintly discernible	Bone structure faintly discernible	Bone structure faintly discernible	Ribs prominent	Slight fat covering over base of spinous processes; transverse processes of lumbar vertebrae feel rounded; spinous processes prominent	Tailhead prominent
<b>3</b> Thin	Neck accentuated	Withers accentuated	Shoulder accentuated	Slight fat cover over ribs. Ribs easily discernible	Fat buildup halfway on spinous processes but easily discernible; transverse processes cannot be felt	Tailhead prominent but individual vertebrae cannot be visually identified; hook bones appear rounded but still easily discernible; pin bones not distinguishable
<b>4</b> Moderately thin	Neck not obviously thin	Withers not obviously thin	Shoulder not obviously thin	Faint outline of ribs discernible	Negative crease (peaked appearance) along back	Prominence depends on conformation; fat can be felt; Hook bones not discernible
<b>5</b> Moderate	Neck blends smoothly into body	Withers rounded over spinous processes	Shoulder blends smoothly into body	Ribs cannot be visually distinguished but can be easily felt	Back is level	Fat around tailhead feels somewhat soft
<b>6</b> Moderately fleshy	Deposited fat faintly discernible along neck	Deposited fat faintly discernible along withers	Deposited fat faintly discernible behind shoulder	Fat over ribs feels spongy	May have slight positive crease (groove) down back	Fat around tailhead feels soft
<b>7</b> Fleshy	Fat deposited along neck	Fat deposited along withers	Fat deposited behind shoulder	Individual ribs can be felt with pressure but noticeable fat filling between ribs	May have positive crease down back	Fat around tailhead is soft
<b>8</b> Fat	Noticeable thickening of neck	Area along withers filled with fat	Area behind shoulder filled in flush with body	Difficult to feel ribs	Positive crease down back	Fat around tailhead very soft
<b>9</b> Extremely fat	Bulging fat along neck	Bulging fat along withers	Bulging fat behind shoulder	Patchy fat over ribs	Obvious crease down back	Bulging fat around tailhead



COLLEGE OF VETERINARY MEDICINE  
& BIOMEDICAL SCIENCES

Department of Large Animal Clinical Sciences  
4475 TAMU



July 10, 2015

Mr. Elton Mathis and Warren Deipraam  
Waller County District Attorney Office  
645 12th Street  
Hempstead, TX 77445

Dear Mr. Mathis and Diepraam:

On Monday, June 1, 2015, we visited your office in Hempstead, and from there, we (along with yourselves, the Waller County Judge [the Honorable Mr. Trey Duhon], and 4 volunteer animal-handlers) visited the property of Dr. Kathy Digilio at 31125 Hegar Road, Hockley, Texas in Waller County. This letter summarizes our assessment of the condition of the horse herd at that time.

The property reportedly is comprised of 28.17 acres, including a house, a feeding area, some pasture land, partially wooded areas and a sizable pond. On the day of our visit, the ground was very wet which made it difficult to see all the property; however we think we saw all the horses on the property. We were not provided with any receipts or written evidence of feed or hay invoices nor were we provided with any clear evidence of vaccine or anthelmintic purchases or Coggins testing. Our assessment is limited to what we were able to witness on this single visit and the answers the owners gave to our questions. We were not present at the time that horses were being fed, so we were limited to what the owner told us that she provided in terms of hay, grain, vaccination, anthelmintic care, dental care and other health management efforts.

In regards to the facilities on the property, most fences were in marginal condition. This was especially evident in the feeding and stallion areas. Field fences had extensive areas of barbed wire that were in need of repair. There was clear evidence of extensive overgrazing of the pasture, despite the fact that voluminous recent rains had resulted in very green forage. Access of the horses to water was limited to a pond and stream with one small water tank in the feeding area. This one water tank was not accessible by all horses on the property. The pastures were partially wooded in some areas. Drainage in the feeding area was poor and manure build up was extensive. There was no evidence of hay storage that we could find. Grain storage was unprotected from rodents and moisture.

We saw 42 horses on the property, and the owner acknowledged that we had seen all of them. According to the owner, most of the animals are of Hanoverian breeding. The herd appeared to include horses of various ages and all genders, including foals, yearlings, adults, mares, geldings and 2 stallions. The owner indicated that the oldest horse was approximately 15 years old and our assessment was consistent with that – no clearly geriatric horses were seen. The horses were

July 10, 2015

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located throughout the property. Most of the horses did not appear to be halter broke and did not appear to be trained either for ground handling or riding, thus we were not able to restrain individual horses to perform complete or even partial physical examinations.

None of the horses appeared to be in immediate need of hospitalization and/or veterinary care. We saw no horses that were coughing, overly depressed or lethargic, recumbent or overtly lame. We saw no horses that had nasal discharge, colic, diarrhea or other obvious major medical disorders. Although we were not able to perform complete dental examinations (due to their limited handling), we did evaluate their ability to graze as they moved about the pasture; none of the horses appeared to be affected by major dental abnormalities that precluded their ability to graze grass effectively. Dr. Dominguez was able to briefly feel the teeth of 4-5 horses and none had any obviously sharp points.

The condition of the horse's feet was average for a herd of non-working horses in prolonged wet conditions. We were able to observe the herd trotting across the pastures when we approached; all horses appeared sound at the walk and trot. There were minor cuts and scrapes on a couple of the horses, which are typical of horses housed in herds. None of these cutaneous lesions required medical attention. We did find 1 horse with a reasonably fresh, minor heel bulb laceration, and the owner asked the volunteer handlers to bring that horse up and she planned to treat that horse's hoof appropriately.

Our major concern was the body condition of the horse herd, which was in the range of poor to fair. We evaluated the body condition score (BCS) of the horses as a herd. Normal healthy horses should have a BCS of 4 to 6 on a scale of 1-9. The BCS of individual horses ranged from 1.5 to 5 with an average of approximately 3.0. Lactating mares, especially those that were with both their yearling and foal, showed the lowest BCS. The majority of the foals were in reasonable body condition. When asked about the horses with the lowest BCS, the owner indicated that some of the thinnest animals had recently been affected with *Salmonella* enterocolitis and had been treated by herself and the veterinarians at Navasota Equine Hospital. She described successful and heroic efforts to save a few of the animals during the critical phases of enterocolitis. Although it is reasonable to believe that a few animals may be in poor condition as a result of enterocolitis, it is not reasonable to assume that the whole herd is thin for this reason, without seeing evidence of ill horses in the herd.

The size and quality of the pastures was quite insufficient to provide adequate nutritional intake for a herd of this size, without extensive supplemental feeding with grain and hay. When asked what the approximate size of the herd should be for this property, she acknowledged that 2 horses would be ideal.

We were also concerned that there was no effort being made to limit expansion of the herd. With the presence of 2 stallions and numerous mares, the horse herd is continually breeding, resulting in more foals each year and a further-growing population of animals that further exceeds the carrying capacity of these pastures. The foals are not weaned and continue to add nutritional demands on the mares.



The commercially-sourced grain seen on the property appeared to be from a reputable source, however there was an insufficient quantity of stored grain to feed this number of horses for more than a couple days. Also, the amount of hay present on the property was insufficient to supplement the herd. Throughout the feeding area, there was evidence of numerous round bales of hay that had previously been consumed completely. The owner indicated that recent rains had precluded her ability to access the area with a tractor to provide more round bales of hay. Only 1 round bale remained, and a limited number of horses could access that bale. Hay samples were obtained from that round bale. Feed analyses were consistent with low to moderate quality grass hay. Those samples were consistent with hay considered acceptable to horses. Other than this 1 bale of hay, we found no evidence of additional hay storage on the property. It was unclear where the owner would get additional hay to provide once the pastures dried up enough to get a tractor into the pastures.

We asked the owner to describe in detail her feeding schedules with the amounts of hay and grain provided. She indicated that additional rounds bales would be provided once the weather dried out. She described that she provided grain to all horses daily. Some horses were fed grain once daily and other horses were fed grain twice daily. According to her, the amount of grain for each feeding was individualized based upon the body condition of each animal. In general, she indicated that horses would be fed between 3 and 10 lbs of grain each daily. Although the amounts she described were considered reasonable, she did indicate there were times when she could simply could not feed grain due to her work schedule or her need to be out of town for more than a day. Clearly, the feeding schedule was very inconsistent, but the exact frequency and duration of these periods of inability to provide grain was unclear from the owner.

Nutritionally, we were not concerned with the quality of hay or grain that was being fed, or with the feed plan being described by the owner. Our concern is with the amount of hay and grain that is *actually* being provided to the animals. As evidenced by the low body condition score average for the herd, it is obvious to us that the amount of feed provided each day is not consistent with what she indicates that she is feeding, nor is it consistent with industry recommendations. Additionally, there was little feed (grain or hay) storage visible to support the feed program described by the owner. Furthermore, the stocking rate (number of horses per acre) is too heavy to support a horse herd of this size without additional supplemental feeding.

When asked to describe the parasite control methods used for the herd, the owner indicated that she deworms all the horses monthly. She indicated that she rotates dewormers monthly using an ivermectin/fenbendazole/pyrantel rotation. The anthelmintic is top dressed on the grain. Due to the fact that the horses were mostly not halter broke, we were not able to able an adequate sampling of fecal samples to thoroughly evaluate the parasite burden of the herd. Also, due to the severely wet conditions of the pasture, we were only able to obtain 2 fresh fecal samples in the pasture. For those 2 fecal samples, we performed egg per gram counts, which yielded 100 and 300 eggs per gram, respectively. For such a high density of horses, we considered those numbers representative of a low parasite burden. Although further assessment of the parasite control program is indicated, we don't attribute the poor body conditions to a primary parasite problem at this time.



The owner indicated to us that she utilizes feed buckets applied to the head of each horse to deliver individual rations of grain. The bucket is applied to the muzzle and tied over the poll with hay twine and zip ties. Although we did not witness this practice directly, she indicated that the animals come up to the fence and she places the buckets on their head and allows the horses to move around and eat their grain directly from the bucket. Reportedly, when the horses are finished with their grain, they immediately come back up to the fence and she removes the buckets individually. When questioned regarding why she uses this method of feeding, she indicated that this practice provides a convenient method of assuring that each horse gets access to its ration of grain without dominant horses consuming most of the grain and preventing others from getting an adequate amount of grain. Considering the owner's physical disabilities (that were apparent as we walked through the pastures) and lack of additional sources of labor, we can see why she may consider this method a novel and perhaps partially-effective method to overcome her limitations.

We did find numerous buckets as she described (with hay twine and zip ties to secure over the poll of the horse) scattered around the feeding areas. In addition, we also found some of these buckets scattered throughout the pasture areas, which serves as evidence that the buckets were not consistently removed immediately after the horses finished eating their grain.

Despite any conveniences this method provides, we consider this method of feeding grain absolutely unacceptable, and we recommend that it be discontinued immediately. There are animal welfare concerns with this method that must be immediately addressed. Such usage of buckets is potentially dangerous to the horses. The hay twine and zip ties are made of synthetic material that is unlikely to break in the event that the bucket becomes entangled in a tree limb, fence, gate or other object. In that event, the horse could severely injure itself due to its inability to free itself from the bucket. Also, horses can aspirate water and potentially even drown if they attempted to drink water while wearing these buckets around their muzzle. Other horses may simply avoid consuming water due to the presence of the buckets; severe health hazards may develop consequently.

Based upon the body condition scores of the horses, it is our opinion that the horses are not receiving adequate amounts of supplemental feed (hay and grain) to maintain a healthy body weight. The amount of grain and hay available in storage was inconsistent with the feeding program described by the owner. The owner appears to have a significant physical disability which would impact her ability to physically provide adequate feed or care for this number of horses.

We did get the impression that the owner sincerely cares for these horses emotionally. When asked about individual animals, she knew each animal's name and could tell you the full history of that animal's life. Her emotional attachment to each animal was obvious, which may negatively impact her willingness to part with the animals. We have insufficient knowledge of her financial capabilities to comment as to whether she can financially support the feed or labor requirements needed to improve the situation.

We believe that this herd represents a situation of severe mismanagement of horses combined with physical and possibly other limitations that prohibit the owner from providing adequate care



to the horses. The owner's physical and perhaps other limitations make it impossible to correct the situation without major efforts to provide labor forces and overhaul the current feed management program. Short term solutions that should be implemented immediately until the herd size can be reduced include:

1. Regardless of what the county decides to do, a current herd inventory should be developed complete with pictures, descriptions, names and identifying marks of all the animals. This inventory will facilitate tracking of individual horses by the authorities. It is impossible to monitor a herd for signs of neglect when problem horses have no clear identification.
2. Immediately discontinue the use of buckets placed over the head for feeding grain; this practice is unacceptable.
3. The horse herd should have, at all times, access to at least 4-5 round bales of quality hay in horse hay feeders.
4. Provision of 12-15 inexpensive grain feeders (tire feeders can be used and placed on dry ground) in the feed area.
  - a. Provision of adequate amounts of quality horse grain (3 to 5 lbs per horse) fed twice daily.
    - i. Daily versus twice daily access to grain should be based on body condition scores.
5. A professionally administered deworming and vaccination program, to include current Coggins tests on all horses.
6. A consistent source of labor must be identified and funded to provide hay and grain to the animals. We do not believe that the owner is physically able to adequately take care of this many horses alone.
  - a. Invite community organizations and individuals (County Agent, Local College Groups, 4-H, FFA, Scouts, Service or Church groups) to assist with twice daily feeding chores.
7. An accountability program, including evidence of grain and hay purchases, bi-weekly random inspections, should be developed and implemented by the county, to insure compliance with recommended improved feed program.
  - a. Body condition scores should be monitored as well as a method of assessing the ongoing effectiveness of the program.

Here are some long-term recommendations that should be considered to correct the situation:

1. Reduce the size of the horse herd on this property by 80+%.
  - a. Mare foal pairs should be offered for adoption or sold. The fact that the animals are not trained for riding or handling will somewhat limit rapid placement of the animals to new owners.
  - b. Young horses can be sold or offered for adoption. These animals may be easier to place into new homes.
  - c. All stallions should be immediately gelded or removed from the property to prevent additional breeding and herd growth.
  - d. Encourage involvement of community organizations and individuals (County Agent, Local College Groups, 4-H, FFA, Scouts, Service or Church groups) to help with clean-up and repair projects.
  - e. Final herd size should be 8 horses or less.

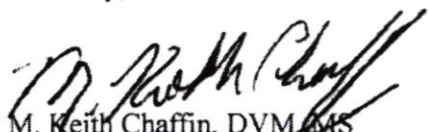
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In the event that the owner fails to fully and immediately comply with authorities to improve the body condition of these animals, we believe that such action would constitute animal cruelty.

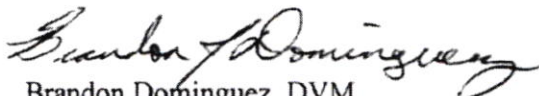
We appreciate the opportunity to be of assistance with this situation and hope that appropriate actions will be taken to ensure the health of this herd of horses. Please contact us if further assessment or re-assessment is needed.

Sincerely,



M. Keith Chaffin, DVM, MS  
Diplomate, ACVIM  
Professor & Associate Department Head  
Large Animal Clinical Sciences

Josie Coverdale, PhD  
Associate Professor  
Animal Science



Brandon Dominguez, DVM  
Clinical Assistant Professor  
Large Animal Clinical Sciences

Robert Byrns  
Cavalry Site Manager/Advisor  
Office of the Commandant

/rls



THE STATE OF TEXAS  
COUNTY OF WALLER

§  
§  
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DOCKET #  
COURT:

**AFFIDAVIT FOR SEARCH AND ARREST WARRANT**  
**{Article 18.02(a)(10), Texas Code of Criminal Procedure}**

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS:

My name is Walt Bauer and I am commissioned as a peace officer by Waller County Criminal District Attorney's Office. I have approximately six years' experience investigating felony criminal cases.

I request issuance of a search and arrest warrant and here follows the probable cause to justify my request:

Affiant, Walt Bauer, is a peace officer with the Waller County District Attorney's Office. Affiant has reason to believe and does believe that the defendant, Kathie Digilio, committed the felony offense of Animal Cruelty on June 30, 2015. Affiant is seeking this felony arrest warrant and search warrant to arrest the defendant for the above felony offense and to search the property to obtain evidence of the commission of a crime and to save the horses from imminent harm. Affiant bases his belief on the following:

Affiant knows defendant by name and sight and has also identified her through the Waller County Central Appraisal District as well as her Texas Department of Public Safety Driver's License. Affiant knows the defendant to be an elderly person with limited physical capabilities due to an injury and, although this would generally be irrelevant to anything, in this case it is important because the defendant, through her own admission, is essentially the sole caretaker of an entire herd of horses. District Attorney, Elton Mathis, has compiled a panel of horse vets and experts from Texas A&M University. Affiant has spoken to E. Mathis about statements from the panel of equine experts who confirm that there is no feasible way for one person to effectively care for these horses, especially one who has significant mobility issues such as the defendant and that the herd of horses will continue to have various health related issues due to lack of care (on the date that the panel of experts inspected the herd in June of this year, they concluded that the horses were in satisfactory to sub-par conditions with no animals in need of emergency intervention; however, they indicated that this was due to the weather conditions providing natural growth for the horses to feed upon and sufficient water for them to drink but they concluded that this could change in a moment's notice depending on weather conditions and that the health of the horses being sub-par, they could deteriorate much faster than healthy horses when weather

Attachment  
Three



patterns change). The panel of experts consists of M.K. Chaffin, B. Byrns, B. Dominguez, J. Cloverdale, A. Roussel, D. Sigler, C. Griffin and they are equine and equine herd management experts with national reputations.

Affiant knows through personal knowledge that the defendant is a small animal vet and holds a veterinary doctorate degree. Affiant knows through statements by the defendant, that she does not have experience handling and treating large mammals such as horses. Affiant knows through hearsay of the neighbors and statements by the defendant that the defendant has sporadic jobs which sometimes is enough and sometimes isn't enough to pay the bills. Defendant has stated that the reason she has a sporadic employment history is her physical disability which arose through a car crash several years ago and because the neighbors file false claims against her in a pattern of harassment which causes employers to fire her and state agencies to investigate her. Defendant stated to affiant that she believes that the neighbors are harassing her in order to get her to sell her property to them. The defendant stated that the neighbors are nosy interlopers on her privacy interests and are recent residents who moved from the city to the country. The defendant claims that the neighbors have trespassed on her property in order to take pictures of her horses and that they take these pictures of only a small number of horses that look bad and make it look like the whole herd is in deplorable conditions.

Affiant has personal knowledge that the defendant resides at 31125 Hegar Road, Hockley, Texas which is the property at issue in this warrant and, according to affiant's personal knowledge, is a location in Waller County, Texas. A copy of the information regarding this residence is attached in **Attachment One** and is incorporated herein for all purposes in the affidavit and warrant. Affiant also knows the witnesses in this case, Christin McCumber and Robin Provost who told affiant that they also know the defendant by name and sight as their next door neighbor and that they have a history together going back years. Witnesses told affiant that there has been an ongoing pattern of conduct by the defendant for failing to properly feed and take care of her horses. They state that at any given time, the horse population varies from between approximately 30 and 50 horses. They told affiant, that although they have no psychological training, they believe that she has mental issues and is a collector and hoarder of horses. They told affiant that Digilio does not have property of sufficient size to care for her herd of horses. They told affiant that the defendant provides minimal food and water for her horses instead allowing them to feed off the land and drink from ponds on the property. They have provided pictures of a couple horses throughout the years that shows those particular horses to be in deplorable conditions near death. However, affiant knows that those pictures were for events that occurred outside of the statute of limitations and that the defendant stated that those particular horses got an infection resulting in that condition and she brought the horse back to health. Affiant



believes this to be relevant to show a pattern of conduct and a recurring theme that the defendant is unable to properly take care of her horses.

The panel of experts mentioned above has concluded that the defendant's property is insufficient for feeding a herd that size because most of the plant life is of little nutritional value (although with the amount of rain in June, it was barely sufficient). Affiant believes, based on conversations with ranchers and experts that the general rule of one horse per acre is a good rule of thumb for horse raising (assuming that the land is properly grown with horse edible plant matter unlike defendant's property). Affiant notes that the defendant's property is not even close to this general guideline. They also indicated that sufficient feed for a herd this size would cost significantly more than what defendant is providing in terms of feed and hay. Affiant has spoken to Frank Pokluda about the defendant's feeding patterns and Pokluda states that he sometimes assists the defendant with feeding because she is unable to do so herself. Affiant knows from personal knowledge that Pokluda operates a feed operation in Field Store where the defendant resides. Affiant has viewed the records from Pokluda's store and believes that a herd of this size is only receiving about one-fourth of the appropriate level of feed and hay. The defendant claims and has stated that her herd does not have typical dominance issues that are common in wild horse herds. In fact, the defendant claims that her horses will line up in an orderly fashion for feeding and that the dominant horses will share their food without much fighting. The herd experts concluded that this is unlikely as it does not fit normal horse behavioral and dominance patterns and that dominant horses may remain healthy but that the weaker animals will suffer greatly because of underfeeding and aggression by other horses. Despite her other statements to the contrary, defendant has also indicated that this is an issue because she has to personally feed several horses to ensure that the dominant horses do not prevent them from eating. The experts have noted several marks on the horses on the defendant's property which are consistent with fighting. Affiant believes that the defendant is creating conditions that causes livestock animals to fight with one another due to lack of proper feeding, supervision, separation, and care. Affiant notes that in June of this year, the defendant had two stallions on her property that were not separated from each other and this creates a situation where animals fight for dominance. In fact, affiant also knows that the defendant has had other stallions recently on the property but they have since been moved to undisclosed locations. Further, affiant has seen injuries on the animals consistent with fighting.

However, the mechanism which with the defendant does this is, in itself a dangerous practice. The defendant stated that the horses line up in an orderly fashion, she puts the feed in a bucket (affiant has personally seen that she uses a plastic bucket and not a safe horse feeder), ties the bucket onto the horse's head, and lets them walk around with the bucket tied to their head. Affiant believes that horses with buckets of feed on their heads are more likely to get attacked by other horses in that other dominant horses



know they can get food and the bucketed horses are also less able to defend themselves due to the bucket restraint. Affiant believes that this creates a reckless situation which places the horses in danger of physical ailments and even death. Affiant believes this because the buckets can become filled with water if it rains and the horse could drown, the buckets are filled with feed and the particles from the feed would be inhaled into their lungs which could cause an infection, the buckets are non-porous and in summer heat, the temperatures in the buckets could produce unhealthy conditions for breathing, the buckets have sharp edges which a horse could cut itself on when moving or trying to remove the buckets, horses could trip and fall on the buckets or when trying to remove them, etc. Affiant has seen multiple buckets lying around the property. Defendant states that she prevents this from happening because the horses know how to remove the buckets when they are finished eating (she uses plastic ties that she believes break easily when a horse uses its hooves to nudge the bucket off their head). Affiant believes that the conditions described above are present today and constitute a continuing threat to the safety of the animals.

Affiant also spoke to an equine vet who has treated some of the defendant's horses and reviewed conditions on the property in the past. His name is Dr. Hutka of Equine Partners veterinary services. He states that the conditions that the defendant keeps the horses in is unhealthy and that there will be repeated health issues with this herd. As an example, he inspected her herd and property a few years ago and noted that every animal he tested had a serious gastrointestinal parasite issue and that every pile of horse feces that he inspected microscopically had significant parasitic infestations. He stated that it was the worst he has ever seen. Once again, this incident is not within the statute of limitations, but it does go to the mindset of the defendant and, in addition, the defendant's practices through her own admissions are the same today as they were back then. Affiant believes that the health conditions faced by the horses then are present today and constitute a continuing threat to the safety of these animals.

Affiant spoke again to McCumber who told affiant that on June 30, 2015 on the defendant's property, she was taking pictures from a neighboring property that she had expressed permission to be on. See **Attachment Two** which is incorporated by reference in the warrant and the affidavit. She told affiant that a horse appeared to have been flailing around, struggling to stand up, which in McCumber's experience is a sign of a horse illness (Colic). McCumber also stated that she recently, close to the time of the alleged death, saw a large amount of vultures on the defendant's property. Affiant flew over this property this week and did note several vultures on the property, but did not see anything suspicious, such as mounds (although parts of the property were not visible from air and the vultures and mounds could have been hidden from aerial view). McCumber reported this fact to law enforcement and awaited their arrival. After reviewing the pictures she had taken, McCumber noticed what she believed to be a dead horse. Affiant has spoken to Animal Control Deputy Wesley Martin, with the



Waller County Sheriff's Department who stated that he went to the scene in reference to this report and did not note fresh mounds of dirt on the defendant's property consistent with recent horse deaths and burials, but said that he did not walk the entire property. Affiant also read a Facebook posting on a page titled Waller County News that a person posting as Dan Hernandez who stated that he was taking pictures of area properties and noted dead horses on the defendant's property at the same time that McCumbers claims to have seen a dead horse. See **Attachment Three** which is incorporated by reference in the warrant and affidavit. Affiant notes that this claim by Hernandez corresponds in time to McCumber's claim thereby bolstering their claim that one or more horses died on the property. Defendant believes that the old dead horse claim comes from older Google Earth pictures and that there is nothing recent regarding dead horses. Affiant notes that McCumber and Hernandez make recent claims from June 30, 2015. Affiant believes that based upon the history of the defendant, the observable conditions on the property, the statements of the defendant, the statements of the witnesses, that the horses are in imminent danger and this warrant is needed to seize and rescue the animals, search the property for dead or sick horses, seize any records that may be relevant to animal cruelty including but not limited to financial records, veterinary records, feeding records, etc.

Therefore, considering the foregoing, I request a search warrant for the following:

**Place:** 31125 Hegar Road, Hockley, Waller County, Texas 77447 is a single family dwelling that is situated south of Joseph Road near the intersection of Joseph and Hegar Road. The residence and land total 28.1749 acres per Waller County property records. The residence is a single story structure that appears to be comprised of brick with a brown composite roof. Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places and vehicles on said premises and within the curtilage, if said premises is a residence, that are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property that is the object of the search requested herein. Attached hereto as **Attachment 1** is a property report of the place to be searched. **Attachment 2** are photographs of what is believed to be a deceased horse. **Attachment 3** is a captured image of a Facebook posting by Dan Hernandez; all of these attachments are to be considered as part of this affidavit as if copied herein and included for all descriptive purposes.

**Thing:** Said property and or items, whether one or more, constitutes evidence that an offense was committed, to-wit, **Felony Animal Cruelty** and that **Kathie Digilio** committed said offense.

The above-described place to be searched and the above-described thing to be seized are in the care, custody, control, or management of one or more following individuals described herein as "suspected party": **Kathie Digilio**

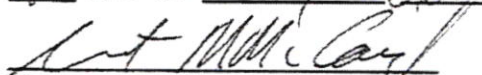
I request authority from the Court to transport, remove, or take any property or evidence seized pursuant to the warrant requested herein to any location deemed necessary for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in this Affidavit

I have good reason to believe, do believe, and hereby charge and accuse that on or about June 30<sup>th</sup>, 2015 in Waller County, Texas, the suspected party committed a felony offense against the laws of the State of Texas, to-wit, **Cruelty to Livestock Animals**: On said date and at said place she did then and there intentionally and knowingly fail unreasonably to provide necessary **food, water, and care** for a livestock animal, to-wit: horses in the defendant's custody, by **failing to provide adequate food and water and by using buckets tied onto their necks for feeding purposes**, and the defendant's conduct was not a generally accepted and otherwise lawful form of conduct occurring solely for the purpose of or in support of fishing, hunting, or trapping; or wildlife management, wildlife or depredation control, or shooting preserve practices as regulated by state and federal law; or animal husbandry or agriculture practice involving livestock animals and, in addition, the defendant is caring for the animals in a manner that creates fighting conditions for the horses and that they do indeed fight with each other due to these conditions. I further believe that evidence that said offense was committed and that suspected party committed said offense, is currently to be found in the place to be searched as described herein.

Wherefore, I ask for issuance of a warrant that will authorize me and other peace officers to search said place and premises for the property described above and to seize same. Further, I ask for issuance of a warrant that will authorize me and other peace officers to arrest and search each suspected party named and described herein and others presently unknown to me but found to be occupants of and in control of said premises.

  
\_\_\_\_\_  
Affiant

SWORN TO AND SUBSCRIBED BEFORE ME BY THE SAID AFFIANT ON THIS THE  
9<sup>th</sup> DAY OF July 2015.

  
\_\_\_\_\_  
**Honorable Albert M. McCaig, Jr.**  
**District Judge**  
WALLER COUNTY, TEXAS

Albert M. McCaig, Jr.  
20611 Judicial District Court  
Waller County, Texas 75781



THE STATE OF TEXAS

§  
§  
§

DOCKET #

COUNTY OF WALLER

COURT:

**RETURN AND INVENTORY FOR ARREST AND SEARCH WARRANT  
{Article 18.02(a)(10), Texas Code of Criminal Procedure}**

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED THE AFFIANT HEREIN, A PEACE OFFICER UNDER THE LAWS OF TEXAS, WHO, BEING DULY SWORN, ON OATH MADE THE FOLLOWING STATEMENTS:

My name is Walt Bauer and I am commissioned as a peace officer by The Waller County Criminal District Attorney's Office.

The attached Search and Arrest Warrant came to hand on the day it was issued and it was executed on the 10th day of July, 2015, by arresting, no arrest made on execution, and by conducting the search directed therein and by seizing during such search the following described property:

- 8 Pieces of paper with hand written notes.
- 1 Brazos Valley Equine discharge instructions page.
- 1 Circle N Feed receipt.
- 1 Copy of faxed Circle N Feed receipt.
- 7 Checks made payable to Dr. Kathie Digilio.
- 1 Check made payable to Frank Pokluda.
- 24 pages of First Community Credit Union bank statements.
- 1 Unopened envelope with "Dr. Digilio" written on it.
- 1 Black HP Pavilion Entertainment Laptop, Serial # CNF92223G6.

The following horses were removed and seized from 31125 Hegar Road, Hockley, Texas 77447:

#	Description	Sex	Age	Body Score	Location
1	Two white back legs, 1 front right sock, blaze	Mare	Adult	4	Austin Co - Bab
2	Brown, 1 back left stocking and front left, blaze	Boy	Baby	2	Austin Co - Casie
3	Gelding, four white stockings, blaze, red	Gelding	7 years	5	Wash co -Mel
4	Two front socks and back right , stripe, red	Gelding	8 years	4	Waller Co - Ellen
5	Red, front left sock, blaze	Mare	Adult	1	Wash Co -Mel
6	Brown, 2 rear socks, front left sock, star, strip	Mare	Young	2	Waller Co - Ellen

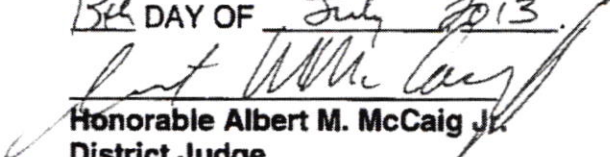
7	Gray stallion, front left stocking, rear 2 stockings, blaze	Stallion	5 years	3.5	Wash co -Mel
8	Brown, front left sock and two back socks	Mare	Adult	4	BurlesonCo-Lynne
9	Brown, 2 back socks, front right sock	Gelding	2 years	1	Waller Co - Ellen
10	Gray stallion, blaze, stockings	Stallion	6 years	3	Wash Co- Mel
11	Red, 1 right front and 1 back left stocking	Mare	Adult	4	Austin Co - Dav
12	Sorrel, 2 front socks and left rear sock, blaze (BRED)	Mare	Adult	4	Austin Co - Casie
13	Bay, four socks, blaze	Filly	Young	2.5	BurlesonCo-Lynne
14	Red, Right rear sock and left rear stocking and 2 front stockings, blaze	Gelding	Young	3.5	Waller Co - Ellen
15	Big Bay - no markings	Mare	Adult	4	Austin Co - Clint
16	Red, 2 front stockings, RR stocking, blaze (BRED)	Mare	Adult	4	Austin Co - Bab
17	Brown, 4 socks and a blaze	Mare	Adult	3	Austin Co - Bab
18	Red, four stockings, blaze	Filly	Young	3	Austin Co - Dav
19	brown, left rear sock, right rear coronet band	Mare	Adult	3	BurlesonCo-Lynne
20	Sorrell, crypt orchid, blaze, front stockings	Boy	Yearling	2	Wash Co -Mel
21	Red, rear left stocking, front left sock	Mare	Adult	3	Waller co - Ellen
22	Red, front right sock, two back socks	Filly	Young	1.5	Waller Co - Ellen
23	Brown mare, blaze, rear socks	Mare	Adult	2	Harris Co-Linda
24	Gruella baby of #23, blaze	Filly	Baby	3	Harris Co-Linda
25	Red, two back stockings	Mare	Adult	3	Waller Co - Ellen
26	Red, left rear stocking, right rear stocking, blaze	Mare	Adult	2.5	Waller Co - Ellen
27	Star, strip, 2 front socks left rear sock, right rear white above hock	Filly	Young	3	BurlesonCo-Lynne
28	Brown, Four socks, blaze	Mare	Adult	3	BurlesonCo-Lynne
29	Brown, 2 rear socks, right left sock, blaze	Mare	Adult	3	BurlesonCo-Lynne
30	Brown, 2 rear socks, white on front left above pastern	Mare	Adult	3	BurlesonCo-Lynne
31	Red, blaze, 4 stockings, blind in left eye (old injury)	Mare	Adult	2.5	BurlesonCo-Lynne
32	Brown, strip, 2 rear socks	Mare	Adult	2	Waller Co - Ellen
33	Red, 2 rear socks, strip (BRED)	Mare	Adult	4	Waller Co - Ellen
34	Brown, white strip, 2 rear socks	Gelding	Adult	3	Waller Co - Ellen



  
\_\_\_\_\_

Affiant

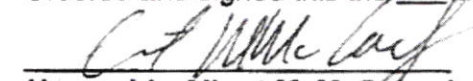
SWORN TO AND SUBSCRIBED BEFORE ME BY THE SAID AFFIANT ON THIS THE  
13<sup>th</sup> DAY OF July 2013.

  
\_\_\_\_\_

**Honorable Albert M. McCaig Jr.**  
**District Judge**  
WALLER COUNTY, TEXAS

On this day the above named Peace Officer delivered into this Court the Return and Inventory set out above. It is Ordered that the property seized by authority of the foregoing Warrant or during the execution thereof shall be and remain under the care, custody, and control of said Peace Officer, and may be removed and taken to any location deemed necessary by such Officer for purposes of safekeeping and completion of any investigation or proceedings related to the activities described in the Affidavit upon which the foregoing Warrant was issued.

Ordered and signed this the 13<sup>th</sup> day of July 2015.

  
\_\_\_\_\_

**Honorable Albert M. McCaig, Jr.**  
**District Judge**  
WALLER COUNTY, TEXAS

CK16-0049-JP1  
FILED

AUG 01 2016

Waller County JP#1  
Judge Charles J. Karisch

**SEIZURE WARRANT FOR CRUELLY TREATED ANIMAL(S) (Sec. 821.022, H.S.C.)**

**CAUSE NUMBER:** CK16-0049-JP1

**§ IN THE JUSTICE COURT CHARLES KARISCH, JUSTICE OF THE PEACE PRECINCT ONE**  
**§ CITY OF HEMPSTEAD**  
**§ WALLER COUNTY, TEXAS**

**TO THE ANIMAL CONTROL AUTHORITY OR ANY PEACE OFFICER FOR THE CITY OF HEMPSTEAD, TEXAS OR ANY OTHER PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:**

Whereas a sworn affidavit has been made before me by Eli Rivera, alleging that the below described animal(s) is/are being or has/have been cruelly treated, a true and exact copy of which application is attached hereto and expressly incorporated herein and made a part hereof, and said affidavit having stated facts and information in my opinion sufficient to establish probable cause for the issuance of this warrant;

Whereas, in accordance with Section 821.022, Health and Safety Code, a seizure warrant may be issued to a peace officer or an officer who has responsibility for animal control in a Justice or county and has reason to believe that an animal has been or is being cruelly treated;

**You are hereby commanded to ENTER UPON AND SEARCH** the below described location and to there verify the presence of the below described animal(s) and **SHALL SEIZE** the same and any other found animals that have been or are being cruelly treated, to inspect, to make note of findings, to take photographs of animals alleged to be/have been cruelly treated and conditions constituting alleged cruel treatment of the below described animal(s):

Animal(s) Description: SEE ATTACHMENTS ONE THROUGH THREE

Address Where Animal Previously Kept: 31125 HEGAR ROAD, HOCKLEY TEXAS 77447

Putported Owner and Address: KATHIE DIGILIO @ 31125 HEGAR ROAD, HOCKLEY TEXAS 77447

It is further ordered that the animal(s) shall be **IMPOUNDED** and held in the custody and control of the any member of the True Blue Animal Rescue in accordance with Section 821.022, Health and Safety Code, for the purpose of a hearing to determine whether the animal(s) has/have been cruelly treated as defined under the laws of the State of Texas.

It is further ordered that you give written notice to Kathy Digilio the alleged owner(s) of said animal(s), that the hearing to determine whether said animal(s) has/have been cruelly treated will be held not later than 10 days from the date of issuance of this warrant in the Justice of the Peace, Precinct One, Waller County, Texas on the 1 day of August, 2016, at 5:01PM [time], located at 846 6<sup>th</sup> Street, Hempstead, Texas.

**HEREIN FAIL NOT**, but make due service and return of this warrant, showing how you executed the same.

Signed this 1 day of August, 2016

Charles J Karisch  
Judge, Justice Court  
Waller County, Texas



ANG 1 588

08/02/16 1335 N.C./L.C. 403

08/04/16 1915 N.C./L.C. 403

08/03/16 0745 N.C. 403

8/4/16 1335 spoke with Nancy in Attorney's office with car

defect to see if she will allow ATTY to accept order. waiters for call back 410

1645 attempted to arrive at home, got locked from car and left

on 8/2 still attacked to fence.

8/5/16 14:11 spoke with Nancy; Defendant out of town; attorney's make of agreement due

to completing case lead in Home City, asked for report.

SEIZURE WARRANT FOR CRUELLY TREATED ANIMAL(S) (Sec. 821.022, H.S.C.)

CAUSE NUMBER: CR16-004929

IN RE:

§ IN THE JUSTICE OF THE PEACE, PRECINCT ONE

§ CITY OF HEMPSTEAD

§ WALLER COUNTY, TEXAS

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the above styled and numbered cause is set for hearing as provided by law, in the City of Hempstead, Justice of the Peace, Precinct One located at: 846 6<sup>th</sup> Street at:

10 :00 A.M., ON THE 9<sup>th</sup> DAY OF August, 2016

Charles J Kowalch

Justice of the Peace  
Waller County, Texas

PEACE OFFICER'S RETURN

Came to hand the 1<sup>st</sup> day of August, 2016, at 5:10 o'clock P.m. and executed on the 8<sup>th</sup> day

of August, 2016, at 8:40 o'clock A.m. by

Personal service to Attorney

[Signature]

Peace Officer