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Austin and Logan Flake

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

THE STATE OF ARIZONA,

Plaintiff,

v.

AUSTIN LANE FLAKE,

Defendant.

Case No. CR2014-002799-003

Case No. CR2014-002799-004

**MOTION FOR REMAND
TO THE GRAND JURY**

(Assigned to the Honorable Michael Kemp)

(Oral Argument Requested)

THE STATE OF ARIZONA,

Plaintiff,

v.

LOGAN FLAKE,

Defendant.

Defendants Austin and Logan Flake (“Defendants,” or the “Flakes”) hereby respectfully submit their Motion for Remand to the Grand Jury pursuant to Rule 12.9, Ariz. R. Crim. P. on the grounds that Defendants were denied a substantial procedural right, and/or that an insufficient number of qualified jurors concurred in the finding of the indictment. This Motion is filed together with a separate Motion to Dismiss Counts 24 through 26, and a Motion for Severance.

1 THE WITNESS: **All night.**

2 GRAND JUROR: Thank you.

3 (GJT 98:23 – 99:8)(emphasis added).

4 Further, the State had a report from its own engineering expert which stated that it was “very
5 likely” that the HVAC unit froze, “render[ing] the unit completely ineffective.”³ However, when asked
6 by the prosecutor whether that same report showed that the air conditioning was working, Detective
7 Trombi failed to disclose that the engineer reached this conclusion.⁴ Instead, she provided false testimony
8 to the grand jury once again by testifying that the report showed that “[i]t was working.”⁵

9 The State misled the grand jury, failed to disclose clearly exculpatory evidence, and effectively
10 controlled the outcome of the proceeding by leaving the grand jurors with little choice except to conclude
11 that the Defendants were lying about the air conditioning shutting down and that their defense was a
12 fabrication. In short, the outcome of the grand jury was based on false and misleading testimony presented
13 by the Sheriff’s office and allowed by the prosecutor. Defendants ask that all counts against them be
14 dismissed and remanded, because Defendants were denied a substantial procedural right by the State’s
15 misleading and inaccurate presentation of the evidence. Finally, there were other problems with the grand
16 jury proceedings that separately warrant a remand, including the presentation of false and speculative
17 opinions by a local veterinarian to the grand jury; a failure to correct the grand jurors’ clear
18 misapprehension of the law; and the failure to properly voir dire the grand jurors for media exposure.

19 **INTRODUCTION TO THE CASE**

20 In June of 2014, Jesse Todd Hughes (aka “Todd Hughes”) and MaLeisa Maurine Hughes
21 (collectively, the “Hughes”) were the owners/operators of Green Acre Dog Boarding, a dog kennel which
22 the Hughes operated out of their home in Gilbert, Arizona (“Green Acre”). The Hughes’ daughter is
23 Defendant Logan Flake, who was aged twenty years old at the time and married to Defendant Austin
24 Flake, who was twenty-one years old. The Flakes lived in Utah and were students at the time. The Hughes
25 asked the Flakes to come to Gilbert and take care of the Hughes’ home for one week—as well as the
26

27 ³ See Exhibit H, Report by George Hogge, page 3 (Bates-labeled 000656).

28 ⁴ GJT 89:9 – 91:25.

⁵ GJT 91:4-13.

1 Hughes' children, some of whom were foster children, and the twenty to more than twenty-five dogs
2 being boarded at the home—while the Hughes went on a trip to Florida. For two days before the Hughes
3 left, Austin Flake shadowed Todd Hughes and the Hughes instructed the Flakes on what to do. The Hughes
4 showed the Flakes how to place the dogs in a secure room attached to the laundry room every night rather
5 than roaming the property. The room has a door with a window in it that was left partially open. The
6 Flakes were made aware that the Hughes regularly placed twenty to twenty-five dogs or more in the room,
7 without any problems, and that the Hughes had placed large numbers of dogs in the room for more than a
8 year and a prior summer without incident. Before leaving for Florida on Sunday, June 15th, the Hughes
9 instructed the Flakes to call them if they had any problems with the home or the kennel or otherwise. The
10 Hughes did not leave or make the Flakes aware of any contact information for any veterinarian(s), whether
11 for the dogs or the kennel generally.

12 The Flakes placed between twenty and as many as twenty-eight dogs in the room every night,
13 including the family pet "Patrick," from Sunday through Wednesday night without incident. On the night
14 of Thursday, June 19th, the Flakes placed around twenty-seven dogs in the room, including Patrick. The
15 Flakes confirmed that the air conditioning was on before turning off the light at 11:00 PM. The room was
16 cool, had sufficient air, and was in the same condition as every other night since the Flakes came to the
17 facility. The window to the room was left partly open.⁶ The dogs had been fed earlier in the day and
18 watered from a large tub of water before they entered the room. Flakes went to go to sleep on the other
19 side of the house, where they were babysitting the Hughes' other children. Austin Flake woke up and
20 checked on the dogs at 5:30 AM, just six and a half hours later. He discovered that nearly all of the dogs
21 were dead or nearly dead, and that there was no air conditioning on in the sweltering room. Mr. Flake saw
22 a hole in the back of the room which had been dug out, and which contained wires that appeared to have
23 been chewed-through and were sparking. Mr. Flake shut down the electricity to stop the sparking wire
24 and Mrs. Flake immediately contacted Todd Hughes and asked him what to do. Mr. Hughes did not
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26 ⁶ Defendant Logan Flake informed police that the window was partly open on the night of the incident during their
27 initial investigation. However, the grand jury was told only that "the [Hughes] keep [the window] closed when they
28 put dogs in" and that when "the three doors are shut and the window is shut...they are sealed off tightly." GJT
29:11-17. This is another example of the State failing to disclose exculpatory or clearly exculpatory evidence, aside
from the powerful grounds for remand urged below.

1 instruct the Flakes to contact a veterinarian. Mr. Hughes said that he would contact the owners of the dogs
2 about what had happened, and at no time did the Hughes instruct the Flakes to contact the police. Mr.
3 Flake tried to cool the dogs down by taking them outside and administering water and ice to them, to help
4 them or at least ease their suffering, but it was clear that most of the dogs had already stopped breathing
5 and were dead. Some dogs that were not dead when found stopped breathing as Austin tried to remove
6 the dogs from the room. Four of the dogs appeared healthy, were walking, and did not appear to be in any
7 pain. However, four hours later one of those dogs unexpectedly laid down and died. Altogether, twenty-
8 one dogs died and three survived. Believing that the air conditioning shut down because of the sparking
9 wire, Mr. Flake reconnected the wire and then turned the electricity back on. The air conditioning then
10 came on (although Defendant's HVAC expert believes that the air conditioning came on not because of
11 the reconnected wire, but because by the time the wires were reconnected—11 AM—the coil had thawed).
12 There was a large amount of feces, urine and vomit in the room, which the Flakes cleaned. At all times
13 the Flakes acted with the purpose of trying to provide emergency attention to the dogs or to prevent their
14 suffering, and there is no evidence to support that they had any motive to commit any act of cruelty against
15 the animals whatsoever. Among the animals that died was the family pet, "Patrick." This was a horrible
16 and tragic accident that has scarred the lives of these two fine young persons, and which they did not
17 cause, expect, or believe was likely to happen. Vicious and inaccurate accounts of these incidents have
18 permeated the press and social media, further harming their reputations.

19 **The HVAC Report**

20 The State retained a mechanical engineer named George Hogge before the grand jury proceedings
21 who inspected the air conditioning system and the filters. He concluded (as did Defendants' expert) that
22 the chewed-through wire was not connected to the air conditioning. The State's expert also concluded that
23 the HVAC system in the Hughes' house "was neglected as to maintenance including the most basic
24 requirement of changing the filter," and that "[a] plugged return filter will cause a number of problems
25 with an HVAC unit besides poor airflow and poor cooling, including the very likely condition of freezing
26 up the indoor coil (evaporator coil) which will block all the airflow and render the unit completely
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1 ineffective.”⁷ Detective Trombi told the grand jury that that Mr. Hogge “did a complete systems check,
2 all electrical on the house, the system check on the air conditioning,”⁸ and that he had determined that the
3 wire which was chewed-through did not connect to the air conditioning. However, she avoided mentioning
4 Mr. Hogge’s ultimate conclusion that the air conditioning “very likely” froze up and failed due to the
5 filters not being changed by the Hughes. Instead, when Detective Trombi was asked if the HVAC Report
6 indicated that “it [the air conditioning] was working,” Detective Trombi falsely testified that “it was
7 working.” (See GJT 91:4-13.)

8 **The SRP Report**

9 Prior to the grand jury proceedings, the State also obtained, pursuant to a court order, data from
10 the Salt River Project showing detailed electrical usage for the home between May and July 2013 and
11 April and July 2014 (including the night of the incident, between June 19th and June 20th, 2014). In its
12 Application for a Court Order to release this information, the State represented to the court that it was
13 “requesting the SRP customer and usage information in attempt to distinguish if there is any decline or
14 discrepancy in the power usage which may confirm the statements by the parties involved or assist with
15 providing a possible time of power outage,” and that it believed that the records “may be used to
16 establish...Austin Flake’s, and/or Logan Flake’s involvement in the alleged Animal Cruelty.”⁹ The Salt
17 River Project, by and through its authorized representative, declares under oath that the records which it
18 provided to the Sheriff’s Office show that the electrical usage in the home that night was “not similar” to
19 energy readings on previous or following nights, because it was significantly lower and the usage stopped
20 cycling after 2:00 AM. (See Exhibit “B,” Affidavit of Wayne Wisdom of SRP, attached hereto.)
21 Defendants’ HVAC expert Tom Stone also declares under oath that the SRP Report is clearly consistent
22 with the air conditioning unit shutting down for several hours that night, at around 2:00 AM (see the
23 Declaration of Tom Stone, professional mechanical engineer, attached as Exhibit “A” hereto).

24 Detective Trombi testified before the grand jury that in the course of her investigation she obtained
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26 ⁷ Exhibit H, Report by George Hogge, page 3 (Bates-labeled 000656).

27 ⁸ GJT 90:20-23.

28 ⁹ Exhibit I, Application “for an Order for Disclosure of Public Utilities Records And Or Usage Documents,” bottom
of page 2 (Bates labeled 001827).

1 a report from SRP that “went a number of days before the incident and a couple of days after, and it just
2 showed a usage chart, basically, of how – the electricity flow in the house and, you know, their peak hours
3 and stuff like that.”¹⁰ Ms. Trombi then testified, without any additional foundation, that “the SRP report
4 shows **that the air was working fine all night.**”¹¹ Later, Ms. Trombi again testified that the “air [in the
5 dog room] was **working all night,**” with no additional foundation.¹² Finally, after the prosecutor, who
6 also should have known this testimony was false and taken steps to correct it, finished examining Ms.
7 Trombi, the second question that the grand jury asked Ms. Trombi was whether the SRP report showed
8 that “the air was working and on until 5:30 that morning.”¹³ (This is the exchange reproduced above.) Ms.
9 Trombi answered “yes” three times, after the same question was repeatedly asked of her. Ms. Trombi did
10 not testify to any other evidence supporting that the air conditioning was “on all night.” She also did not
11 testify that she personally reviewed the SRP Report, that she had any personal knowledge of the contents
12 of the Report, or to any foundation for her to testify concerning the contents of the Report or its meaning
13 whatsoever.

14 A Detective “R.W. Kalinowski” of the Maricopa County Sheriff’s Office Animal Crimes Unit
15 (“MCSO”), who obtained this reporting from SRP, falsely stated in the police report that “[i]n the records
16 on 06/20/2014....[p]rior to about 0600...**the energy reading appeared consistent** with previous days
17 during the same time.”¹⁴ Both Defendants’ HVAC expert and SRP itself agree that this is not the case; but
18 the reality is that even a layperson who looks at the Report can see this with certainty—leading
19 Defendants’ counsel to question whether the MCSO and the State intentionally misdirected the jury and
20 committed perjury. (See SRP Report demonstrative charts on following page.)
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26 ¹⁰ GJT 92: 5-12.

27 ¹¹ GJT 92: 9-21.

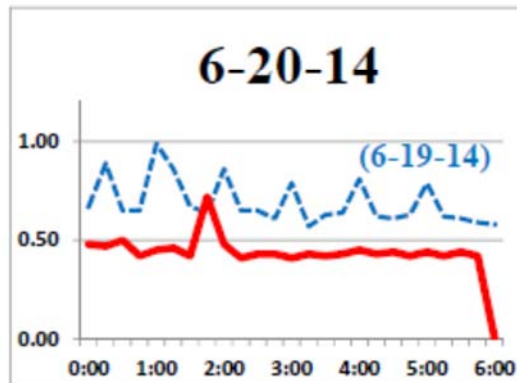
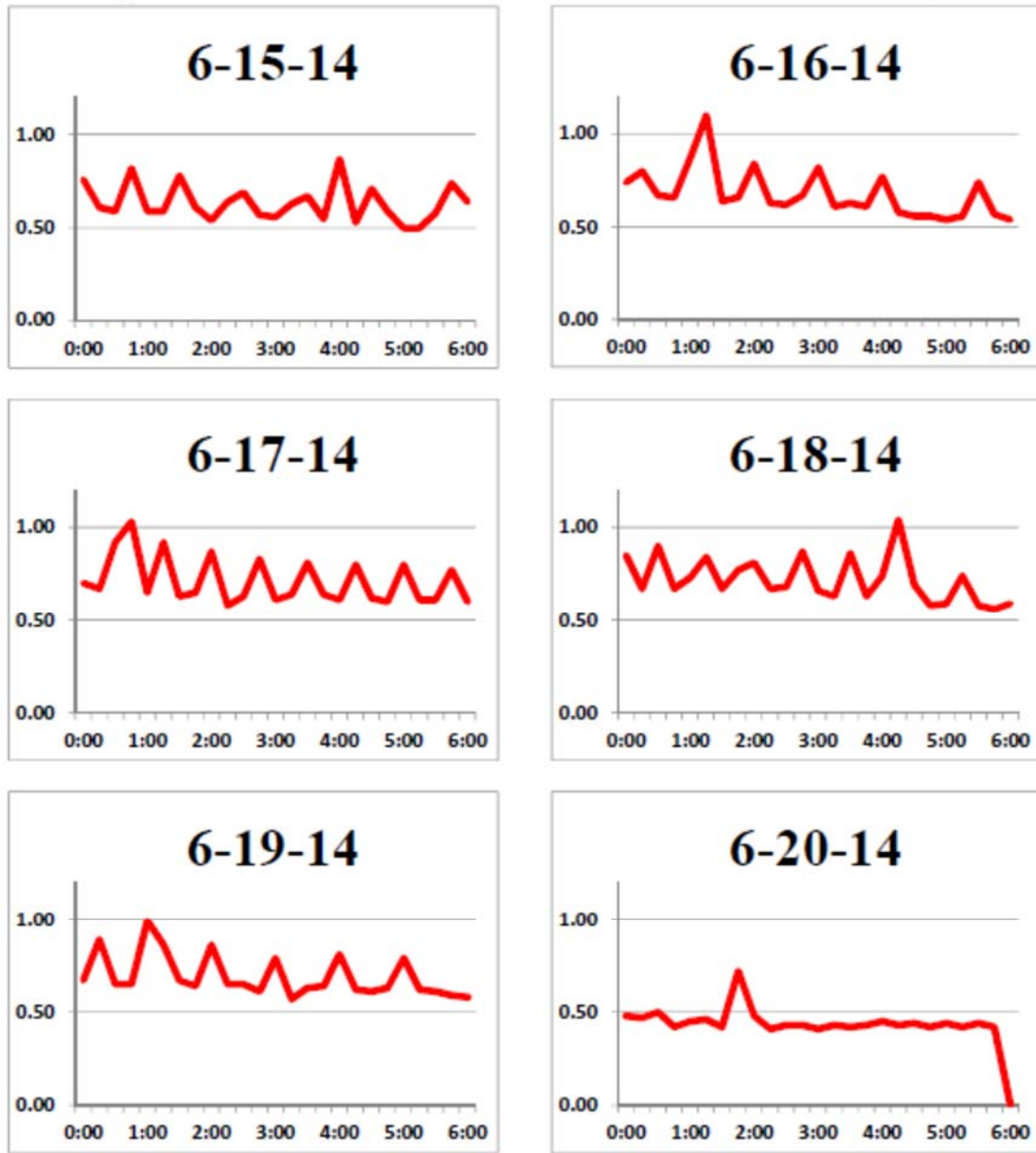
28 ¹² GJT 97:17-25.

¹³ GJT 98:10 – 99:8.

¹⁴ See Exhibit “E” hereto, police report Bates-labeled “CR2014-02799 001839.”

Charts Showing SRP Report Data from 6-15-14 to 6-20-14
(Electrical Usage Readings every Fifteen Minutes, in Kilowatt-Hours, Shown at Left of Charts)
(Time between 00:00 and 6:00 AM Shown at Bottom of Charts)

Electrical Usage Readings Every Fifteen Minutes (in kWh)



Time (AM)

1 The SRP Report thus evidences beyond a shadow of any reasonable doubt that that the readings
2 were clearly and markedly lower than they were in the previous nights and that the electricity usage
3 stopped cycling at 2:00 AM.¹⁵ The Report shows that the total electrical usage on the morning of the
4 incident between 12 and 6 AM was only 10.34 kWh, a full **thirty-seven percent** lower than the average
5 usage during the previous five days during the same hours. A series of more detailed demonstrative charts
6 that is attached as Exhibit "C" hereto also shows this stark difference. Defendant's HVAC expert confirms
7 that the drop is "clearly consistent" with this particular type of air conditioning unit (as reported by the
8 Sheriff's office)¹⁶ shutting down for several hours that night.¹⁷ (The Sheriff's Office apparently never even
9 showed the SRP Report to their HVAC expert.) This is either gross incompetence of the MCSO, or
10 calculated perjury. Regardless, Detective Trombi's testimony that the "SRP Report" and HVAC Report
11 showed that the air conditioning was "on and working" until 5:30 on the morning of June 20th was totally
12 false and misleading.

13 **Testimony of Bernard Mangone**

14 Rather than correct the obviously false and misleading testimony given by Detective Trombi, the
15 prosecutor introduced yet another witness, a contract veterinarian for the MCSO named Dr. Bernard
16 Mangone, who also testified that he was told by the Sheriff's Office "that the air conditioning was
17 working."¹⁸ The prosecutor then compounded the false testimony by asking Dr. Mangone to opine that
18 because the air conditioning was on, the room must have felt "like 100 degrees" even with the air
19 conditioning on.¹⁹ There was no credible foundation laid for this testimony by Dr. Mangone, and
20 Defendants' expert forensic veterinarian maintains that this testimony by Dr. Mangone was pure
21 speculation that was beyond his expertise (as were many of his other inaccurate, irrelevant and speculative
22 opinions. See Exhibit "G" hereto, Opinion of Dr. Melinda Merck, page 3, paragraph 7.)
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25 _____
¹⁵ See also more detailed charts, attached as Exhibit "F" hereto.

26 ¹⁶ See Exhibit "H" hereto, page labeled CR2014-002799 000670, identifying the AC unit that serviced the "dog
room" as a "2 ton Rheem HP model #RQMA-A024JK."

27 ¹⁷ See the Affidavit of Tom Stone, professional mechanical engineer, attached as Exhibit "A" hereto.

28 ¹⁸ GJT 103:1-17.

¹⁹ GJT 106:7-17.

1 **I. The Prosecution Failed to Present Clearly Exculpatory Evidence; Presented False**
2 **and Misleading Testimony That was Used as the Basis for Finding Probable Cause;**
3 **and Presented False Hearsay Testimony Concerning a Material Expert Opinion,**
4 **Warranting a Remand**

5 The prosecution failed to present clearly exculpatory evidence to the grand jury; presented false
6 evidence that went uncorrected and was used as the basis for finding probable cause; and presented false
7 hearsay testimony concerning the contents of a material expert opinion, all of which warrant a remand. “It
8 is well settled that in a grand jury proceeding, the prosecutor must fairly and impartially present the
9 evidence.” *Francis v. Sanders*, 222 Ariz. 423, 426, 215 P.3d 397, 400 (Ct. App. 2009). The prosecution
10 must present “clearly exculpatory” evidence, which includes “evidence that supports an affirmative
11 defense.” *Id.* The prosecution also has a duty not to present false evidence, or to “allow[] it to go
12 uncorrected when it appears,” whether or not the prosecution knew that it was false. *Nelson v. Royston*,
13 137 Ariz. 272, 276, 669 P.2d 1349, 1353 (Ct. App. 1983). “[I]t is not the fact that the testimony is
14 perjurious but rather that evidence, whether intentionally or unintentionally false, has been presented to
15 the trier of fact and is used as a basis for finding probable cause. The defendant has no effective means of
16 cross examining or rebutting the testimony given before a grand jury. Therefore, it is particularly
17 incumbent upon the prosecutor, upon witnessing the use of misleading testimony, to correct the record
18 before that body.” *Id.*, 137 Ariz. at 277, 669 P.2d at 1354.

19 The State failed to disclose clearly exculpatory evidence which proves Defendants’ defense that
20 the air conditioning went off overnight, specifically the opinion of its own HVAC expert that this “very
21 likely” happened as well as the true contents of the SRP Report; and further, the State presented false
22 testimony concerning the HVAC report and Report that directly contradicted this defense. This false
23 testimony was clearly used as the basis for finding probable cause. The State obtained a true bill on the
24 premise that dogs were kept in a room that always felt “like 100 degrees,” even with the air conditioning
25 on—which is objectively absurd, knowing that even the Sheriff’s own HVAC expert concluded that it was
26 “very likely” that the AC unit failed that night, and that the SRP Report is indisputably consistent with the
27 AC unit failing. The State’s misleading presentation of the evidence obviously implicated criminal intent,
28 because if the room were 100 degrees even with the air conditioning on, then Defendants would have
known and felt how hot the room was when they put the dogs in there. The grand jury’s final questioning

1 of Dr. Mangone clearly reflects that they were misled into believing this, and that they indicted the
2 Defendants based on it. Shortly before the grand jury began its deliberations, another Grand Juror asked
3 Dr. Mangone: “[T]hese dogs were put in these rooms before – do you think they were stressed before they
4 knew they were going to go into these rooms?”²⁰ To which Dr. Mangone answered— again falsely and
5 speculatively²¹—that “certainly could” be the case.²² The Grand Juror’s question reflects that the Grand
6 Juror was misled into believing that even the dogs themselves likely knew that they were being placed
7 into an extremely hot room (that had “stressed” them out before)—and, by extension, that the people who
8 placed them there (Defendants) knew that they were placing dogs in extreme heat and in harm’s way,
9 which is of course necessary to show “intentional, knowing, or reckless” criminal intent. The truth of
10 course is that the room was substantially cooler with the air conditioning on—which explains why, even
11 though the same number of dogs or more were placed in the room in previous days and in the past, the
12 dogs only died only on *that* day when the air conditioning went down, and not before. If the State’s
13 witnesses had not provided false testimony, but rather had told the grand jury that the SRP report does in
14 fact show that the electricity dropped off and that the air conditioning shut down that night, and that the
15 State’s own HVAC expert concluded that the AC probably froze up and shut down, then the State would
16 have failed to present *any* evidence to refute that the air conditioning went off that night and that this was
17 an accident, and the prosecution had no probable cause to bring this case.

18 Further, the prosecution’s failure to have their HVAC expert actually testify, given the material
19 effect of his opinion on the case, constitutes prejudicial error; as does its failure to show the actual SRP
20 Report to the grand jury, or to have an SRP representative testify about its content and meaning. In *Korzep*
21 *v. Superior Court of State of Ariz. In & For Yuma Cnty.*, 155 Ariz. 303, 306, 746 P.2d 44, 47 (Ct. App.
22 1987), the Arizona Court of Appeals ordered that an Indictment be remanded to the grand jury because
23 the State’s investigative police witness misrepresented the contents of an expert report to the grand jury,
24 and “speculated” about what its conclusions were. *Id.* “[W]here the prosecution uses investigative police
25 officers to transmit hearsay expert opinions which are material both to the issue of whether an indictment
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27 ²⁰ GJT 122:9-14.

28 ²¹ See Exhibit G, opinion of Dr. Melinda Merck, page 3, paragraph 8.

²² GJT 122:15-123:1.

1 is to be returned and if so, the degree of the crime to be indicted,” and “there exists a high probability that
2 the grand jury would not have indicted had they heard the testimony of the expert declarant rather than a
3 hearsay version, then the matter must be remanded to allow the grand jury to make that determination.”
4 *Id.* The same standard is easily satisfied here. The prosecution used Ms. Trombi to transmit her erroneous
5 and potentially perjurious interpretation of the HVAC Report to the grand jury (i.e., that the report showed
6 that the air conditioning “was working”).²³ The Report was material to the issue of whether an Indictment
7 should have been returned and to the degree of the crime to be indicted (the level of intent). There is more
8 than a high probability that the grand jury would not have indicted if the grand jury had heard the actual
9 testimony of Mr. Hogge rather than a hearsay version, because Mr. Hogge in fact concluded that it was
10 very likely that the AC froze up and shut down. Therefore, based merely on the fact that the HVAC report
11 was conveyed through hearsay form, and that the HVAC expert’s opinion was material and would likely
12 have changed the outcome of the case if the grand jury had heard testimony from the expert rather than a
13 hearsay version, a remand to the grand jury is warranted.

14 While the *Korzep* case concerned the presentation of an “expert report” to the grand jury as
15 hearsay, and the SRP Report is an actual piece of *evidence* that was presented through Ms. Trombi’s
16 foundationless and speculative hearsay testimony, there is no reason why the Court should not apply the
17 principles of the *Korzep* case to the SRP Report as well, given its materiality to the case. If the jury had
18 seen the actual report, or heard from an actual SRP representative to testify about it, then the jury would
19 likely have reached a different conclusion. SRP’s representative clearly states that the electrical usage
20 shown in the report for that night was inconsistent with other nights, because it dropped and that the usage
21 stopped cycling after 2:00 AM.²⁴ The prosecution’s failure to present the actual report to the grand jury or
22 any witness testimony from SRP concerning the report therefore also constitutes grounds for remand.

23 The issue here is not the “sufficiency” of the evidence presented to the grand jury, which the court
24 generally may not weigh. *Nelson*, 137 Ariz. at 276, 669 P.2d at 1353; *see also Crimmins v. Superior Court*,
25 *In & For Maricopa Cnty.*, 137 Ariz. 39, 43, 668 P.2d 882, 886 (1983). Rather, the issue is that the
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28 ²³ GJT 98:1.

²⁴ See Exhibit “B,” Affidavit of Wayne Wisdom of SRP, attached hereto.

1 presentation of evidence was not fair and impartial, because it was inaccurate and misleading. *Id.* The
 2 prosecution witnesses' false presentation of the evidence rendered the decision of the grand jury
 3 proceeding hopelessly tainted, and a "[r]emand is necessary to correct this inaccuracy." *Korzep*, 155 Ariz.
 4 at 306, 746 P.2d at 47. "[W]hile the State has no obligation to anticipate every defense, or to present facts
 5 and law pertaining to defenses in every case, it does have an obligation to respond in an accurate fashion
 6 to grand jurors' questions concerning defenses and to avoid knowingly misleading them. Anything less
 7 would prevent the grand jury from performing its essential function of evaluating the merits of the
 8 proposed prosecution." *Francis v. Sanders*, 222 Ariz. 423, 427, 215 P.3d 397, 401 (Ct. App. 2009). The
 9 grand jury could not possibly have made its interest in the SRP Report and the issue of whether the air
 10 conditioning shut down more obvious. Because the prosecution failed to correct this false, inaccurate and
 11 misleading testimony, and actually compounded it by having a second witness render a speculative
 12 opinion based on it; and because the prosecution failed to present the testimony of their actual HVAC
 13 expert (or an SRP representative or the SRP Report itself), the Indictment must be dismissed and remanded
 14 to the grand jury for a new determination of probable cause. The prosecution's misdirection on this vital
 15 issue clearly tainted the entire proceeding and the grand jury's perception of the defense, warranting a
 16 remand on all counts at a minimum.

17 Finally, these errors clearly were not harmless. These were misstatements and omissions of
 18 material fact that were highly influential and prejudicial, and would have turned the outcome of the grand
 19 jury decision had the evidence been presented fairly. "In a criminal proceeding, error is harmless if we
 20 can say, beyond a reasonable doubt, that the error did not contribute to or affect the outcome. We must be
 21 confident beyond a reasonable doubt that the error had no influence on the jury's judgment." *State v. Bible*,
 22 175 Ariz. 549, 588, 858 P.2d 1152, 1191 (1993)(quotations omitted); *see also Pitts v. Adams*, 179 Ariz.
 23 108, 109, 876 P.2d 1143, 1144 (1994)(harmless error doctrine applies to grand jury proceedings). The
 24 State cannot meet that standard here. If anything, it could be shown beyond a reasonable doubt that this
 25 error *did* influence the outcome of the grand jury's determination, considering that a grand juror asked
 26 about this issue repeatedly (and was provided false testimony in response), and that the State persuaded
 27 only the bare minimum of grand jurors (nine) to find in favor of a true bill.

1 **II. The State failed to disclose clearly exculpatory evidence regarding whether the dogs**
2 **were fed**

3 At GJT 110:19-23, the State’s witness Dr. Mangone testified that eight of the dogs necropsied did
4 not have food in their stomachs. He was apparently suggesting that the dogs were intentionally not fed
5 that day. However, Dr. Mangone failed to mention to the grand jury that the dogs did not show any
6 physical signs of malnutrition whatsoever, i.e. that they were “in good flesh,” even though he mentioned
7 this in his report.²⁵ This evidence is clearly exculpatory, and because the witness withheld this evidence a
8 remand is also warranted. His opinions were not merely insufficient- they were clearly and purposefully
9 designed to prejudice Defendants with wild and foundationless speculation, which he knew the jury would
be influenced by and indeed inflamed by.

10 **III. The Grand Jurors were not sufficiently questioned about media exposure to the case**

11 This case has attracted strong media attention throughout the country, due to a variety of factors.
12 A prosecutor asked the grand jury if they had “read, heard, or seen anything in the news media regarding
13 this investigation”—and it is clear that several members of the grand jury indicated that they had, because
14 the prosecutor then asked, for “those of you who have indicated you’ve been exposed to media exposure
15 regarding this matter...”²⁶ But rather than identifying those grand jurors who had indicated that they were
16 exposed to the media regarding the case, and then questioning them further to obtain an actual, verbal
17 confirmation from each of them on the record that he or she could render a fair and impartial decision in
18 the matter, the prosecutor simply continued on in a self-serving monologue that is reported as follows:

19 The following questions are directed at those of you who have indicated you’ve been
20 exposed to media exposure regarding this matter. Would the fact that you’ve been exposed
21 to media coverage in any way interfere with or hinder your ability to act fairly, impartially,
and without prejudice in connection with this matter?

22 I take it by your silence that each of you will be able to act fairly, impartially, and without
23 prejudice in rendering a decision in this matter. Any decision made by this Grand Jury in
24 connection with this matter must be based solely on the evidence presented during the
25 hearing. Is there anybody on the Grand Jury panel who because of his or her exposure to
the media would not be able to render a decision in this matter based solely upon the
evidence presented during this hearing? And I take it by your silence that each of you will
be able to render a decision in this matter based solely upon the evidence presented during
this investigation. If at any time during the course of this investigation you realize that

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28 ²⁵ See Exhibit D hereto; see also Exhibit G, page 2, paragraph 2.

²⁶ GJT 6:6-14.

1 you've had media exposure that would in any way affect your ability to sit as a fair and
impartial juror, please request to be excused.

2 GJT 6:15-7:10.

3 Grand jurors do not have a "right to be silent" when it comes to their prejudices and biases
4 concerning the case, and "[o]nce a grand juror makes known a basis for questioning his or her ability to
5 proceed due to bias, financial, proprietary or personal interest, the prosecutor must explore whether the
6 situation has the potential for warranting excusal and determine the juror's position on the issue. If the
7 circumstances appear sufficient to raise a reasonable inference of bias or interest, that minimal threshold
8 is met and the prosecutor must refer the matter to the [Judge] for a determination." *State v. Brown*, 289
9 N.J. Super. 285, 291, 673 A.2d 834, 837 (App. Div. 1996). The prosecutor's failure to identify which, or
10 how many grand jurors had been exposed to the media; and to actually question each one further and
11 confirm on the record that they would be able to act "fairly, impartially and without prejudice," constitutes
12 the denial of a substantial procedural right that every Court affords during voir dire. It is apparent that
13 those jurors who indicated that they had been exposed to the media stayed silent in response to the
14 prosecutor's question about whether they held any prejudice, and that they did not respond in either the
15 affirmative or the negative, leaving the question of whether they in fact held those biases and could set
16 them aside totally unanswered and not inquired into. Nor can Defendants ascertain whether they held
17 actual bias or prejudice after the fact. Where members of the grand jury clearly indicated that they had
18 been exposed to evidence outside of the courtroom concerning this case, it is asking very little of the
19 prosecution to then follow up with those jurors individually and to confirm on the record that they can set
20 aside any prejudice caused by that exposure; as opposed to cavalierly proceeding with the grand jury
21 testimony and "assuming" that those jurors would be able to set aside their prejudices, simply because
22 they did not respond one way or the other. This failure to properly voir dire the grand jury constituted the
23 denial of a substantial procedural right under Rule 12.9(a), and caused "an insufficient number of qualified
24 jurors" to find in favor of the Indictment, which separately warrants a remand of all Counts.

1 IV. The prosecutor improperly refused to correct the grand jurors' clear
2 misapprehension of the law

3 Defendants were also denied a substantial procedural right because the prosecution refused to
4 answer a question from the grand jury during its deliberations about the meaning of “reckless” intent and
5 to correct the grand jurors’ clear misunderstanding of the term, which would have changed the outcome
6 if corrected. “In the context of a grand jury proceeding, the grand jurors are instructed not by the court but
7 by the prosecutor as the jury’s legal advisor. But a defendant has a substantial procedural right in the jury’s
8 being properly instructed on the law, and a court must determine whether that has taken place.” *State v.*
9 *Fields ex rel. Cnty. of Pima*, 232 Ariz. 265, 268, 304 P.3d 1088, 1091 (Ct. App. 2013), review denied
10 (Feb. 11, 2014). The prosecutors failed to correct the grand jury’s false belief that a synonym for
11 “recklessly” was “**sort of like an accident,**” directly leading to a skewed determination of probable cause.
12 On the second day that the grand jury met on this case, it took a break from deliberations to ask the
13 prosecutor, “[C]an we clarify intentional, knowingly versus reckless, just for all – the definitions for all
14 of us?”²⁷ In response, the prosecutor referred the grand jury to look at A.R.S. § “13-105[(10)](b)” and
15 “105(10)(c),” which define “knowingly” and “recklessly.”²⁸ The grand jury continued to confusedly ask,
16 “[c]an you tell me, rank them, what is the more knowing versus the less knowing?” or “the most culpable
17 versus less culpable”— which the prosecutor refused to answer, except to say that “I think that the statutes
18 actually help you with that.” Finally, they asked, “How about this? Would a synonym for recklessly be
19 **sort of like an accident?** Would you be able to answer that?” And the prosecutor again answered,
20 “Unfortunately we can’t, no. I know. It’s incredibly frustrating.” Of course, an “accident” is certainly not
21 a synonym for “reckless” intent, and the only frustrating thing here is why this was not corrected on the
22 spot in fairness to these two Defendants. Recklessness requires that Defendants have actual awareness of
23 a substantial risk of harm or danger and a conscious disregard for it, which is certainly not shown by a fair
24 presentation of the facts here. “A first-year law student should see this crucial issue,” and “by failing to
25 provide [the grand jury] with the ... legal advice needed to resolve that issue, the prosecutor controlled
26 the result and ensured an indictment on an extremely serious charge.” *Crimmins*, 137 Ariz. at 44-45, 668

27 ²⁷ October 14th Grand Jury Transcripts (“GJT2”), page 4, lines 3-5.

28 ²⁸ GJT2 4:6-9.

P.2d at 887-88. If any member of the grand jury believed that this was an “accident,” then they should not have been able to find reckless intent, let alone felonious conduct, and that should have been made clear to them; or conversely, if any grand juror only found “intentional or knowing” intent because they believed that anything less than this meant that it was merely an “accident,” then the determination of probable cause was irrevocably tainted by this misapprehension of the law and the Indictment must be remanded. “When a statutory concept was not self evident and the grand jurors expressed uncertainty, an instruction beyond a perfunctory rereading of the statute [is] required.” Sara S. Beale, et al., *Improper or Inadequate Instructions*, Grand Jury Law and Practice § 9:10 (2d ed.)(citing *Trebus v. Davis In and For County of Pima*, 189 Ariz. 621, 623, 944 P.2d 1235, 1237 (1997); *Walker v. Superior Court In and For County of Navajo*, 191 Ariz. 424, 956 P.2d 1246, 1247–48 (Ct. App. Div. 1 1998); and *State v. Fields*, 232 Ariz. at 265, 304 P.3d at 1088). It is clear that the meaning of “reckless” intent was not “self-evident” to these jurors, and that they expressed uncertainty about the concept, so the prosecutor had a duty to correct this beyond merely citing to statutes, just as they have a duty to correct misleading statements of fact or to give other instructions that are warranted by the evidence. *See Maretick v. Jarrett*, 204 Ariz. 194, 198, 62 P.3d 120, 124 (2003)(prosecutor’s failure to correct witness’s misleading testimony and to give proper instruction regarding testimony warranted remand). Because the prosecution did not correct the grand jury’s obvious misunderstanding of the applicable legal standards, the prosecution failed to properly advise and instruct the jury in its charge, and essentially controlled and directed the outcome, severely prejudicing the defense and warranting a remand.

V. Defendants were Prejudiced by the Presentation of Evidence against Jesse Todd and MaLeisa Hughes for Fraud

Finally, Defendants were prejudiced by the prosecution’s lengthy presentation of evidence to the grand jury regarding a count for fraud against their co-Defendants, the kennel’s owners Jesse Todd and MaLeisa Hughes (who are also Defendant Logan Flake’s parents)(the “Hughes”). The State separately alleges in this count that the Hughes defrauded dog owners into becoming customers of the kennel, by telling them that the dog boarding facility was “free range,” and omitting to tell them about how the dogs were housed; and later by lying to dog owners about the fact of the dogs’ deaths, and allegedly telling

1 them that their dogs had escaped from the facility.²⁹ (See also Defendants’ Motion to Sever, filed
2 herewith.) This evidence would be materially irrelevant, prejudicial and inadmissible as to these
3 Defendants in a trial of this matter, but it constituted around half of the evidence that was presented to the
4 grand jury (roughly 53 out of 117 pages of the October 10th, 2014 grand jury transcript). This extensive
5 testimony was highly prejudicial to these Defendants, who are not named in the fraud counts and are not
6 even alleged to be involved in these alleged acts or fraud in any way or design. The prosecution’s repeated
7 emphasis on this evidence certainly spilled over and “rubbed off” on the Defendants, who are the Hughes’s
8 daughter and son-in-law and were instructed to take care of the kennel for a week. Defendants were made
9 to appear as though they were, like the Hughes, knowledgeable operators of a kennel who were also
10 knowledgeable of the home—rather than temporary caretakers of the home and boarding facility, with
11 limited knowledge of either, and no involvement other than to follow the Hughes’ instructions.³⁰
12 Therefore, any testimony concerning the Hughes’s knowledge of, or long-term operation of the dog
13 boarding facility or home prejudiced the grand jury’s determination of Defendants’ own knowledge and
14 intent. Defendants respectfully request that the case be remanded, and that on remand their case be severed
15 from any case that is made to the grand jury concerning their co-Defendants, the Hughes.

16 **Conclusion**

17 Defendants request that that the case be remanded, at a minimum, for a new finding of probable
18 cause, and that on remand their case be severed from any case that is made to the grand jury concerning
19 their co-Defendants, the Hughes.

20 **RESPECTFULLY SUBMITTED** December 2, 2014.

21 **WILENCHIK & BARTNESS, P.C.**

22 /s/ Dennis I. Wilenchik

23 Dennis I. Wilenchik, Esq.

24 John D. Wilenchik, Esq.

25 The Wilenchik & Bartness Building

26 2810 North Third Street

27 Phoenix, AZ 85004

28 *Attorneys for Defendants Austin and Logan Flake.*

29 GJT pages 14 through 17, and 38 to 88, *in passim*.

30 GJT 93:22-95:6.

1 **ELECTRONICALLY** filed this
2 2nd day of December, 2014, using
3 the Court's E-Filing Online Website

4 **COPY** hand-delivered December 2, 2014,
5 to the Honorable Michael Kemp

6 **COPY** of the foregoing
7 mailed December 2, 2014, to:

8 William G. Montgomery
9 Shawn L. Steinberg
10 Maricopa County Attorney's Office
11 301 W. Jefferson, 8th Floor
12 Phoenix, AZ 85003
13 *Attorneys for Plaintiff*

14 By /s/ Christine M. Ferreira

EXHIBIT A

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —

DECLARATION OF TOM STONE

I, Tom Stone, make this Declaration of my own knowledge, and I am competent to testify to the matters contained herein.

1. I am a professional licensed mechanical engineer who specializes in HVAC analysis.

2. I have reviewed the energy usage readings for the property located at 15723 E. Appleby Road, Gilbert, Arizona (meter #3288889), which is marked as CR 2014-002799 002253 - 002266 (the "SRP Report").

3. I have reviewed the "Engineering Examination and Analysis Report #1" that is marked as CR2014-002799 00654 – 00701 (the "EE Report"). The EE Report states that the HVAC unit which serviced the room in which the dogs were kept was a "2 ton Rheem HP model #RQMA-A024JK" (hereinafter referred to as the "AC Unit")(page 17 of the EE Report).

4. The SRP Report clearly indicates that the AC Unit was not "working and on" for several hours between 12:00 AM and 5:30 AM on the morning of June 20th.

5. The SRP Report shows that energy usage between 12 AM and 6 AM on June 20th was 6.11 kWh lower than average energy usage during the same hours on the previous five days (June 15th to June 19th). The usage between 12 AM and 6 AM on June 20th was also 6.06 kWh lower than the average energy usage during the same hours on the following five days (June 21st to June 25th).

6. The decrease in the amount of energy usage between 12:00 AM and 5:30 AM on the morning of June 20th as shown in the SRP Report is consistent with the energy that would have been used by the AC Unit during that same time period.

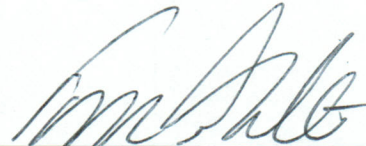
7. The SRP Report also shows that energy usage on the days previous to and following June 20th is very cyclical between the hours of 12 AM and 6 AM. The cycles

1 that I observed are clearly consistent with the AC Unit turning on and off between those
2 hours, on an hourly or semi-hourly basis.

3 8. The energy usage on June 20th between 12 AM and 6 AM is flat except for
4 one cycle that is less than an hour long and peaks at 1:45 AM. This is consistent with the
5 AC Unit running only one cycle between those hours and turning off at around 2:00 AM.

6 9. The SRP report clearly indicates that the AC Unit was not "on, all night"
7 between 12:00 AM and 5:30 AM on June 20th.

8 I declare under penalty of perjury under the laws of the State of Arizona that I
9 have read the above Declaration, am familiar with its contents, and know the same to be
10 true and correct of my own personal knowledge.

11
12 
13 Tom Stone

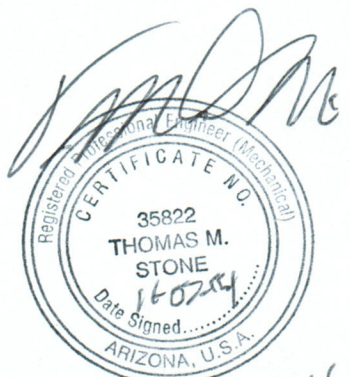


EXHIBIT B

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —

AFFIDAVIT OF WAYNE WISDOM

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, Wayne Wisdom, being first duly sworn upon my oath, depose and say:

1. I am the Director of Electric System Operations for Salt River Project ("SRP"), and I am authorized to make the statements herein on its behalf. I am a registered professional engineer in the State of Arizona.

2. I have reviewed the energy usage readings for the property located at 15723 E. Appleby Road, Gilbert, Arizona (meter #3288889), which is marked as CR 2014-002799 002253 - 002266 (the "SRP Report") and attached as Exhibit "A" hereto.

3. In the SRP Report for June 20th, 2014, the energy readings between 12:00 AM and 6:00 AM are not similar to the energy readings on previous days during the same time, or with following days during the same time. The energy readings between 12:00 AM and 6:00 AM on June 20th, 2014 are lower.

4. The energy usage between the hours of 12:00 AM and 6:00 AM on June 20th was 10.34 kilowatt-hours (kWh).

5. The energy usage between the same hours on June 19th was 16.61 kWh.

6. The energy usage between the same hours on June 18th was 17.17 kWh.

7. The energy usage between the same hours on June 17th was 17.10 kWh.

8. The energy usage between the same hours on June 16th was 16.25 kWh.

9. The energy usage between the same hours on June 15th was 15.10 kWh.

10. Based on the above, the average energy usage between 12:00 AM and 6:00 AM from June 15th to June 19th was 16.45 kWh, which is 6.11 kWh higher than energy usage between the same hours on June 20th.

11. The energy usage between the same hours on June 21st was 16.42 kWh.

12. The energy usage between the same hours on June 22nd was 19.81 kWh.

13. The energy usage between the same hours on June 23rd was 19.94 kWh.

14. The energy usage between the same hours on June 24th was 13.13 kWh.

15. The energy usage between the same hours on June 25th was 12.69 kWh.

16. Based on the above, the average energy usage between 12:00 AM and 6:00 AM from June 21st to June 25th was 16.40 kWh, which is 6.06 kWh higher than energy usage between the same hours on June 20th.

17. In addition, as reflected on Exhibit "A," the energy readings both prior to and after June 20th between 2:00 AM and 6:00 AM reflected cycling. However, the energy readings between 2:00 AM and 6:00 AM on June 20th were not cycling.

18. There is no record by SRP of a power outage in the area of 15723 E. Appleby Road on June 20th, 2014.

19. The above observations indicate a decrease in electrical usage between 12:00 AM and 6:00 AM on June 20th, as well as a change from cycling to non-cycling energy usage between 2:00 AM and 6:00 AM on June 20th, as compared with both the previous and following days that are shown on Exhibit "A."

20. The above observations indicate a change from cycling energy usage to non-cycling energy usage between 2:00 AM and 6:00 AM on June 20th, as compared with both the previous and following days that are shown on Exhibit "A."

I have read the foregoing Affidavit and the statements made therein are true and correct to the best of my knowledge, information, and belief.

FURTHER AFFLIANT SAYETH NAUGHT.


Wayne Wisdom

SUBSCRIBED AND SWORN to before me this 12 day of November, 2014 by




Notary Public

My Commission Expires:

3/27/2017



EXHIBIT A



Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/15/2014 0:00	0.76	3.26
6/15/2014 0:15	0.61	
6/15/2014 0:30	0.59	
6/15/2014 0:45	0.82	
6/15/2014 1:00	0.59	2.61
6/15/2014 1:15	0.59	
6/15/2014 1:30	0.78	
6/15/2014 1:45	0.61	
6/15/2014 2:00	0.54	2.52
6/15/2014 2:15	0.64	
6/15/2014 2:30	0.69	
6/15/2014 2:45	0.57	
6/15/2014 3:00	0.56	2.46
6/15/2014 3:15	0.63	
6/15/2014 3:30	0.67	
6/15/2014 3:45	0.55	
6/15/2014 4:00	0.87	2.72
6/15/2014 4:15	0.53	
6/15/2014 4:30	0.71	
6/15/2014 4:45	0.59	
6/15/2014 5:00	0.5	2.33
6/15/2014 5:15	0.5	
6/15/2014 5:30	0.58	
6/15/2014 5:45	0.74	
6/15/2014 6:00	0.64	2.46
6/15/2014 6:15	0.65	
6/15/2014 6:30	0.7	
6/15/2014 6:45	0.74	
6/15/2014 7:00	0.73	2.82
6/15/2014 7:15	0.72	
6/15/2014 7:30	0.63	
6/15/2014 7:45	1.5	
6/15/2014 8:00	0.69	3.54
6/15/2014 8:15	0.96	
6/15/2014 8:30	1.93	
6/15/2014 8:45	2.03	
6/15/2014 9:00	2.2	7.12
6/15/2014 9:15	0.86	
6/15/2014 9:30	1.03	
6/15/2014 9:45	1.24	
6/15/2014 10:00	1.13	4.26
6/15/2014 10:15	1.14	
6/15/2014 10:30	0.69	
6/15/2014 10:45	0.94	
6/15/2014 11:00	0.82	3.59
6/15/2014 11:15	1.05	
6/15/2014 11:30	0.72	
6/15/2014 11:45	1.35	
6/15/2014 12:00	0.96	4.08
6/15/2014 12:15	0.9	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/15/2014 12:30	1.11	
6/15/2014 12:45	0.86	
6/15/2014 13:00	1.02	3.89
6/15/2014 13:15	1	
6/15/2014 13:30	0.85	
6/15/2014 13:45	1.17	
6/15/2014 14:00	0.78	3.8
6/15/2014 14:15	2.21	
6/15/2014 14:30	2.14	
6/15/2014 14:45	1.88	
6/15/2014 15:00	1.87	8.1
6/15/2014 15:15	2.64	
6/15/2014 15:30	1.79	
6/15/2014 15:45	2.54	
6/15/2014 16:00	1.31	8.28
6/15/2014 16:15	2.56	
6/15/2014 16:30	1.63	
6/15/2014 16:45	1.74	
6/15/2014 17:00	1.94	7.87
6/15/2014 17:15	1.69	
6/15/2014 17:30	1.41	
6/15/2014 17:45	2.17	
6/15/2014 18:00	1.7	6.97
6/15/2014 18:15	2.06	
6/15/2014 18:30	2.2	
6/15/2014 18:45	1.25	
6/15/2014 19:00	2.43	7.94
6/15/2014 19:15	1.09	
6/15/2014 19:30	2.15	
6/15/2014 19:45	1.27	
6/15/2014 20:00	2.16	6.67
6/15/2014 20:15	1.69	
6/15/2014 20:30	1.55	
6/15/2014 20:45	1.44	
6/15/2014 21:00	1.38	6.06
6/15/2014 21:15	1.87	
6/15/2014 21:30	1.2	
6/15/2014 21:45	1.22	
6/15/2014 22:00	0.91	5.2
6/15/2014 22:15	1.02	
6/15/2014 22:30	2.33	
6/15/2014 22:45	2.16	
6/15/2014 23:00	1.26	6.77
6/15/2014 23:15	0.76	
6/15/2014 23:30	0.87	
6/15/2014 23:45	0.65	
6/16/2014 0:00	0.74	3.02
6/16/2014 0:15	0.8	
6/16/2014 0:30	0.67	
6/16/2014 0:45	0.66	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/16/2014 1:00	0.87	3
6/16/2014 1:15	1.1	
6/16/2014 1:30	0.64	
6/16/2014 1:45	0.66	
6/16/2014 2:00	0.84	3.24
6/16/2014 2:15	0.63	
6/16/2014 2:30	0.62	
6/16/2014 2:45	0.67	
6/16/2014 3:00	0.82	2.74
6/16/2014 3:15	0.61	
6/16/2014 3:30	0.63	
6/16/2014 3:45	0.61	
6/16/2014 4:00	0.77	2.62
6/16/2014 4:15	0.58	
6/16/2014 4:30	0.56	
6/16/2014 4:45	0.56	
6/16/2014 5:00	0.54	2.24
6/16/2014 5:15	0.56	
6/16/2014 5:30	0.74	
6/16/2014 5:45	0.57	
6/16/2014 6:00	0.54	2.41
6/16/2014 6:15	1.01	
6/16/2014 6:30	0.61	
6/16/2014 6:45	0.7	
6/16/2014 7:00	0.67	2.99
6/16/2014 7:15	0.72	
6/16/2014 7:30	0.94	
6/16/2014 7:45	0.76	
6/16/2014 8:00	0.99	3.41
6/16/2014 8:15	1.54	
6/16/2014 8:30	2.03	
6/16/2014 8:45	1.21	
6/16/2014 9:00	0.86	5.64
6/16/2014 9:15	1.65	
6/16/2014 9:30	0.79	
6/16/2014 9:45	1.13	
6/16/2014 10:00	0.82	4.39
6/16/2014 10:15	1.66	
6/16/2014 10:30	1.68	
6/16/2014 10:45	1.33	
6/16/2014 11:00	1.16	5.83
6/16/2014 11:15	1.01	
6/16/2014 11:30	1.08	
6/16/2014 11:45	0.87	
6/16/2014 12:00	1.51	4.47
6/16/2014 12:15	1.11	
6/16/2014 12:30	1.45	
6/16/2014 12:45	1.35	
6/16/2014 13:00	1.5	5.41
6/16/2014 13:15	1.56	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/16/2014 13:30	2.63	
6/16/2014 13:45	2.95	
6/16/2014 14:00	2.88	10.02
6/16/2014 14:15	3.22	
6/16/2014 14:30	2.84	
6/16/2014 14:45	2.45	
6/16/2014 15:00	2.82	11.33
6/16/2014 15:15	2.53	
6/16/2014 15:30	2.63	
6/16/2014 15:45	3.19	
6/16/2014 16:00	2.44	10.79
6/16/2014 16:15	2.42	
6/16/2014 16:30	2.58	
6/16/2014 16:45	2.05	
6/16/2014 17:00	2.47	9.52
6/16/2014 17:15	2.1	
6/16/2014 17:30	2.26	
6/16/2014 17:45	2.33	
6/16/2014 18:00	2.02	8.71
6/16/2014 18:15	1.98	
6/16/2014 18:30	1.37	
6/16/2014 18:45	2.06	
6/16/2014 19:00	1.18	6.59
6/16/2014 19:15	1.8	
6/16/2014 19:30	1.08	
6/16/2014 19:45	1.79	
6/16/2014 20:00	0.99	5.66
6/16/2014 20:15	2.6	
6/16/2014 20:30	1.55	
6/16/2014 20:45	2.04	
6/16/2014 21:00	2.6	8.79
6/16/2014 21:15	2.05	
6/16/2014 21:30	1.19	
6/16/2014 21:45	0.99	
6/16/2014 22:00	1.74	5.97
6/16/2014 22:15	0.95	
6/16/2014 22:30	1.07	
6/16/2014 22:45	0.73	
6/16/2014 23:00	0.8	3.55
6/16/2014 23:15	0.84	
6/16/2014 23:30	0.65	
6/16/2014 23:45	0.89	
6/17/2014 0:00	0.7	3.08
6/17/2014 0:15	0.67	
6/17/2014 0:30	0.92	
6/17/2014 0:45	1.03	
6/17/2014 1:00	0.65	3.27
6/17/2014 1:15	0.92	
6/17/2014 1:30	0.63	
6/17/2014 1:45	0.65	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/17/2014 2:00	0.87	3.07
6/17/2014 2:15	0.58	
6/17/2014 2:30	0.63	
6/17/2014 2:45	0.83	
6/17/2014 3:00	0.61	2.65
6/17/2014 3:15	0.64	
6/17/2014 3:30	0.81	
6/17/2014 3:45	0.64	
6/17/2014 4:00	0.61	2.7
6/17/2014 4:15	0.8	
6/17/2014 4:30	0.62	
6/17/2014 4:45	0.6	
6/17/2014 5:00	0.8	2.82
6/17/2014 5:15	0.61	
6/17/2014 5:30	0.61	
6/17/2014 5:45	0.77	
6/17/2014 6:00	0.6	2.59
6/17/2014 6:15	0.59	
6/17/2014 6:30	0.62	
6/17/2014 6:45	0.95	
6/17/2014 7:00	1.03	3.19
6/17/2014 7:15	0.95	
6/17/2014 7:30	0.74	
6/17/2014 7:45	1.64	
6/17/2014 8:00	1.95	5.28
6/17/2014 8:15	2.13	
6/17/2014 8:30	0.83	
6/17/2014 8:45	1.06	
6/17/2014 9:00	0.77	4.79
6/17/2014 9:15	1.54	
6/17/2014 9:30	0.88	
6/17/2014 9:45	1.18	
6/17/2014 10:00	1.02	4.62
6/17/2014 10:15	1.59	
6/17/2014 10:30	1.3	
6/17/2014 10:45	1.69	
6/17/2014 11:00	1.71	6.29
6/17/2014 11:15	2.03	
6/17/2014 11:30	1.45	
6/17/2014 11:45	2.48	
6/17/2014 12:00	2.08	8.04
6/17/2014 12:15	2.31	
6/17/2014 12:30	1.51	
6/17/2014 12:45	2.17	
6/17/2014 13:00	2.17	8.16
6/17/2014 13:15	2.17	
6/17/2014 13:30	2.4	
6/17/2014 13:45	2.12	
6/17/2014 14:00	2.42	9.11
6/17/2014 14:15	1.93	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/17/2014 14:30	2.33	
6/17/2014 14:45	2.44	
6/17/2014 15:00	2.07	8.77
6/17/2014 15:15	2.3	
6/17/2014 15:30	2.22	
6/17/2014 15:45	2.07	
6/17/2014 16:00	2.42	9.01
6/17/2014 16:15	2.18	
6/17/2014 16:30	1.92	
6/17/2014 16:45	2.22	
6/17/2014 17:00	2.19	8.51
6/17/2014 17:15	2.29	
6/17/2014 17:30	2.1	
6/17/2014 17:45	2.2	
6/17/2014 18:00	3.15	9.74
6/17/2014 18:15	2.56	
6/17/2014 18:30	2.52	
6/17/2014 18:45	2.67	
6/17/2014 19:00	1.88	9.63
6/17/2014 19:15	1.76	
6/17/2014 19:30	1.06	
6/17/2014 19:45	1.83	
6/17/2014 20:00	1.97	6.62
6/17/2014 20:15	3.06	
6/17/2014 20:30	2.24	
6/17/2014 20:45	1.14	
6/17/2014 21:00	1.94	8.38
6/17/2014 21:15	2.3	
6/17/2014 21:30	1.62	
6/17/2014 21:45	1.97	
6/17/2014 22:00	0.77	6.66
6/17/2014 22:15	0.89	
6/17/2014 22:30	0.7	
6/17/2014 22:45	0.94	
6/17/2014 23:00	0.68	3.21
6/17/2014 23:15	1.13	
6/17/2014 23:30	0.8	
6/17/2014 23:45	0.74	
6/18/2014 0:00	0.85	3.52
6/18/2014 0:15	0.67	
6/18/2014 0:30	0.9	
6/18/2014 0:45	0.67	
6/18/2014 1:00	0.73	2.97
6/18/2014 1:15	0.84	
6/18/2014 1:30	0.67	
6/18/2014 1:45	0.77	
6/18/2014 2:00	0.81	3.09
6/18/2014 2:15	0.67	
6/18/2014 2:30	0.68	
6/18/2014 2:45	0.87	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/18/2014 3:00	0.66	2.88
6/18/2014 3:15	0.63	
6/18/2014 3:30	0.86	
6/18/2014 3:45	0.63	
6/18/2014 4:00	0.74	2.86
6/18/2014 4:15	1.04	
6/18/2014 4:30	0.69	
6/18/2014 4:45	0.58	
6/18/2014 5:00	0.59	2.9
6/18/2014 5:15	0.74	
6/18/2014 5:30	0.58	
6/18/2014 5:45	0.56	
6/18/2014 6:00	0.59	2.47
6/18/2014 6:15	0.57	
6/18/2014 6:30	0.68	
6/18/2014 6:45	1.03	
6/18/2014 7:00	1.24	3.52
6/18/2014 7:15	1.66	
6/18/2014 7:30	0.71	
6/18/2014 7:45	0.81	
6/18/2014 8:00	1.25	4.43
6/18/2014 8:15	0.76	
6/18/2014 8:30	0.95	
6/18/2014 8:45	1.17	
6/18/2014 9:00	0.99	3.87
6/18/2014 9:15	1.24	
6/18/2014 9:30	1.06	
6/18/2014 9:45	0.99	
6/18/2014 10:00	0.97	4.26
6/18/2014 10:15	0.94	
6/18/2014 10:30	1.17	
6/18/2014 10:45	1.06	
6/18/2014 11:00	0.78	3.95
6/18/2014 11:15	1.11	
6/18/2014 11:30	1.94	
6/18/2014 11:45	1.13	
6/18/2014 12:00	2.19	6.37
6/18/2014 12:15	2.06	
6/18/2014 12:30	1.67	
6/18/2014 12:45	1.83	
6/18/2014 13:00	1.89	7.45
6/18/2014 13:15	2.43	
6/18/2014 13:30	2.24	
6/18/2014 13:45	2.02	
6/18/2014 14:00	2.33	9.02
6/18/2014 14:15	2.12	
6/18/2014 14:30	2.12	
6/18/2014 14:45	2.3	
6/18/2014 15:00	1.97	8.51
6/18/2014 15:15	2.46	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/18/2014 15:30	3.21	
6/18/2014 15:45	2.59	
6/18/2014 16:00	2.61	10.87
6/18/2014 16:15	2.39	
6/18/2014 16:30	2.31	
6/18/2014 16:45	2.1	
6/18/2014 17:00	1.69	8.49
6/18/2014 17:15	1.58	
6/18/2014 17:30	1.68	
6/18/2014 17:45	1.86	
6/18/2014 18:00	2.06	7.18
6/18/2014 18:15	1.48	
6/18/2014 18:30	1.47	
6/18/2014 18:45	1.42	
6/18/2014 19:00	1.65	6.02
6/18/2014 19:15	1.14	
6/18/2014 19:30	1.11	
6/18/2014 19:45	1.61	
6/18/2014 20:00	0.83	4.69
6/18/2014 20:15	1.7	
6/18/2014 20:30	0.95	
6/18/2014 20:45	1.82	
6/18/2014 21:00	1.75	6.22
6/18/2014 21:15	1.97	
6/18/2014 21:30	1.42	
6/18/2014 21:45	1.51	
6/18/2014 22:00	1.02	5.92
6/18/2014 22:15	1.67	
6/18/2014 22:30	1.56	
6/18/2014 22:45	0.97	
6/18/2014 23:00	0.8	5
6/18/2014 23:15	0.8	
6/18/2014 23:30	0.85	
6/18/2014 23:45	0.68	
6/19/2014 0:00	0.67	3
6/19/2014 0:15	0.89	
6/19/2014 0:30	0.65	
6/19/2014 0:45	0.65	
6/19/2014 1:00	0.99	3.18
6/19/2014 1:15	0.86	
6/19/2014 1:30	0.67	
6/19/2014 1:45	0.64	
6/19/2014 2:00	0.86	3.03
6/19/2014 2:15	0.65	
6/19/2014 2:30	0.65	
6/19/2014 2:45	0.61	
6/19/2014 3:00	0.79	2.7
6/19/2014 3:15	0.57	
6/19/2014 3:30	0.63	
6/19/2014 3:45	0.64	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/19/2014 4:00	0.81	2.65
6/19/2014 4:15	0.62	
6/19/2014 4:30	0.61	
6/19/2014 4:45	0.63	
6/19/2014 5:00	0.79	2.65
6/19/2014 5:15	0.62	
6/19/2014 5:30	0.61	
6/19/2014 5:45	0.59	
6/19/2014 6:00	0.58	2.4
6/19/2014 6:15	0.58	
6/19/2014 6:30	0.58	
6/19/2014 6:45	1.26	
6/19/2014 7:00	1.07	3.49
6/19/2014 7:15	1.72	
6/19/2014 7:30	1.65	
6/19/2014 7:45	0.79	
6/19/2014 8:00	0.89	5.05
6/19/2014 8:15	0.72	
6/19/2014 8:30	0.93	
6/19/2014 8:45	1.16	
6/19/2014 9:00	1.09	3.9
6/19/2014 9:15	1.01	
6/19/2014 9:30	1.01	
6/19/2014 9:45	0.81	
6/19/2014 10:00	1.07	3.9
6/19/2014 10:15	1.23	
6/19/2014 10:30	0.95	
6/19/2014 10:45	1.14	
6/19/2014 11:00	0.87	4.19
6/19/2014 11:15	1.15	
6/19/2014 11:30	1.05	
6/19/2014 11:45	1.29	
6/19/2014 12:00	1.16	4.65
6/19/2014 12:15	1.25	
6/19/2014 12:30	2.42	
6/19/2014 12:45	2.23	
6/19/2014 13:00	2.01	7.91
6/19/2014 13:15	2.38	
6/19/2014 13:30	2.45	
6/19/2014 13:45	2.44	
6/19/2014 14:00	2.32	9.59
6/19/2014 14:15	2.27	
6/19/2014 14:30	2.07	
6/19/2014 14:45	2.29	
6/19/2014 15:00	2.56	9.19
6/19/2014 15:15	2.08	
6/19/2014 15:30	2.42	
6/19/2014 15:45	2.15	
6/19/2014 16:00	2.2	8.85
6/19/2014 16:15	2.33	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/19/2014 16:30	2.19	
6/19/2014 16:45	2.13	
6/19/2014 17:00	2.43	9.08
6/19/2014 17:15	2.18	
6/19/2014 17:30	2.01	
6/19/2014 17:45	1.59	
6/19/2014 18:00	1.91	7.69
6/19/2014 18:15	1.21	
6/19/2014 18:30	1.65	
6/19/2014 18:45	2.04	
6/19/2014 19:00	1.85	6.75
6/19/2014 19:15	1.99	
6/19/2014 19:30	2.37	
6/19/2014 19:45	2.82	
6/19/2014 20:00	3.1	10.28
6/19/2014 20:15	2.61	
6/19/2014 20:30	1.7	
6/19/2014 20:45	2.13	
6/19/2014 21:00	2.07	8.51
6/19/2014 21:15	1.87	
6/19/2014 21:30	1.44	
6/19/2014 21:45	1.27	
6/19/2014 22:00	0.76	5.34
6/19/2014 22:15	1.72	
6/19/2014 22:30	0.68	
6/19/2014 22:45	1.65	
6/19/2014 23:00	0.82	4.87
6/19/2014 23:15	1.05	
6/19/2014 23:30	1.49	
6/19/2014 23:45	0.85	
6/20/2014 0:00	0.48	3.87
6/20/2014 0:15	0.47	
6/20/2014 0:30	0.5	
6/20/2014 0:45	0.42	
6/20/2014 1:00	0.45	1.84
6/20/2014 1:15	0.46	
6/20/2014 1:30	0.42	
6/20/2014 1:45	0.72	
6/20/2014 2:00	0.48	2.08
6/20/2014 2:15	0.41	
6/20/2014 2:30	0.43	
6/20/2014 2:45	0.43	
6/20/2014 3:00	0.41	1.68
6/20/2014 3:15	0.43	
6/20/2014 3:30	0.42	
6/20/2014 3:45	0.43	
6/20/2014 4:00	0.45	1.73
6/20/2014 4:15	0.43	
6/20/2014 4:30	0.44	
6/20/2014 4:45	0.42	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/20/2014 5:00	0.44	1.73
6/20/2014 5:15	0.42	
6/20/2014 5:30	0.44	
6/20/2014 5:45	0.42	
6/20/2014 6:00	0	1.28
6/20/2014 6:15	0	
6/20/2014 6:30	0	
6/20/2014 6:45	0	
6/20/2014 7:00	0	0
6/20/2014 7:15	0	
6/20/2014 7:30	0	
6/20/2014 7:45	0	
6/20/2014 8:00	0	0
6/20/2014 8:15	0	
6/20/2014 8:30	0	
6/20/2014 8:45	0	
6/20/2014 9:00	0	0
6/20/2014 9:15	0	
6/20/2014 9:30	0	
6/20/2014 9:45	0	
6/20/2014 10:00	0	0
6/20/2014 10:15	0	
6/20/2014 10:30	0	
6/20/2014 10:45	0	
6/20/2014 11:00	1.42	1.42
6/20/2014 11:15	3.38	
6/20/2014 11:30	2.59	
6/20/2014 11:45	2.92	
6/20/2014 12:00	2.59	11.48
6/20/2014 12:15	2.18	
6/20/2014 12:30	2.67	
6/20/2014 12:45	2.5	
6/20/2014 13:00	3.72	11.07
6/20/2014 13:15	2.98	
6/20/2014 13:30	3.07	
6/20/2014 13:45	3.15	
6/20/2014 14:00	2.68	11.88
6/20/2014 14:15	2.82	
6/20/2014 14:30	2.67	
6/20/2014 14:45	2.67	
6/20/2014 15:00	2.26	10.42
6/20/2014 15:15	2.61	
6/20/2014 15:30	2.24	
6/20/2014 15:45	3.1	
6/20/2014 16:00	3.27	11.22
6/20/2014 16:15	2.73	
6/20/2014 16:30	2.4	
6/20/2014 16:45	2.4	
6/20/2014 17:00	2.46	9.99
6/20/2014 17:15	1.95	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/20/2014 17:30	2.35	
6/20/2014 17:45	2.11	
6/20/2014 18:00	2.11	8.52
6/20/2014 18:15	2.29	
6/20/2014 18:30	3.39	
6/20/2014 18:45	3.12	
6/20/2014 19:00	2.36	11.16
6/20/2014 19:15	2.39	
6/20/2014 19:30	2.12	
6/20/2014 19:45	1.94	
6/20/2014 20:00	2.12	8.57
6/20/2014 20:15	1.8	
6/20/2014 20:30	2.22	
6/20/2014 20:45	1.95	
6/20/2014 21:00	2.18	8.15
6/20/2014 21:15	1.87	
6/20/2014 21:30	3.39	
6/20/2014 21:45	2.26	
6/20/2014 22:00	2.28	9.8
6/20/2014 22:15	1.9	
6/20/2014 22:30	2.45	
6/20/2014 22:45	2.42	
6/20/2014 23:00	1.6	8.37
6/20/2014 23:15	1.48	
6/20/2014 23:30	1.28	
6/20/2014 23:45	1.43	
6/21/2014 0:00	1.1	5.29
6/21/2014 0:15	0.53	
6/21/2014 0:30	1.23	
6/21/2014 0:45	0.52	
6/21/2014 1:00	0.89	3.17
6/21/2014 1:15	0.92	
6/21/2014 1:30	0.59	
6/21/2014 1:45	0.64	
6/21/2014 2:00	0.88	3.03
6/21/2014 2:15	0.51	
6/21/2014 2:30	0.89	
6/21/2014 2:45	0.51	
6/21/2014 3:00	0.79	2.7
6/21/2014 3:15	0.75	
6/21/2014 3:30	0.84	
6/21/2014 3:45	0.8	
6/21/2014 4:00	0.48	2.87
6/21/2014 4:15	0.8	
6/21/2014 4:30	0.51	
6/21/2014 4:45	0.47	
6/21/2014 5:00	0.78	2.56
6/21/2014 5:15	0.47	
6/21/2014 5:30	0.48	
6/21/2014 5:45	0.36	

Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/21/2014 6:00	0.78	2.09
6/21/2014 6:15	0.42	
6/21/2014 6:30	0.77	
6/21/2014 6:45	0.44	
6/21/2014 7:00	0.49	2.12
6/21/2014 7:15	0.88	
6/21/2014 7:30	0.98	
6/21/2014 7:45	0.98	
6/21/2014 8:00	2.29	5.13
6/21/2014 8:15	1.34	
6/21/2014 8:30	2.29	
6/21/2014 8:45	1.56	
6/21/2014 9:00	2.93	8.12
6/21/2014 9:15	3.1	
6/21/2014 9:30	3.36	
6/21/2014 9:45	3	
6/21/2014 10:00	4.09	13.55
6/21/2014 10:15	3.36	
6/21/2014 10:30	3.29	
6/21/2014 10:45	3.44	
6/21/2014 11:00	3.23	13.32
6/21/2014 11:15	2.17	
6/21/2014 11:30	2.25	
6/21/2014 11:45	2.51	
6/21/2014 12:00	2.46	9.39
6/21/2014 12:15	2.3	
6/21/2014 12:30	1.99	
6/21/2014 12:45	2.12	
6/21/2014 13:00	2.09	8.5
6/21/2014 13:15	1.83	
6/21/2014 13:30	2.67	
6/21/2014 13:45	1.99	
6/21/2014 14:00	2.31	8.8
6/21/2014 14:15	2.14	
6/21/2014 14:30	2.14	
6/21/2014 14:45	2.3	
6/21/2014 15:00	2.11	8.69
6/21/2014 15:15	2.51	
6/21/2014 15:30	2.19	
6/21/2014 15:45	2.47	
6/21/2014 16:00	2.12	9.29
6/21/2014 16:15	2.29	
6/21/2014 16:30	2.79	
6/21/2014 16:45	2.17	
6/21/2014 17:00	2.47	9.72
6/21/2014 17:15	2.41	
6/21/2014 17:30	3.38	
6/21/2014 17:45	2.42	
6/21/2014 18:00	2.43	10.64
6/21/2014 18:15	1.97	

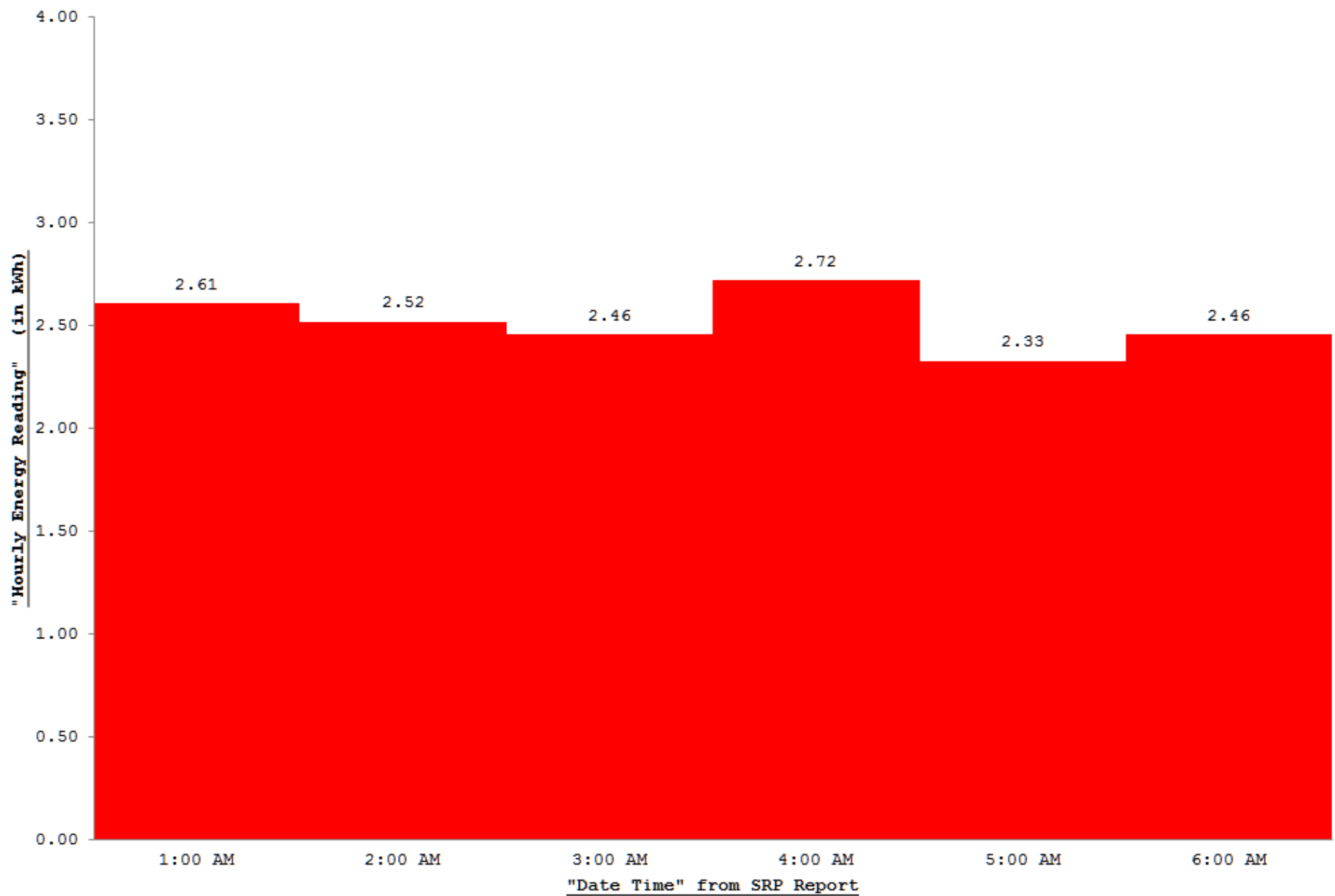
Meter # 3288889, Service Address: 15723 E APPLEBY RD GILBERT 85298-9358

Date Time (24hr)	Energy Reading (kWh)	Hourly Energy Reading (kWh)
6/21/2014 18:30	2.2	
6/21/2014 18:45	2.13	
6/21/2014 19:00	2.53	8.83
6/21/2014 19:15	3.65	
6/21/2014 19:30	3.27	
6/21/2014 19:45	2.48	
6/21/2014 20:00	3	12.4
6/21/2014 20:15	2.29	
6/21/2014 20:30	2.33	
6/21/2014 20:45	2.07	
6/21/2014 21:00	2.05	8.74
6/21/2014 21:15	2	
6/21/2014 21:30	2.53	
6/21/2014 21:45	2.33	
6/21/2014 22:00	1.89	8.75
6/21/2014 22:15	1.64	
6/21/2014 22:30	2.21	
6/21/2014 22:45	1.63	
6/21/2014 23:00	1.98	7.46
6/21/2014 23:15	1.23	
6/21/2014 23:30	1.64	
6/21/2014 23:45	1.05	
6/22/2014 0:00	1.32	5.24
6/22/2014 0:15	0.77	
6/22/2014 0:30	1.25	
6/22/2014 0:45	1.29	
6/22/2014 1:00	0.68	3.99
6/22/2014 1:15	1.14	
6/22/2014 1:30	1.03	
6/22/2014 1:45	1.18	
6/22/2014 2:00	0.63	3.98
6/22/2014 2:15	1.02	
6/22/2014 2:30	0.57	
6/22/2014 2:45	0.97	
6/22/2014 3:00	0.58	3.14
6/22/2014 3:15	0.86	
6/22/2014 3:30	0.9	
6/22/2014 3:45	0.54	
6/22/2014 4:00	0.96	3.26
6/22/2014 4:15	0.53	
6/22/2014 4:30	0.52	
6/22/2014 4:45	0.84	
6/22/2014 5:00	0.97	2.86
6/22/2014 5:15	0.75	
6/22/2014 5:30	0.52	
6/22/2014 5:45	0.81	
6/22/2014 6:00	0.5	2.58
6/22/2014 6:15	0.49	
6/22/2014 6:30	0.99	
6/22/2014 6:45	0.59	

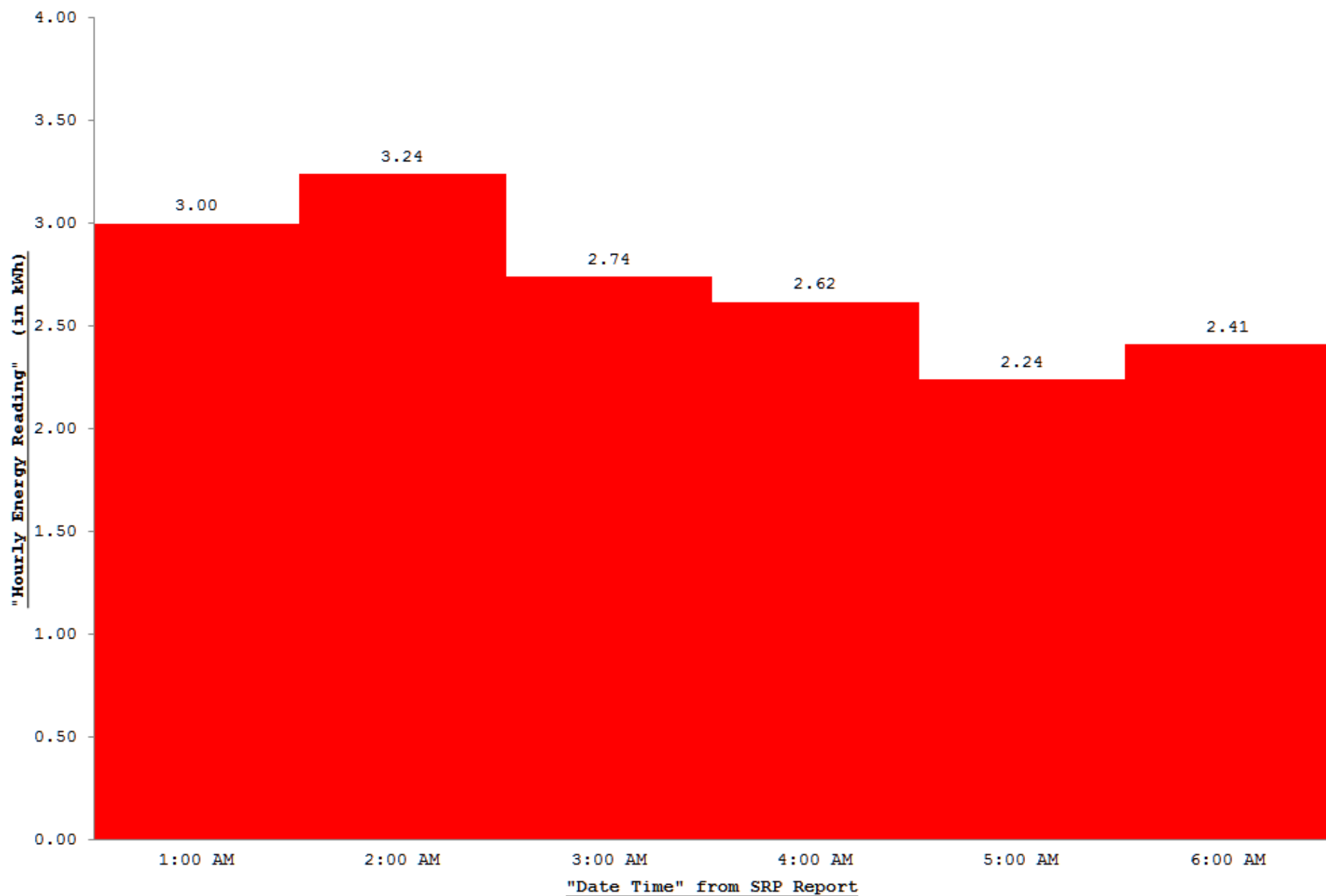
EXHIBIT C

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —

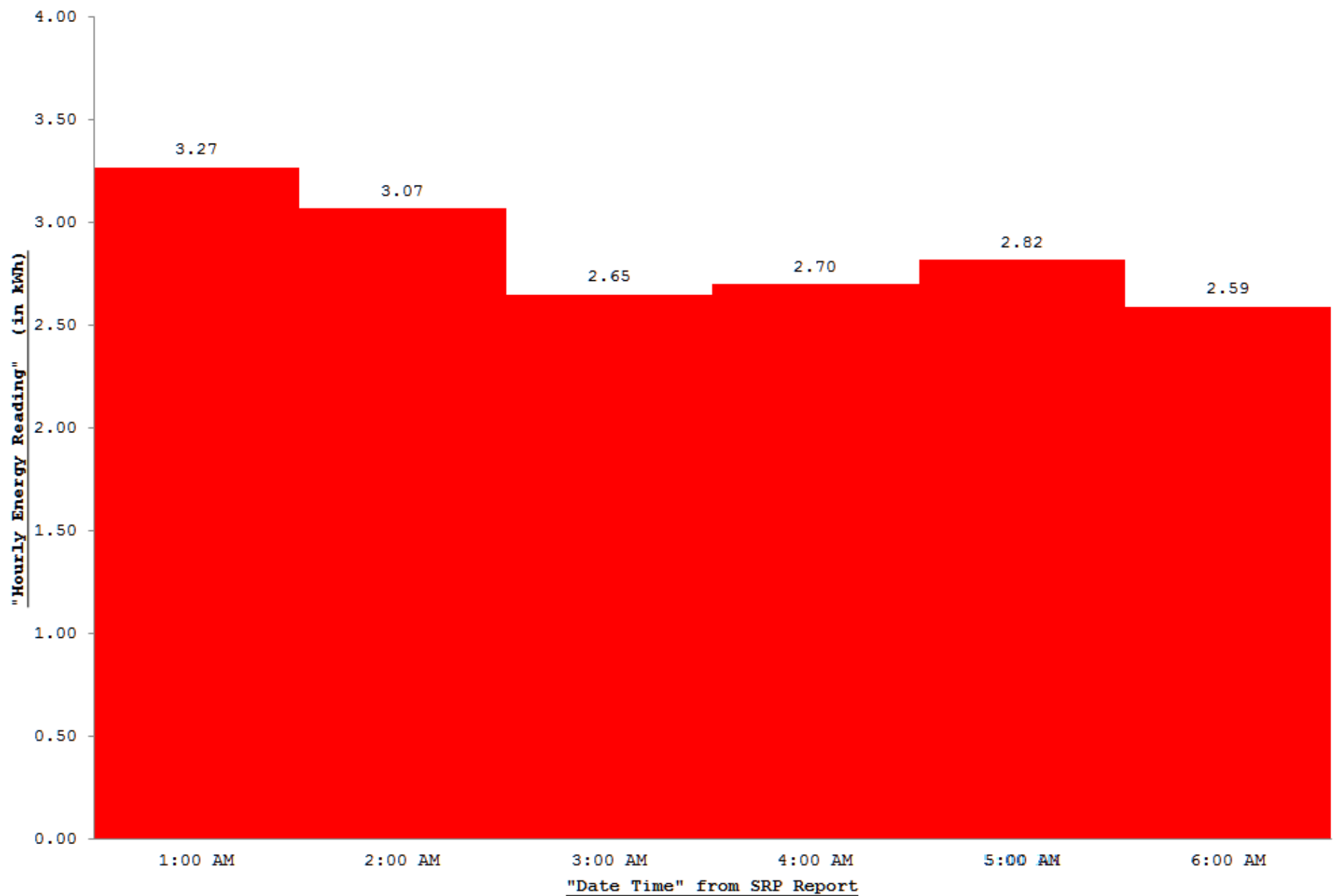
SRP Report "Hourly Energy Readings" for June 15th, 2014



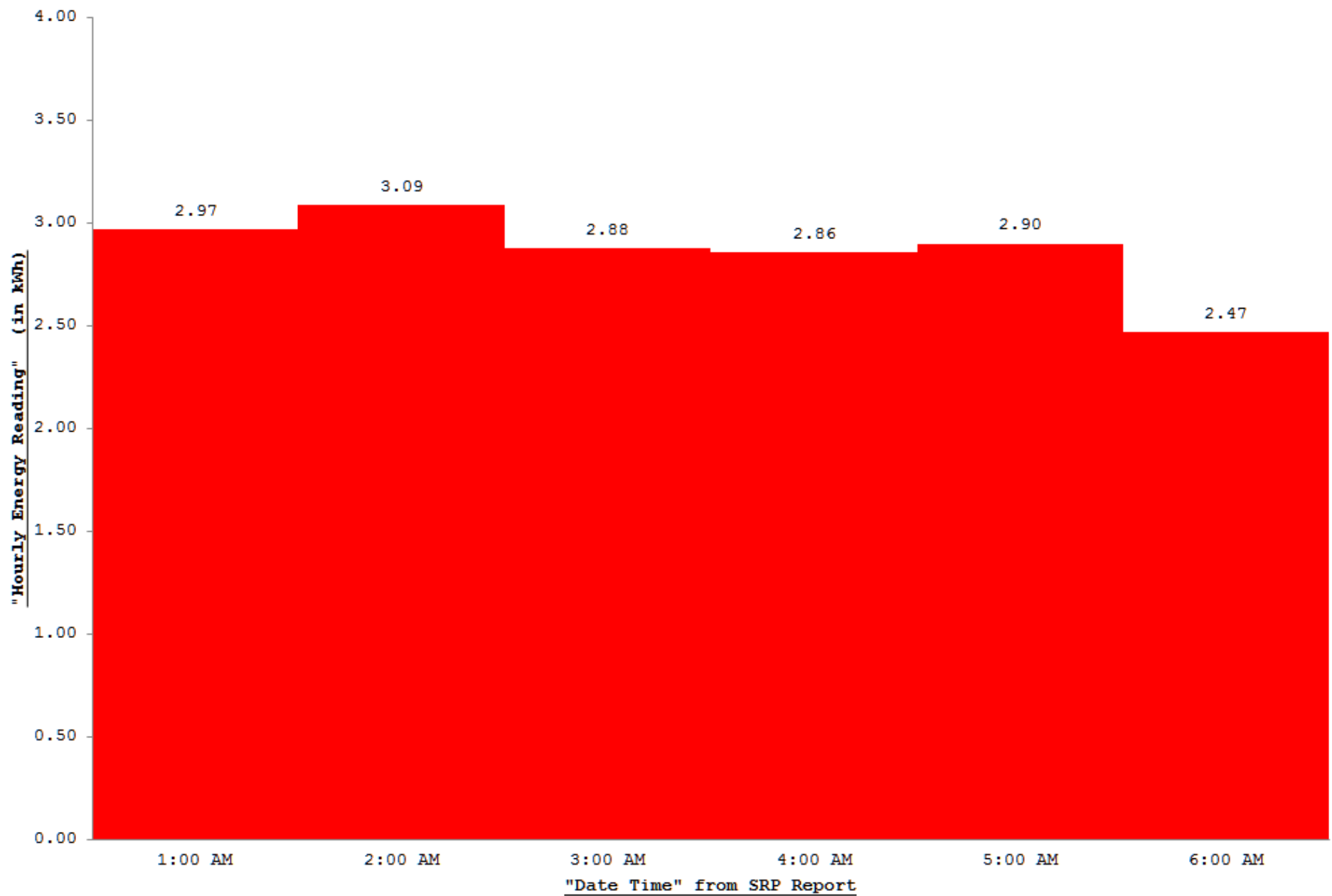
SRP Report "Hourly Energy Readings" for June 16th, 2014



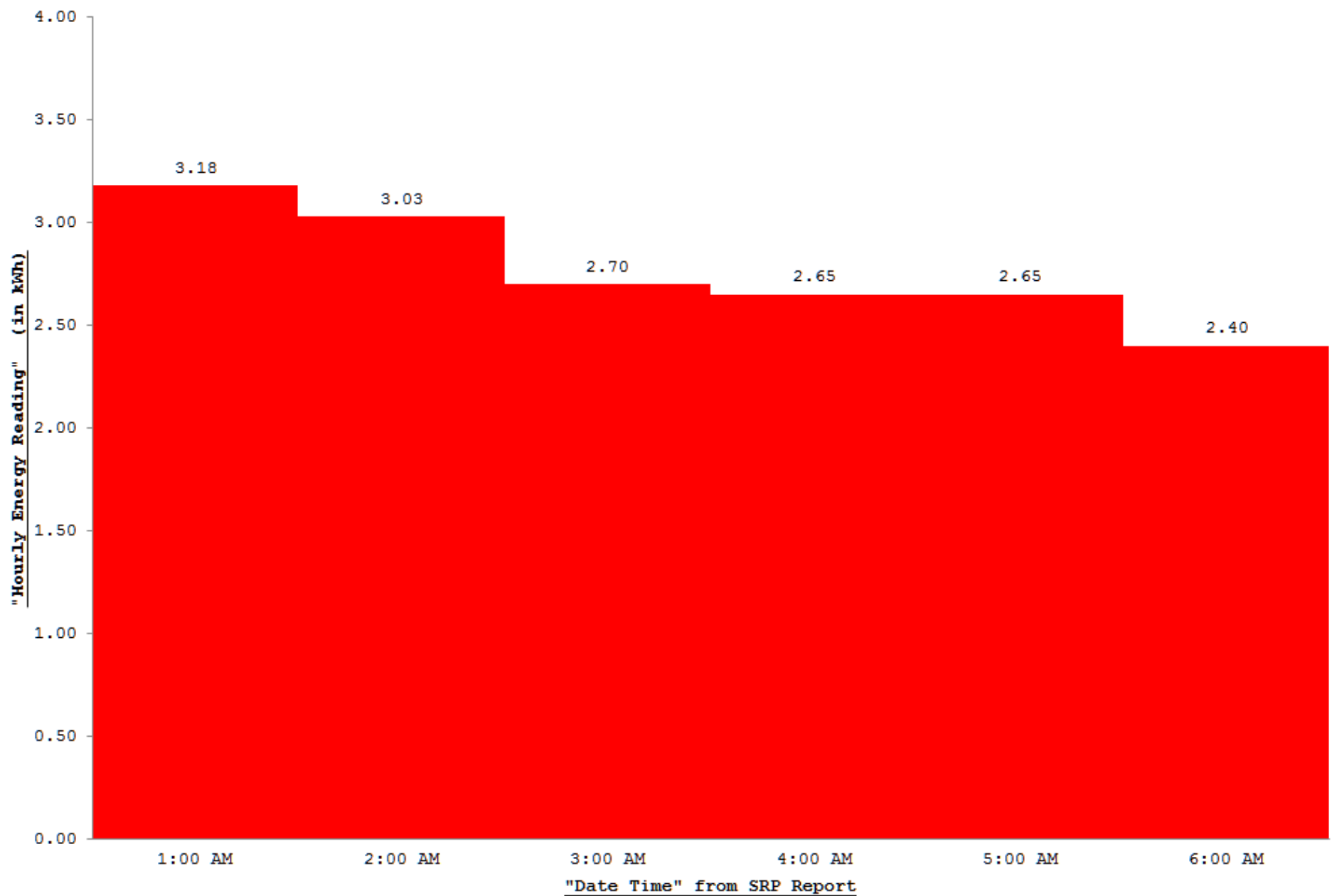
SRP Report "Hourly Energy Readings" for June 17th, 2014



SRP Report "Hourly Energy Readings" for June 18th, 2014



SRP Report "Hourly Energy Readings" for June 19th, 2014



SRP Report "Hourly Energy Readings" for June 20th, 2014

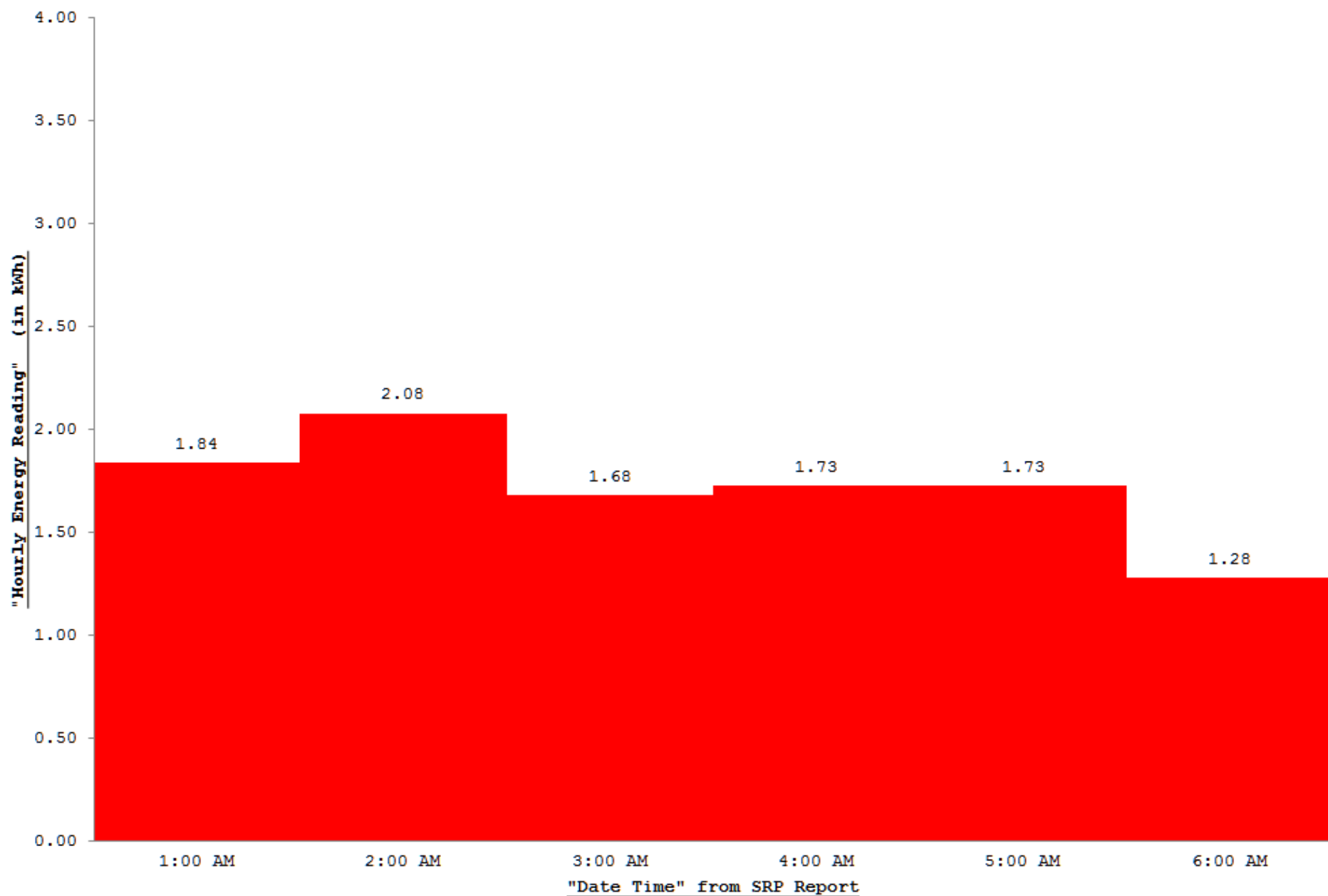


EXHIBIT D

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —

Summary

Canine Necropsies:

All of the dogs that were examined had been dead for a minimum of several days prior to the necropsies being performed. In addition all of the animals had been frozen and subsequently thawed prior to the exams. These facts introduce variables into the findings that cloud the possible diagnoses.

In all, eight dogs were necropsied with tissues being sent to the University of Arizona Veterinary Diagnostic Laboratory for histopathology. Additional samples were sent to Michigan State University Diagnostic Center for Population and Animal Health for toxicological screening for several thousand compounds including common sedatives and other pharmaceuticals.

The gross Necropsies were performed at Palm Glen Animal Hospital with deputies present during the exams. All of the dogs showed severe gross evidence of autolysis and other post mortem changes with two of the dogs being too autolyzed to provide tissues for histopathology and one of those too decomposed for toxicology. One of these animals was found dead by the side of the road and was only identified by it's microchip.

The gross (anatomic) necropsies yielded undetermined causes of death for all of the dogs examined. This means that there were no specific lesions that could be identified as causal based only on this exam. The cause of death based on the totality of the circumstances will be discussed in the conclusions section. There were significant findings that came from the gross necropsies, however. All of the dogs that were necropsied at Palm Glen were found to be in good flesh with no evidence of chronic disease. None of the dogs had a significant amount of food in the stomach nor did they have significant amounts of feces in the colon. The dog that was found buried on the green acres property, while being severely decomposed, did have a large amount of food in the stomach.

The histopathology that was performed at the University of Arizona did not elucidate a cause of death.

The toxicology was negative for all substances that were tested for by the GC/MS (gas chromatography/mass spectroscopy).

Rabbit Necropsies

The two rabbits that were necropsied were dead an in the heat of the day for several hours prior to being frozen. The necropsies were performed several days after death.

As with the canines, based only on the gross necropsy, the cause of death is undetermined however, the cause of death based on the totality of the surrounding circumstances will be discussed later.

EXHIBIT E

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —

MARICOPA COUNTY SHERIFF'S OFFICE
SUPPLEMENTAL REPORT

Occurrence Type: Animal Cruelty
Occurrence Location: 15723 E Appleby Rd Gilbert, AZ 85298
Occurrence Date: 06/21/2014

DR #:14-014274

Occurrence Location: 3325 W Durango Phoenix, AZ

Occurrence Date / Time: 07/16/2014 at about 0847 hours

Investigator: Kalinowski S1800

Subject: Telephone contact with SRP employee Wyla Mckay

Narrative:

On 07/16/2014 at about 0847 hours I spoke with Wyla Mckay on the telephone about information within the SRP records I received.

In the records on 06/20/2014 at about 0600 hours until 06/20/2014 at about 1045 it shows a "0" in the energy reading column for 15723 E Appleby Rd. Prior to about 0600 and after about 1045 hours the energy reading appeared consistent with previous days during the same time.

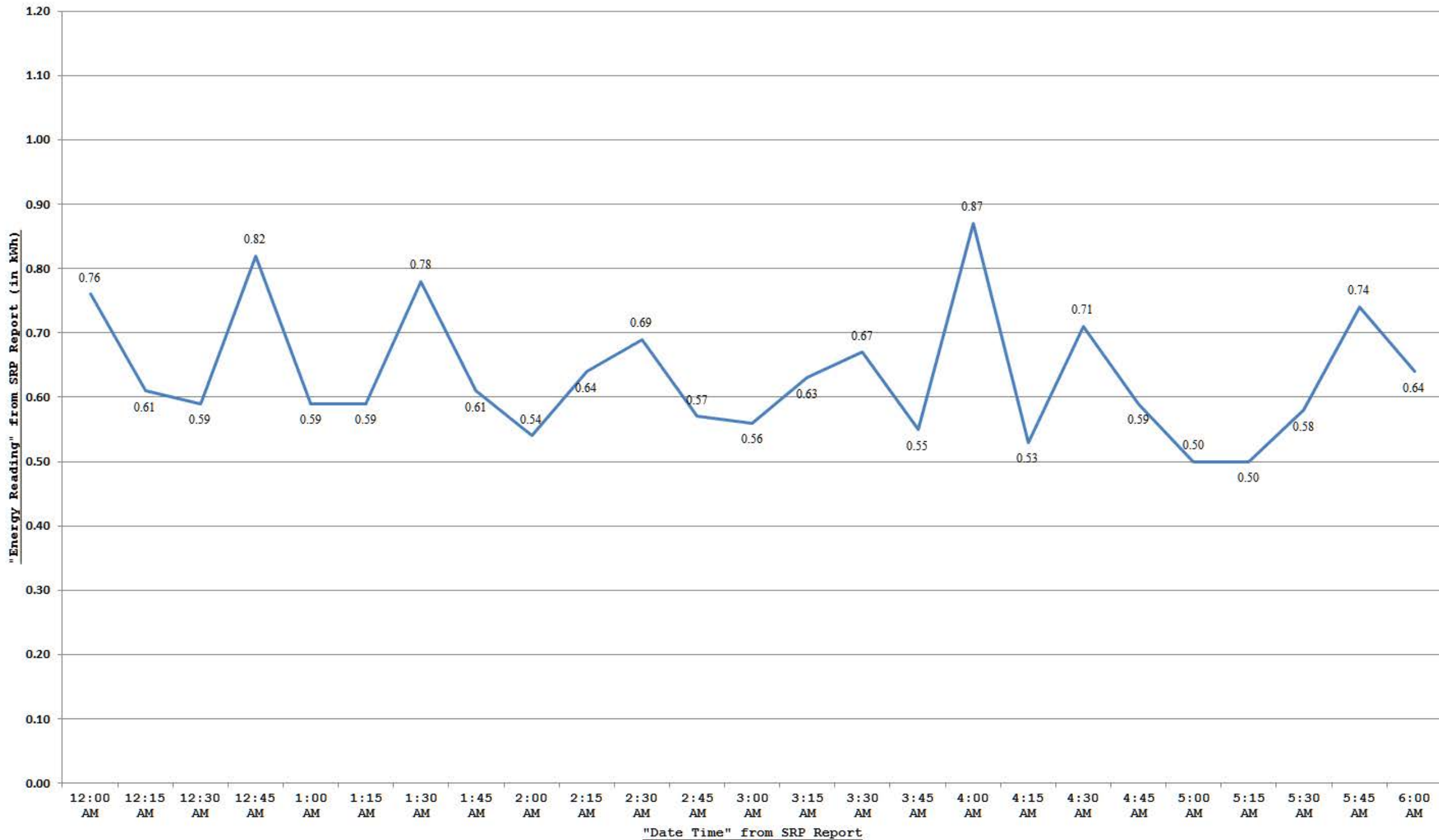
I previously asked Wyla to check for power outages in the area. When I spoke with her on 07/16/2014 Wyla told me there were no outages in the area or at 15723 E Appleby Rd.

Nothing further.

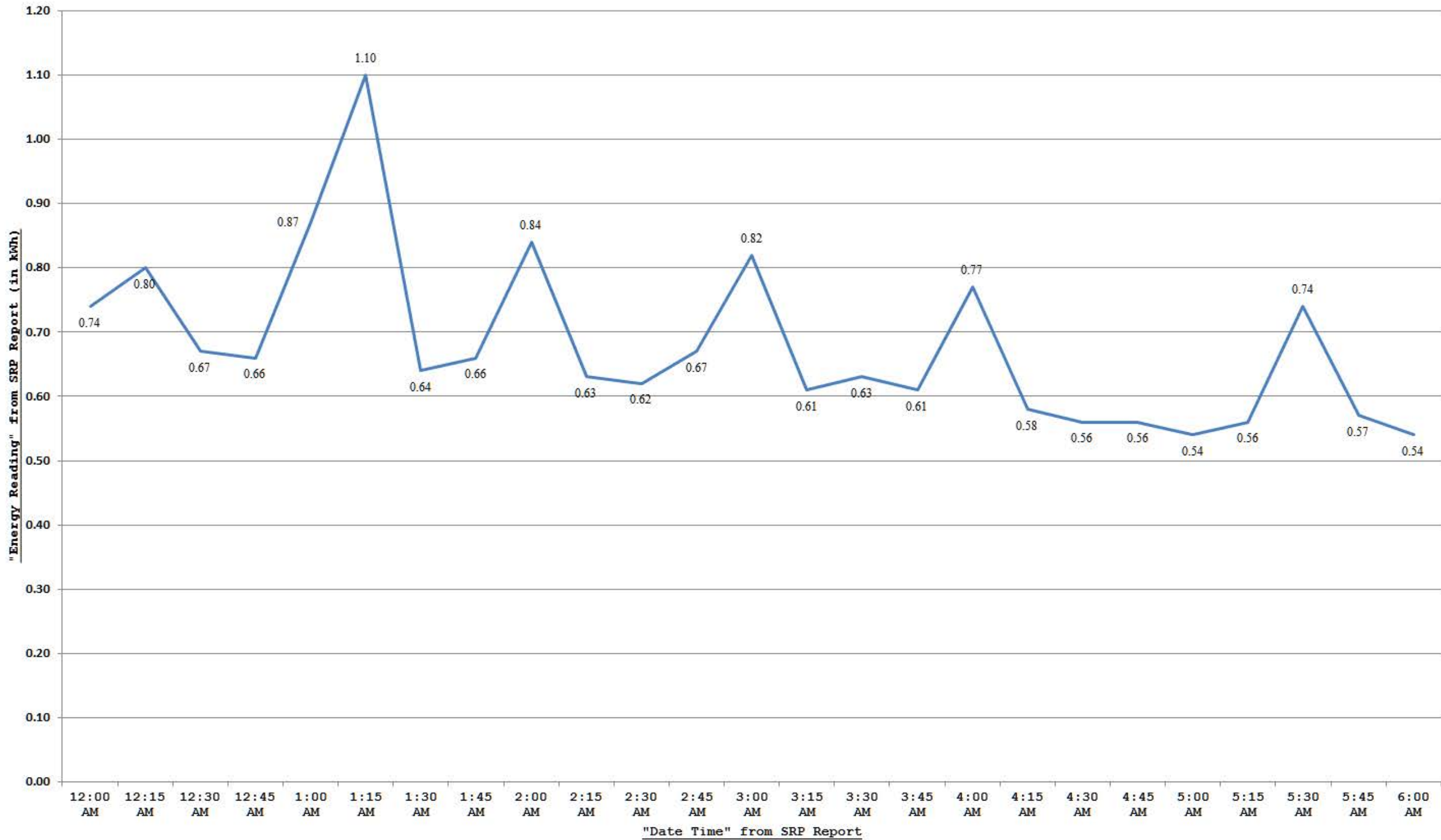
EXHIBIT F

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —

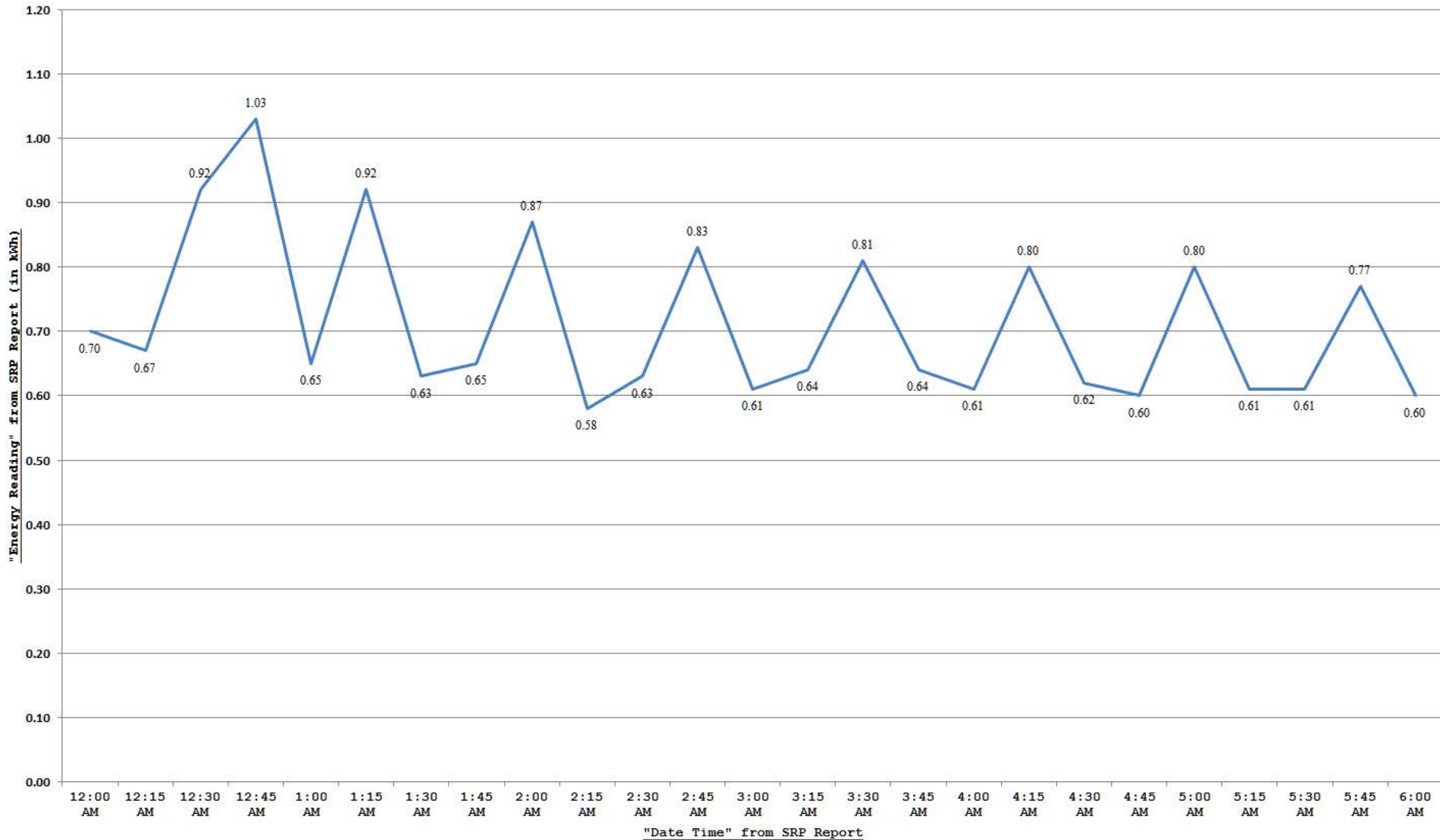
SRP Report "Energy Readings"
for June 15th, 2014



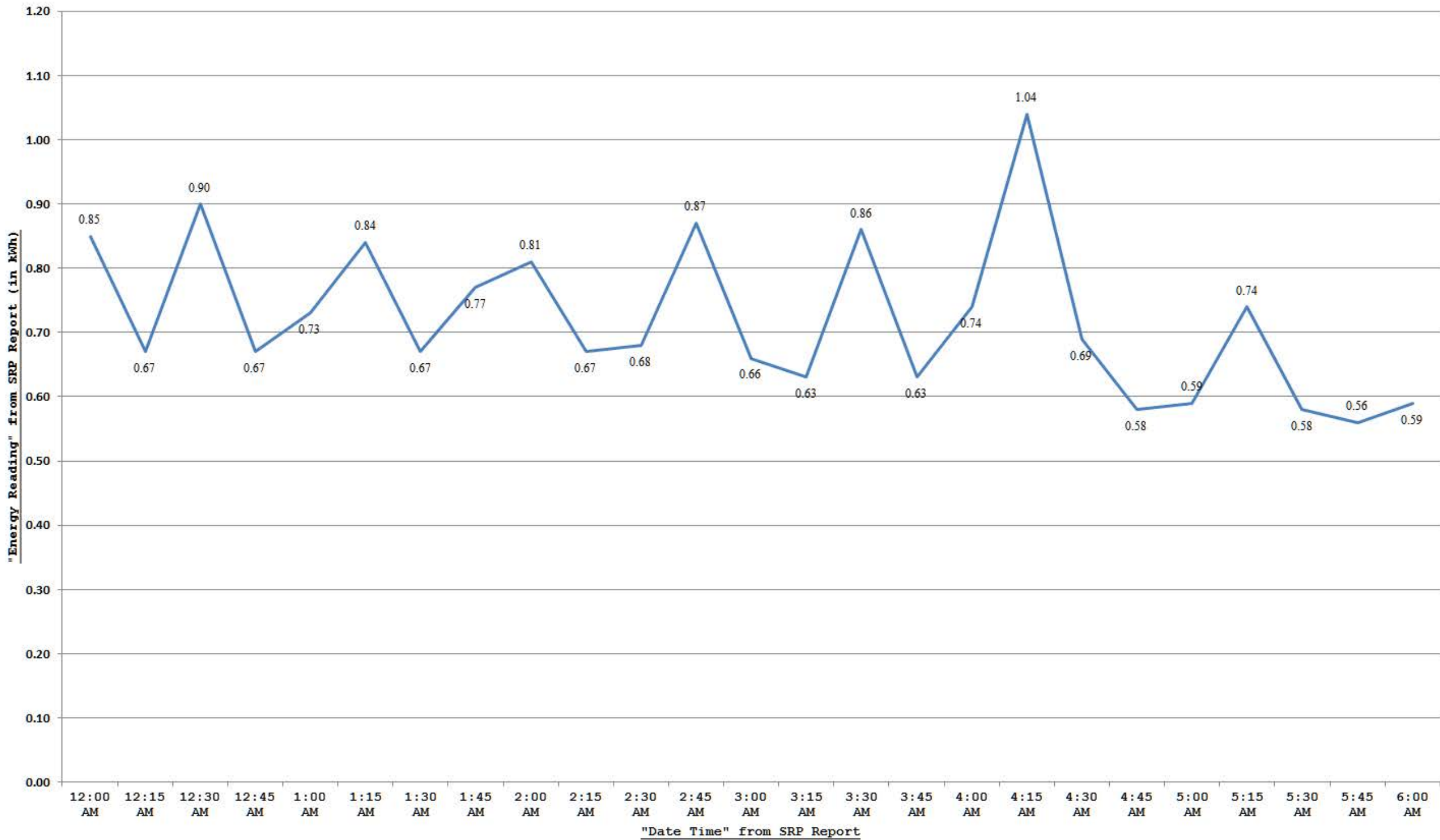
SRP Report "Energy Readings"
for June 16th, 2014



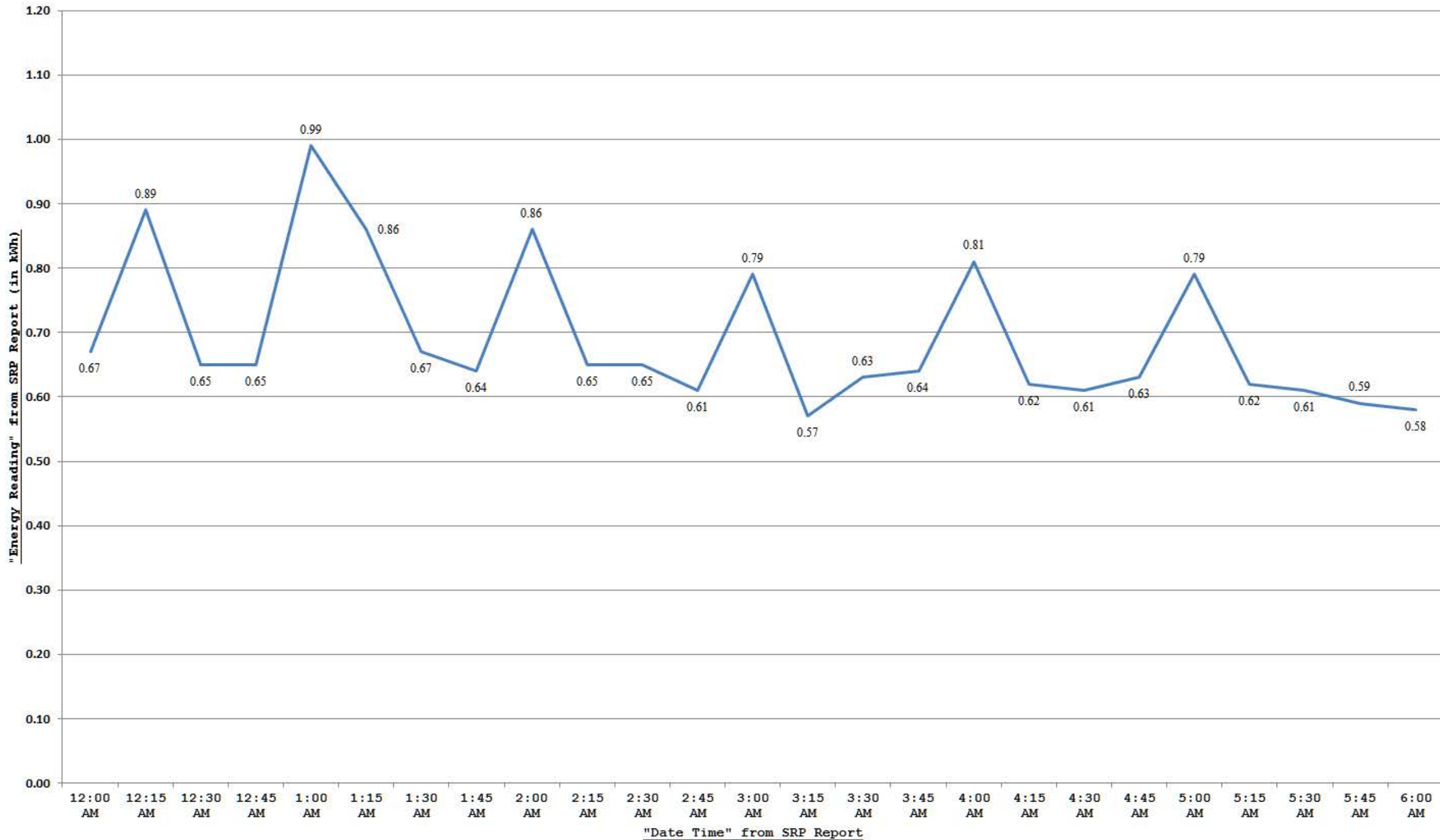
SRP Report "Energy Readings"
for June 17th, 2014



SRP Report "Energy Readings"
for June 18th, 2014



SRP Report "Energy Readings"
for June 19th, 2014



SRP Report "Energy Readings"
for June 20th, 2014

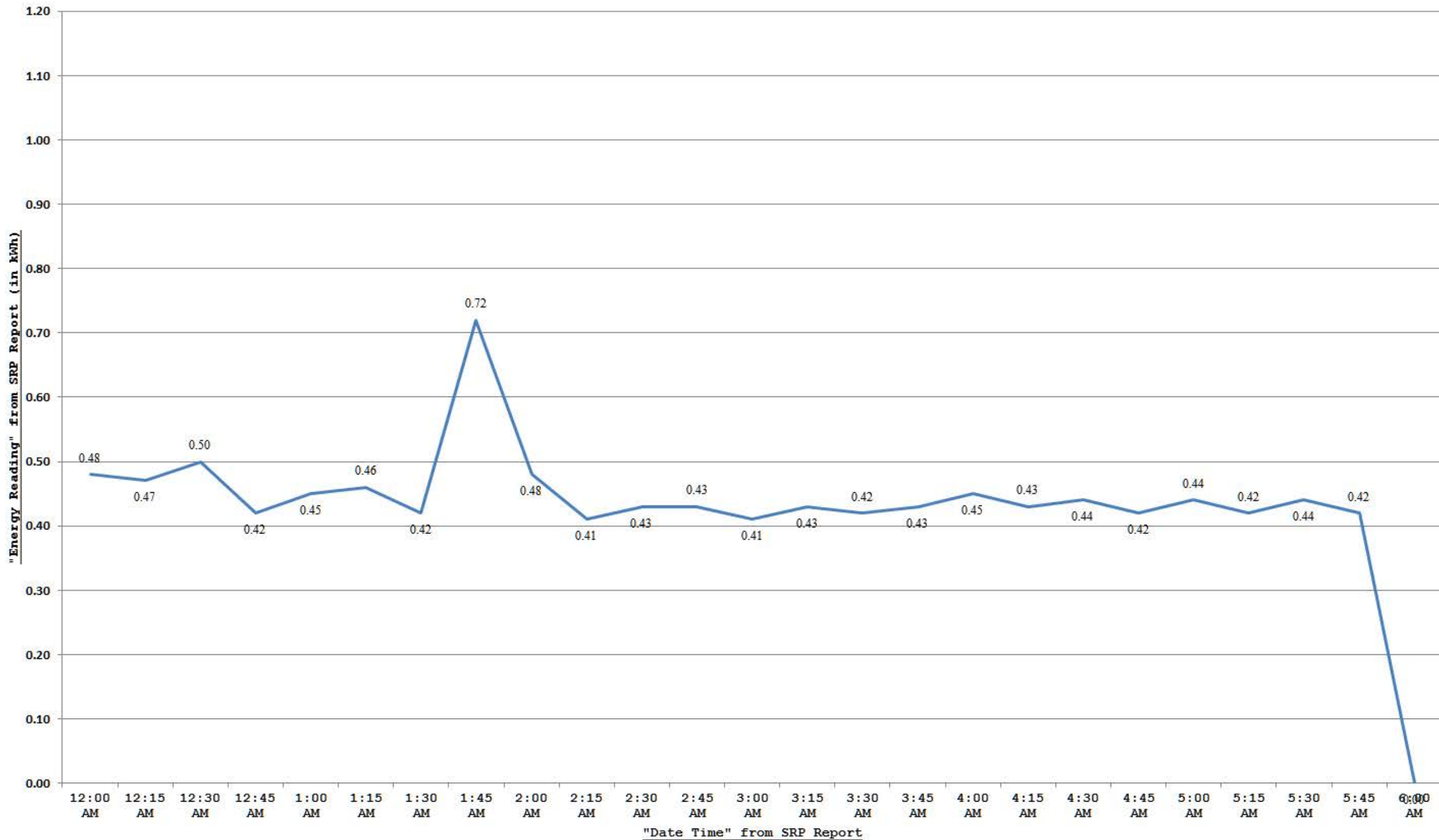


EXHIBIT G

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —

EXPERT CONSULTATION REPORT

Prepared by:

Dr. Melinda Merck

Veterinary Forensics Consulting, LLC

1101 West 34th St.

Suite 433

Austin, Texas 78705

Prepared for:

Dennis Wilenchik

The Wilenchik & Bartness Building

2810 North Third Street

Phoenix, Arizona 85004

Materials reviewed for the report:

- a) Dr. Mangone's Initial Summary
- b) Dr. Mangone's Final Summary
- c) Dr. Mangone's grand jury testimony transcript
- d) Necropsy photographs
- e) EFX report
- f) SRP Affidavit
- g) HVAC Expert Declaration – Tom Stone

Issues:

1. Dr. Mangone states that the cause of death was undetermined yet speculates on possible causes of heat stroke, hypoxia and hypercapnia. Heat stroke as a cause of death is often a diagnosis through the elimination of other causes and based on the alleged and/or known circumstances surrounding death. In heat stroke deaths of animals, it is common to find permanent rigidity of a portion of the leg or the entire leg, which can affect one or more legs of the animal. Dr. Mangone states that the bodies were frozen then thawed prior to necropsy being performed. In some of the necropsy photos it is obvious that at least some of the legs are stiff when the body was moved which is consistent with heat stroke findings. This is not due to rigor mortis which is the transient stiffening of the body muscles after death. Under high environmental temperatures rigor mortis will dissipate in 24 hours or less. It will dissipate faster with decomposition (significantly present according to Dr. Mangone) and with physical activity

such as can be seen during some stages of heat stroke. All of this supports that the leg stiffening seen on the necropsy photos is consistent with heat stroke as a cause of death.

2. Symptoms that can be associated with heat stroke include vomiting and/or diarrhea which may or may not be bloody. Though common, vomiting and diarrhea may not occur in every case of heat stroke. According to information provided by Mr. Dennis Wilenchik, the caretakers found a large amount of vomit and diarrhea on the floor when they entered the dogs' room on that Friday morning, June 20, 2014. In some of the necropsy photos dark red fluid can be seen around the mouth and on the forelegs which could be from vomiting but were not noted or described in Dr. Mangone's report. Evidence of diarrhea that could have been present around the anus or rear aspect of the body could not be assessed because no photos were taken of that area in the necropsied dogs. Dr. Mangone states that the 8 dogs necropsied later did not have food in the stomach or significant amounts of feces in the colon. Furthermore he speculates that this indicates the dogs were not fed or were underfed. He even goes on to suggest the caretakers intentionally withheld food to prevent soiling of the environment citing that the caretakers personal dog did have food in the stomach and some feces in the colon. There is no basis for those suggestions or statements. Dr. Mangone did not take into account the possibility of a *loss* of stomach and colon contents – i.e. through vomiting and diarrhea – which further supports the diagnosis of heat stroke. The fact that the buried dog still had food in the stomach and some feces could simply indicate that the dog did not have vomiting and diarrhea occur even with the heat stroke. It could also mean that the dog had a different or delayed gastric emptying time; or that the dog was fed at a later time than the other dogs. It does not indicate that it was the only dog to have received a meal in comparison to the other 8 dogs that were necropsied. In addition, Dr. Mangone states in his report that all of the dogs necropsied were 'in good flesh' indicating they were not showing physical signs of malnutrition.
3. There was no evidence of dehydration in the dogs that were necropsied. Dr. Mangone testified in grand jury that the presence of excess water inside the room would not have made a difference in the outcome. Furthermore, there is no evidence the dogs did *not* have access to water just prior to going into the room for the night.
4. Not all the dogs were necropsied – only 9 (one in the field). It would have been important to ascertain any grossly visible findings in *all* of the deceased dogs regardless of their decomposition state and the ability to collect viable samples for histopathology or toxicology. The necropsies would have been important to ascertain if other findings consistent with heat stroke were visible, evaluate gastrointestinal contents, and to determine if the individual dog had grossly visible evidence of any other condition that could have contributed to death. It was also noted in the necropsy photos that the dogs necropsied were not shaved to look for evidence of DIC (disseminated intravascular coagulation), i.e. evidence of small hemorrhages on the skin. These hemorrhages from DIC can be one of the findings associated with heat stroke.
5. Dr. Mangone cites the EFX report when addressing airflow and the possibility of decreased oxygen availability in the room. However, he fails to include the statements in the EFX report that it is *likely* the HVAC unit indoor coil would have frozen up due to the plugged air filter and

therefore have ceased operating. This would have resulted in rising environmental temperatures inside the room which provides more support to the diagnosis of heat stroke as the cause of death in the dogs.

6. In Dr. Mangone's grand jury testimony he suggests that a 'tipping point' occurred which caused the death of the large number of dogs due to heat stroke. Without foundation, he suggests there could have been another dog added versus the night before, or there could have been increased agitation such as two dogs getting into a fight (though he states later there was no evidence of dog fighting wounds on the bodies). This is speculation without evidence either of these occurred that night.
7. In grand jury, Dr. Mangone testified that the temperature in the room could have "felt like 100 degrees with those dogs panting" even if the HVAC system was working. This again is speculation and beyond the expertise of a veterinarian.
8. In his testimony, Dr. Mangone states the dogs would have been stressed *prior* to being placed in the room due to the number of dogs and their unfamiliarity with each other. This is pure speculation without foundation. Dr. Mangone has no knowledge of how the dogs interacted together on a daily basis nor their level of stress before being placed in that room. Dogs can also experience stress being placed alone into an individual cage or run. They are social animals and naturally form groups. They can have stress being isolated from other dogs. There is no way to know the presence or level of stress, if any, in these dogs prior to being placed in the room together.
9. The SRP Affidavit and the HVAC Expert Declaration by Tom Stone all support that the HVAC system stopped during the early hours of Friday, June 20, 2014.
10. According to information provided by Mr. Wilenchik from the caretakers, they entered the room where the dogs were to find approximately 20 dogs dead or near death and 4 dogs that appeared fine and walking. There was vomiting, diarrhea and urine all over the room and some of the dying dogs were vomiting, passing diarrhea and urinating. They started removing the dogs that were still breathing from the hot room to outside where it was cooler. Some of the dogs died while moving them out. They started putting water on the dogs that were still alive, then ice per the instructions of the owners of the boarding facility, in an effort to cool the dogs. They stayed with the dogs that were near death to comfort them and all but the 4 dogs that initially appeared fine died within an hour or so. Dr. Mangone testified that hosing a dog with water that is suffering from heat stroke was inappropriate. For the general non-veterinary population that would have been a reasonable reaction. In outdoor animal related events, such as fund raisers involving dog walking, it is common to see children's wading pools placed periodically filled with water for the dogs to get into and cool down. The reaction by the caretakers to use water on the dogs to help cool them was what one would expect a reasonable person to do to render immediate care to help the animal. In heat stroke, once a dog has collapsed the prognosis is guarded. It is unknown whether or not immediate veterinary care would have resulted in a different outcome for the dogs that appeared near death. The actions taken in such an

overwhelming situation by the caretakers of moving the bodies to cooler areas and efforts to cool their temperatures down on dogs that appeared close to dying were reasonable. In heat stroke cases, it is possible for the dog's body temperature to be internally high causing negative physiological changes and damage yet the dog appear normal externally (without clear symptoms of a problem or appear to recover), and then later collapse. This is consistent with what allegedly happened with the dog, Sonny, who appeared to the caretakers to be fine and then a few hours later collapsed and died.

Summary:

Based on the necropsy findings, photographs and the circumstances surrounding death of the dogs (i.e. SRP Affidavit, HVAC Expert Declaration, EFX report, Dr. Mangone's reports) the cause of death for these dogs was heat stroke. The reviewed documents support that the HVAC system was not operating during the early hours of June 20th which is consistent with the EFX statement that the HVAC system indoor coil would likely have frozen and stopped working. The difference in gastric contents and the presence of feces inside the colon between the necropsied dogs can be explained by the vomiting and diarrhea commonly associated with heat stroke. It cannot be stated that the difference is an indicator that only the 'family dog' was being fed. From Dr. Mangone's own report, all of the dogs were in 'good flesh' and showed no signs of malnutrition.

Based on the information provided by Mr. Wilenchik, the caretakers' actions upon findings the live, deceased, and near death dogs were reasonable and for those without veterinary medical training. They provided what they thought was appropriate first aid to alleviate suffering and then stayed with the dogs that were dying. With Sonny appearing to be what they thought was fine, there was no way for them to know he needed medical care. His delay of symptoms, collapse, and death are consistent with heat stroke.

This report was based on materials provided listed at the beginning. It would be helpful to review the standard photo log for the necropsy photographs, videos of the necropsy, histopathology reports and toxicology reports which have not been provided.



Dr. Melinda D. Merck

11/19/14

CURRICULUM VITAE

Melinda D. Merck, DVM

1101 West 34th St, Suite 433, Austin, Texas 78705
678-773-8014 catdvm@drmerck.com

EDUCATION

Michigan State University, 1984-1988
Doctor of Veterinary Medicine, Honors

Michigan State University, 1982-1984
Associates Degree of Veterinary Science

VETERINARY LICENSURE

State of Georgia, 1989
State of Florida, 1999

HONORS/AWARDS

Appreciation Award. May, 2010. Southern Association of Forensic Scientists.

Outstanding Investigation and Case Award. July, 2009. Organized Crime Drug Enforcement Task Force and Asset Forfeiture Program-Michael Vick Case: Bad Newz Kennels. U.S Department of Justice. Washington, D. C.

Public Service Award. Michael Vick Case-Bad Newz Kennels. United States Attorney's Office, April 2008

Award of Excellence, Dog Fighting Investigation. Michael Vick Case-Bad Newz Kennels. U.S. Office of Inspector General, April 2008

Angel Award, 3rd quarter 2007, ASPCA

Dog Writers Association Maxwell Award, Best General Reference Book (Forensic Investigation of Animal Cruelty: A Guide for Veterinary and Law Enforcement Professionals), 2007

Dog Writers Association Dogwise Award, Best Overall Book (Forensic Investigation of Animal Cruelty: A Guide for Veterinary and Law Enforcement Professionals), 2007

ASPCA, Grand Prize Winner of the Pet Protector Award, 2003 (Georgia Legal Professionals for Animals)

Spay Georgia, Veterinary Clinic of the Year, 2003

Cherokee County Humane Society, Golden Paw Award, 2002

Good Mews Animal Foundation, Service Recognition Award, 1997

Magna cum Laude, Doctor of Veterinary Medicine, Michigan State University, 1988

CURRENT EMPLOYMENT

Veterinary Forensics Consulting, LLC, Atlanta, Georgia
Owner, Consultant for Animal Cruelty Investigations 2006-Present

Research Associate Centre for Forensic Research. Simon Fraser University, Vancouver, British Columbia 2014-Present

Consultant for the Humane Society of the United States, Washington, D.C.
Veterinary Forensic Analysis and Expert Witness Testimony 2007-Present

Consultant for Dekalb County Animal Services, Decatur, Georgia
Veterinary Forensic Examinations and Expert Witness Testimony 2007-Present

Consultant for Gwinnett County Animal Services, Lawrenceville, Georgia
Veterinary Forensic Examinations and Expert Witness Testimony 2003-Present

EDITOR

Veterinary Record, UK. Guest reviewer, 2014-Present

Source Journal of Veterinary Science, Brazil, 2014-Present

Clinician's Brief, Editor of *Forensic Cases*, 2013-Present

Today's Veterinarian, Consulting Editor, 2012-Present

Journal of Forensic Sciences, American Academy of Forensic Sciences
Guest Reviewer, 2011-Present

MEDIA CONSULTING

Consultant for Entertainment Industries Council, 2012 to present

Consultant for writers of CBS "CSI" show, dog fighting episode 2007.

PROFESSIONAL OFFICES

North American Veterinary Community
Vice President 2014-present; Board Member 2010-2014

World Small Animal Veterinary Association, Animal Wellness and Welfare Committee
2013-present

International Veterinary Forensic Sciences Association
Board Member 2011-2014, Founding Chair of Board, 2008-2011

Georgia Legal Professionals for Animals
Vice President of Veterinary and Forensic Affairs, 2003-Present

PREVIOUS EMPLOYMENT

American Humane Association, Denver, Colorado
Trainer: Disaster Sheltering, Basic Emergency Response
May 2011-2012

ASPCA, New York, New York
Senior Director of Veterinary Forensic Sciences. 2006-2011
Consultant on national and international animal cruelty cases providing veterinary forensic examinations of animals, analysis of crime scenes, and expert witness testimony

University of Florida, Gainesville, Florida
Adjunct Assistant Professor, Veterinary Forensic Medicine, Small Animal Clinical Sciences, College of Veterinary Medicine. 2009-2011

Consultant for New York State Police, Albany, New York
Veterinary Forensic Examinations and Expert Witness Testimony 2009-2011

Consultant for Gwinnett County Solicitor's Office, Lawrenceville, Georgia
Veterinary Forensic Examinations and Expert Witness Testimony 2004-2009

Consultant for Fulton County District Attorney's Office, Atlanta, Georgia
Veterinary Forensic Examinations and Expert Witness Testimony 2002-2010

The Cat Clinic of Roswell
Roswell, Georgia
Owner, 1990-2006

The Cat Doctor
Atlanta, Georgia
Associate Veterinarian, 1989-1990

Brighton Animal Hospital
Brighton, Michigan
Associate Veterinarian, 1988-1989

CAREER STATEMENT

Since 2003 my career has focused on the development of veterinary forensic science. With this work I have worked extensively with shelter medicine experts to incorporate this new field into the shelter medicine training. Shelter medicine is a core discipline in the medical management of cruelty cases, especially the large scale cases which require the construction of temporary shelters. Most of my work in the field has been with large scale cruelty cases as well as disaster sheltering. I have worked with community shelters providing training which requires an understanding of shelter issues. I have worked with veterinary colleges to provide veterinary forensic science as part of the curriculum through their shelter medicine programs. Prior to working exclusively in forensic medicine, I owned The Cat Clinic of Roswell for over sixteen years which became one of the largest and most respected feline practices in Atlanta with a staff of nineteen. Throughout that time I worked with animal shelters and rescue groups around metro Atlanta offering veterinary services, forensic expertise, and assistance with shelter protocols and designs.

Prior to my work there was little information published on the subject except for a series of articles from Scotland identifying the Battered Pet Syndrome. Veterinary forensic science incorporates multiple disciplines of the forensic sciences and their application to legal cases involving animals. My focus has been on the development of animal crime scene investigation and processing procedures, recognition and documentation of physical signs associated with abuse, gross pathology and forensic necropsy techniques, the development of the new field of animal forensic osteology, and the identification of forensic testing for animals. I have collaborated with a variety of forensic scientists to apply their areas of expertise to animals through case work, research and training. I have also worked extensively with prosecutors and law enforcement to provide education and training in this new area. I have a deep commitment to education and the advancement of this field including facilitating research in veterinary forensic sciences. I have achieved these goals through several projects and endeavors:

- Consulting with veterinarians, investigators and prosecutors on animal cruelty cases nationally and internationally
- Providing lectures and workshops to the veterinary community, investigators and prosecutors on both a national and international level
- Providing guest lectures for existing veterinary and veterinary technician college courses
- Development of veterinary forensic medicine courses at University of Georgia College of Veterinary Medicine (2nd course to be offered in the U.S.) and University of Florida College of Veterinary Medicine (3rd course to be offered in the U.S.)
- Worked with veterinary pathologists at universities on establishing standard operating procedures for handling cruelty case submissions and forensic report writing and the development of forensic pathology residency programs
- Publication of the first veterinary textbook on Veterinary Forensics (used as course textbook at University of Georgia, University of Florida, Purdue University in the U.S. and for the veterinary forensic medicine course in Sao Paulo, Brazil) with the 2nd edition published in January 2013

- Development and Editor of the Forensic Case-Based articles for Clinician's Brief
- Written articles and chapters on veterinary forensic medicine, served as a reviewer for animal forensic related articles for the Journal of Forensic Sciences and Today's Veterinarian
- Formation of the International Veterinary Forensic Sciences Association which holds the only annual meeting devoted exclusively to this topic, serving as the founding Chair of the Board
- Development of the annual Animal CSI program for the North American Veterinary Conference (one of the largest international veterinary conferences in the world) including wet labs, Meet the Professor Luncheons, Master Classes, and evening feature programs
- Developed the first Animal CSI workshops on animal burial detection and exhumation
- Assisted with the proposal and development of the ASPCA Veterinary Forensic Sciences program at University of Florida which was designed to be a collaborative veterinary forensics program through the university's existing forensics programs and included the development of online Masters level courses
- Member of the Organizing Committee for Shelter Medicine Board Certification specialty, under ABVP (scheduled for final approval 2014), responsible for writing board questions
- Collaborated with the American Association of Forensic Sciences Past President, Dr. Joseph Bono, on the incorporation of veterinary forensic science into the American Academy of Forensic Sciences program, providing the first workshop on Veterinary Forensic Sciences, and acceptance of veterinarians into membership of AAFS
- Collaborated on a grant for University of Florida's Shelter Medicine Program to incorporate forensic training to shelter medicine residents (first program of its kind in the U.S.)
- Assisted the Dean of the Law School at University of Florida with a grant application to develop animal law program
- Working with college, veterinary, masters, and PhD students on research projects
- Developed the use of thermographic imaging (FLIR) on animal cruelty victims to detect occult blunt force trauma
- Documented the first conclusive findings of dog fighting and hanging on skeletal remains
- Development of the first dog fighting DNA database, Canine CODIS, at University of California, Davis
- Design and development of the first Mobile Animal CSI Units for the ASPCA
- Initiated a Safe Haven Program with the Wellington veterinary community and the Wellington RSPCA
- Trained in burial detection and excavation, forensic osteology, and blood stain pattern analysis after which I was accepted as a member of the International Association of Blood Stain Pattern Analysts
- I have conducted extensive field work coordinating, organizing and leading large forensic teams for animal investigations. These include participating in several high profile cases, many of which received international attention, including the Michael Vick dog fighting case (U.S. Federal case 2007), the multi-state dog fighting raid (U.S. Federal case 2009; 25 scenes processed in Missouri), 2nd largest cockfighting raid in Florida history (600 birds, 2010), the puppy torture case in Atlanta, Georgia (2006), the Sled Dog Killing case in Whistler, British Columbia (2011), and the Vancouver Cat Mutilations case (2012)

PUBLICATIONS

“Clinical Management of Large-Scale Cruelty Cases”. Population Management Section, Editors Brenda Griffin and Brian DiGangi. August’s Consultations in Feline Internal Medicine, Volume 7. Editor Susan Little. Saunders. (In press)

“Intro to Forensics in Reptiles and Amphibians”. Co-Author Doug Mader. Current Therapy in Reptile Medicine and Surgery. Editors Doug Mader and Stephen Divers. Elsevier. 2014.

Veterinary Forensics: Animal Cruelty Investigations, 2nd Edition. Editor and Contributing Author Melinda Merck. Wiley Publishing. 2013.

“Forensic Examination of the Deceased Victim”. Shelter Medicine. Wiley-Blackwell Publishing. Editors Lila Miller and Stephen Zawitowski. 2013.

“The Unsung Heroes: Altruism at its Finest”. Editorial. Clinician’s Brief. September 2012.

“The New Frontier of Veterinary Forensic Medicine”. Editorial. Clinicians Brief. August 2011.

“The Veterinarian’s Responsibility in Animal Cruelty Reporting and Animal Abandonment”. The Georgia Veterinarian, GVMA Winter 2008.

“Veterinary Forensics”. The NAVTA Journal. Winter 2007.

“Veterinary Forensics: The Key to Successful Animal Cruelty Prosecutions”. American Bar Association Journal. Fall 2007.

Veterinary Forensics: Animal Cruelty Investigations, First Edition. Editor and Author Melinda Merck. Blackwell Publishing. 2007.

“Reliable Indicators of Animal Abuse”. GVMA Bulletin. 2007.

Forensic Investigation of Animal Cruelty: A Guide for Veterinarians and Law Enforcement Professionals. Melinda Merck, Randall Lockwood, Leslie Sinclair. Humane Society Press. 2006.

“Reliable Indicators of Animal Abuse”, NAVC Clinician’s Brief. January 2004.

“Veterinary Forensic Investigation”, How to Prosecute Animal Cruelty from Start to Finish. Georgia Legal Professionals For Animals. 2003.

SERVICE ON A COMMITTEE OF A THESIS/DISSERTATION/OR MAJOR PROJECT

- Bell, Christopher. BS. Animal Forensics in Animal Fighting. Capstone project for Forensic Science degree. 2013-ongoing
- Zeimer, Gretchen. MA. The recognition and evidence collection in cases of sexual assault of animals. 2009-2011.

- Wenslow, Nanny. PhD. The use of mRNA in the determination of time of death or injury in horse. 2010-2011.

ONLINE CERTIFICATE COURSE TEACHING

04/14-present: VetFolio Forensic Courses – Veterinary Forensic Science and Medicine, and Animal CSI

- Presented by North American Veterinary Community, American Animal Hospital Association and VetStream (in the U.K.)
- Course coordinator for all courses
- Instructor for several lectures in VFSM 1, 2, 3 and ACSI 2

UNIVERSITY TEACHING

06/14 “Veterinary Forensics”. Guest Lecturer, Animal Law Course, Lewis and Clark Law School. Portland, Oregon.

04/14 “Exam of the Live and Deceased Victim”. Guest Lecturer, Shelter Medicine Course, Cornell University College of Veterinary Medicine, Ithaca, New York.

04/14 “Exam of the Live Victim” and “Advanced Veterinary Forensics”. Guest Lecturer, Veterinary Forensic Medicine Course, University of Georgia College of Veterinary Medicine. Athens, Georgia.

03/14 “Veterinary Forensics”. Guest Lecturer, Veterinary Technician Course, Wayne County College. Detroit, Michigan.

06/13 “Veterinary Forensics”. Guest Lecturer, Animal Law Course, Lewis and Clark Law School. Portland, Oregon.

04/13 “Exam of the Live and Deceased Victim”. Guest Lecturer, Shelter Medicine Course, Cornell University College of Veterinary Medicine, Ithaca, New York.

04/13 “Exam of the Live Victim” and “Advanced Veterinary Forensics”. Guest Lecturer, Veterinary Forensic Medicine Course, University of Georgia College of Veterinary Medicine. Athens, Georgia.

04/13 “Veterinary Forensics”. Guest Lecturer, Veterinary Technician Course, Wayne County College. Detroit, Michigan.

3/13 “Forensics in Animal Cases”. Guest Lecturer, Criminal Justice Course and Intro Into Forensic Science Course, Bryan College, Dayton, Tennessee.

12/12 “Veterinary Forensics”. Guest Lecturer, Veterinary Forensics Course, Tuft’s University College of Veterinary Medicine. Medford, Massachusetts.

- 05/12 "Exam of the Live and Deceased Victim". Guest Lecturer, Shelter Medicine Course, Cornell University College of Veterinary Medicine, Ithaca, New York.
- 04/12 "Exam of the Live Victim" and "Advanced Veterinary Forensics". Guest Lecturer, Veterinary Forensic Medicine Course, University of Georgia College of Veterinary Medicine. Athens, Georgia.
- 04/12 "Veterinary Forensics". Guest Lecturer, Veterinary Technician Course, Wayne County College. Detroit, Michigan.
- 03/12 "Veterinary Forensics". Guest Lecturer, Animal Law Course, Lewis and Clark Law School. Portland, Oregon.
- 05/11 "Exam of the Live and Deceased Victim". Guest Lecturer, Shelter Medicine Course, Cornell University College of Veterinary Medicine, Ithaca, New York.
- 04/11 "Exam of the Live Victim" and "Advanced Veterinary Forensics". Guest Lecturer, Veterinary Forensic Medicine Course, University of Georgia College of Veterinary Medicine. Athens, Georgia.
- 04/11 Veterinary Forensic Medicine Course. Primary. University of Florida, College of Veterinary Medicine. Gainesville, Florida.
- 03/11 "Veterinary Forensic Pathology", Guest Lecturer, Shelter Medicine Course, Colorado State University College of Veterinary Medicine, Ft Collins, Colorado.
- 05/10 "Veterinary Forensics", Guest Lecturer, Shelter Medicine Course, Cornell University College of Veterinary Medicine, Ithaca, New York.
- 04/10 Veterinary Forensic Medicine Course, Primary. University of Florida, College of Veterinary Medicine, Gainesville, Florida.
- 04/10 "Exam of the Live Victim" and "Advanced Veterinary Forensics". Guest Lecturer, Veterinary Forensic Medicine Course, University of Georgia College of Veterinary Medicine. Athens, Georgia.
- 04/09 "Forensic Pathology". Guest Lecturer, Veterinary Forensic Medicine Course. University of Georgia College of Veterinary Medicine. Athens, Georgia.
- 03/09 "Basic Veterinary Forensics". Guest Lecturer, Shelter Medicine Course. Cornell University College of Veterinary Medicine. Ithaca, New York.
- 12/08 "Basic Veterinary Forensics". Guest Lecturer, Shelter Medicine Course. University of Illinois College of Veterinary Medicine. Urbana, Illinois.

- 11/07 "Veterinary Forensics". Guest Lecturer, Shelter Medicine Course. University of Illinois, College of Veterinary Medicine. Urbana, Illinois.
- 02/07 "Veterinary Forensic Investigation of Animal Cruelty Cases". Guest Lecturer, Veterinary Forensics Course. Purdue University School of Veterinary Medicine. West Lafayette, Indiana.
- 11/06 "Veterinary Forensics". Guest Lecturer, Shelter Medicine Course. University of Illinois, College of Veterinary Medicine. Urbana, Illinois.

FUTURE CONFERENCES, WORKSHOPS, PRESENTATIONS AND UNIVERSITY TEACHING

- 06/15 "Veterinary Forensics and Animal CSI". Ontario SPCA Educational Conference. Toronto, Ontario.
- 05/15 "Recognition of Abuse: A Forensic Approach to Veterinary Medicine". World Small Animal Veterinary Association. Bangkok, Thailand.
- 04/15 "Veterinary Forensics". Latin American Veterinary Conference. Lima, Peru.
- 04/15 "Veterinary Forensics". Lecture series for the Voorjaarsdagen veterinary university. Netherlands.
- 02/15 "Veterinary Forensics" and "Animal Crime Scene Workshop". Florida Animal Control Association Annual Conference. Orlando, Florida.
- 01/15 "Findings of Abuse in Domestic Violence Cases". North American Veterinary Community Annual Conference. Orlando, Florida.

CONFERENCES, WORKSHOPS AND PRESENTATIONS (INVITED)

- 10/14 "Veterinary Forensics for the Live and Deceased Animal". **Keynote speaker.** American Board of Veterinary Practitioners. Nashville, Tennessee.
- 10/14 "Large Scale Cases: The Veterinarian's Role". **Keynote speaker.** American Board of Veterinary Practitioners. Nashville, Tennessee.
- 10/14 "What Really Happened? Forensic Case Analyses". American Board of Veterinary Practitioners. Nashville, Tennessee.
- 10/14 "Making the Case for Abuse". American Board of Veterinary Practitioners. Nashville, Tennessee.
- 10/14 "Body of Evidence: Forensic Analysis of Decomposed Bodies". American Board of Veterinary Practitioners. Nashville, Tennessee.
- 10/14 "Veterinary Forensics". North American Veterinary Community OnCampus for North Carolina State College of Veterinary Medicine. Raleigh-Durham, North Carolina.

- 05/14 "Working With Your Expert". Association of Prosecuting Attorney's 4th Annual National Animal Cruelty Prosecution Conference. Atlanta, Georgia.
- 03/14 "Veterinary Forensics in Pathology". Tuskegee Veterinary College Annual Conference. Tuskegee, Alabama.
- 03/14 "Making The Case: The Most Common Types of Cruelty". Tuskegee Veterinary College Annual Conference. Tuskegee, Alabama.
- 03/14 "Veterinary Forensics: What Veterinarians Need to Know". Tuskegee Veterinary College Annual Conference. Tuskegee, Alabama.
- 03/14 "The Whistler Sled Dog Case: Forensic Pathology Findings in Field Necropsies". Canadian Federation of Humane Societies National Animal Welfare Conference. Toronto, Canada.
- 01/14 "Veterinary Forensic Medicine". Michigan Veterinary Conference. Lansing, Michigan.
- 01/14 "Overfeeding as a Welfare Issue". North American Veterinary Community Conference. Orlando, Florida.
- 12/13 "Veterinary Forensics". NAVC OnCampus. Tuskegee University, College of Veterinary Medicine. Tuskegee, Alabama.
- 12/13 "Veterinary Forensics". NAVC OnCampus. Oklahoma State University, College of Veterinary Medicine. Stillwater, Oklahoma.
- 11/13 "Veterinary Forensic Medicine in the Live Animal". Animal Welfare Conference. Hong Kong, China.
- 10/13 "Veterinary Forensic Pathology". Annual Veterinary Pathology Conference. Curitiba City, Brazil.
- 10/13 Veterinary Forensics Workshop. Cruelty Law Enforcement Accreditation Course for Brazilian City Police. Curitiba City, Brazil.
- 10/13 "Blunt Force Trauma" and "Sexual Abuse of Animals". British Columbia SPCA officer training workshop. Vancouver, British Columbia.
- 09/13 "Evidence Collection in Animals", "Veterinary Forensics", and "Forensic Report Writing". Colorado Veterinary Medical Association Conference. Loveland, Colorado.
- 09/13 "Veterinary Forensics" and "Animal CSI". Washington Animal Control Association. Seattle, Washington.
- 08/13 "Handling Large Scale Cruelty Cases". 3 week course. Veterinary Information Network.

- 08/13 "Landing the Top Job: Demystifying the Search Committee Process". Panelist. American Society for Association Executives Annual Meeting & Exposition. Atlanta, Georgia.
- 07/13 "Forensic Science in Animal Cases". Oklahoma Court Reporters Association Conference. Tulsa, Oklahoma.
- 06/13 "Veterinary Forensics". Guest Lecturer, Animal Law Course, Lewis and Clark Law School. Portland, Oregon.
- 05/13 "The Whistler Sled Dogs Case". International Veterinary Forensic Sciences Association. Orlando, Florida.
- 05/13 "Veterinary Forensics". Webinar for Inspectors, ASAP Laboratory, Mulgrave, Victoria, Australia.
- 04/13 "Veterinary Forensics". Webinar for Veterinarians, ASAP Laboratory, Mulgrave, Victoria, Australia.
- 04/13 Veterinary Forensic Medicine Workshop. Cleveland Veterinary Medical Association. Cleveland, Ohio.
- 04/13 "Veterinary Forensics". St. George University School of Veterinary Medicine, Grenada, West Indies.
- 04/13 "Evidence Collection from Animals", "Veterinary Forensics", "Forensic Report Writing". British Small Animal Veterinary Association Conference. Birmingham, England.
- 03/13 "The Use of Veterinary Forensics in Animal Investigations". Animal Investigations and Prosecutions Workshop, Florida Sheriff's Association. Tallahassee, Florida.
- 02/13 "The Use of Veterinary Forensics in Animal Investigations". Shelter Medicine Club and Pathology Club, Ohio State University, College of Veterinary Medicine. Columbus, Ohio.
- 02/13 "Veterinary Forensics". NAVC OnCampus. Ohio State University, College of Veterinary Medicine. Columbus, Ohio.
- 01/13 "Veterinary Forensics". Oklahoma Veterinary Medical Association Conference. Tulsa, Oklahoma.
- 01/13 "Use of Animal Forensics in Cruelty Cases". Animal Cruelty Investigations Workshop. Oklahoma City, Oklahoma.
- 10/12 "Veterinary Forensic Medicine". Animal Law Conference, Association of Prosecuting Attorney's. Los Angeles, California.
- 10/12 "Veterinary Forensic Medicine". NAVC OnCampus, Mississippi State University, College of Veterinary Medicine, Starkville, Mississippi.

- 10/12 "Veterinary Forensic Medicine". NAVC OnCampus, Michigan State University, College of Veterinary Medicine, East Lansing, Michigan.
- 09/12 Forensic Necropsy Wet Lab; Lectures: "Examination of the Live and Deceased Victim", "The Role of the Technician in Forensics". International Veterinary and Emergency Critical Care Society Annual Conference. San Antonio, Texas.
- 09/12 "Veterinary Forensic Medicine". New Jersey Veterinary Medical Association. Newark, New Jersey.
- 06/12 Animal CSI Workshop. Prairie States Animal Conference. Bloomington, Illinois.
- 05/12 "Domestic Violence and Animal Cruelty". **Keynote speaker**. National Meeting of Royal New Zealand Society for the Prevention of Cruelty to Animals. Auckland, New Zealand.
- 05/12 Animal Forensics Workshop. National Meeting of Royal New Zealand Society for the Prevention of Cruelty to Animals. Auckland, New Zealand.
- 05/12 Animal Forensics Workshop. Wellington Royal New Zealand Society for the Prevention of Cruelty to Animals. Wellington, New Zealand.
- 05/12 "Veterinary Forensic Medicine". Wellington Veterinary Association. Wellington, New Zealand.
- 04/12 "Veterinary Forensic Medicine". Iowa State Shelter Medicine Club, University of Iowa, College of Veterinary Medicine. Ames, Iowa.
- 04/12 "Evidence Collection", "Animal CSI", and "Forensic Veterinary Medicine". Seattle King County Veterinary Medicine Association. Seattle, Washington.
- 02/12 "Evidence Collection in Animals" and "Veterinary Forensic Medicine". Midwest Veterinary Conference. Columbus, Ohio.
- 02/12 "Animal CSI and Veterinary Forensics". Walton County Animal Cruelty Conference. Ft. Walton, Florida.
- 01/12 "Veterinary Forensics". Shelter Medicine Conference, University of Georgia. Athens, Georgia.
- 01/12 "Scene Documentation and Forensic Analysis". North American Veterinary Conference. Orlando, Florida.
- 01/12 "Documentation of Abuse in the Victim". North American Veterinary Conference. Orlando, Florida.
- 01/12 "Developing an SOP for Handling Suspected Abuse Cases". North American Veterinary Conference. Orlando, Florida.

10/11 "Veterinary Forensics". Massachusetts Veterinary Medical Association. Boston, Massachusetts.

06/11 "Disaster Sheltering for Companion Animals". American Humane Association. Gainesville, Florida.

06/11 "Disaster Sheltering for Companion Animals". American Humane Association. Kentucky.

05/11 "Animal CSI". Florida Agriculture Intelligence Crimes Unit. Tavarres, Florida.

03/11 "Veterinary Forensics". Texas Unites Conference. Austin, Texas.

03/11 "Recognizing and Documenting Cruelty: Non-Accidental Injury". Oregon Veterinary Conference. Corvallis, Oregon.

03/11 "Veterinary Forensics: Examination of Living Victims". Oregon Veterinary Conference. Corvallis, Oregon.

03/11 "Veterinary Forensics: Examination of Deceased Victims". Oregon Veterinary Conference. Corvallis, Oregon.

03/11 "Evidence Collection at Crime Scene and the Clinic". Oregon Humane Society Victim to Verdict Conference. Portland, Oregon.

02/11 "Veterinary Forensic Pathology". Iowa State Shelter Medicine Club. Gainesville, Florida.

02/11 "Veterinary Forensic Pathology". University of Florida Shelter Medicine and Pathology Club. Gainesville, Florida.

10/10 "Animal C.S.I." Florida Division of the International Association for Identification. St. Petersburg, Florida.

10/10 "Veterinary Forensics". 2nd National Conference on Prosecuting Animal Cruelty and Fighting Cases. Association of Prosecuting Attorneys, Bureau of Justice Assistance, Animal Welfare Institute and Animal Legal Defense Fund. Denver, Colorado.

08/10 "Animal Evidence". Torts and Trials. American Bar Association. San Francisco, California.

08/10 "Veterinary Forensic Science". Brazilian Veterinary Medical Association. Sao Paulo, Brazil.

08/10 "Veterinary Forensic Science". Brazilian Police Department. Sao Paulo, Brazil.

07/10 "Veterinary Forensic Science". New England Animal Control. Durham, New Hampshire.

07/10 "The Role of the Veterinarian". Florida Medical Examiner's Conference. Orlando, Florida.

05/10 "Large Scale Raids: Managing the Animal Evidence". International Association of Veterinary Forensic Sciences. Orlando, Florida.

04/10 "Application of Veterinary Forensics". Harvard Law School. Animal Legal Defense Fund Conference.

03/10 "Veterinary Forensic Science in Animal Cruelty Cases". Texas Unites For Animals 2010 Lone Star Conference. Austin, Texas.

02/10 "Veterinary Forensic Science". NAVC OnCampus. Auburn University College of Veterinary Medicine. Auburn, Alabama.

02/10 "Examination of the Live Victim". Wetlab. University of Florida Shelter Medicine Program. Gainesville, Florida.

02/10 "Veterinary Forensic Science". Student Chapter of American Veterinary Medical Association. University of Florida College of Veterinary Medicine. Gainesville, Florida.

01/10 "Veterinary Forensics". 3rd Annual CSI Symposium. Norwich University. Northfield, Vermont.

11/09 "Veterinary Forensics". Georgia Veterinary Medical Association. Atlanta, Georgia.

11/09 "Animal CSI". Veterinary Medicine Conference. Saint-Hyacinth, Quebec, Canada.

10/09 "Veterinary Forensics". **Keynote speaker**. Southern Joint Forensics Conference. Orlando, Florida.

10/09 "Veterinary Forensics". Shelter Medicine Conference. University of Florida. Gainesville, Florida.

10/09 "Animal CSI and Use of Veterinary Forensics". Alberta SPCA. Edmonton, Alberta, Canada.

09/09 "Animal CSI". Humane Law Enforcement. ASPCA. Long Island City, New York.

09/09 "Animal CSI". University of Florida. Veterinary Technician Conference. Gainesville, Florida.

08/09 "Animal CSI". Louisiana Animal Control Association. Baton Rouge, Louisiana.

08/09 "Veterinary Forensics". "Forensic Necropsy Wet Lab". Pennsylvania Veterinary Association. Hershey, Pennsylvania.

08/09 "Animal CSI". Tampa SPCA. Tampa, Florida.

08/09 "Veterinary Forensics". Hershey Keystone Conference. Hershey, Pennsylvania.

05/09 "Veterinary Forensics". Australian Veterinary Association. Darwin, Australia.

05/09 "Animal CSI". Australian Royal Society for the Prevention of Cruelty to Animals. Melbourne, Victoria, Australia.

04/09 "Animal CSI". Animal Expo. Las Vegas, Nevada.

04/09 "Vet Forensics in Raids and Seizures". Animal Expo. Las Vegas, Nevada.

04/09 "Animal CSI: Using Forensics". Ireland SPCA. Dublin, Ireland.

03/09 "Animal CSI". Georgia Animal Control Association. Macon, Georgia.

03/09 "Veterinary Forensics". University of Wisconsin. Madison, Wisconsin.

02/09 "Veterinary Forensics". Minnesota Veterinary Association. St. Paul, Minnesota.

02/09 "Animal CSI". Animal Health and Welfare Manitoba Agriculture. Winnipeg, Manitoba, Canada.

02/09 Forensic Necropsy Lab. Western Veterinary Conference. Las Vegas, Nevada.

02/09 "Veterinary Forensics". American Academy of Forensic Science Annual Meeting. Denver, Colorado.

02/09 "Forensic Examination of the Live and Deceased Victim". Midwest Veterinary Conference. Columbus, Ohio.

02/09 Mock Trial: Puppy Mill. Midwest Veterinary Conference. Columbus, Ohio.

02/09 "Animal CSI". Music City Veterinary Conference, Tennessee Veterinary Medical Association. Nashville, Tennessee.

11/08 "Veterinary Forensics". North Carolina Veterinary Medical Association. Raleigh, North Carolina.

11/08 "Veterinary Forensics". Hawaii Veterinary Medical Association. Waikiki, Hawaii.

11/08 "Veterinary Forensics". Greater Atlanta Veterinary Medicine Association. Atlanta, Georgia.

11/08 "Cats and Cruelty". Cat Writers Association. Atlanta, Georgia.

10/08 "Veterinary Forensics: Animal CSI". Maine Veterinary Medical Association. Bangor, Maine.

09/08 "Using Veterinary Forensics in Animal Cruelty Investigations". French SPCA. Paris, France.

09/08 "Veterinary Forensics: Case Presentations". American Bar Association. Chicago, Illinois.

07/08 "Basic Veterinary Forensics". American Veterinary Medical Association Conference. New Orleans, Louisiana.

- 07/08 "Animal Cruelty: Recognition, Reporting, and Testifying". World Veterinary Congress. Vancouver, British Columbia, Canada.
- 07/08 "Veterinary Forensics: Animal CSI". World Veterinary Congress. Vancouver, British Columbia, Canada.
- 07/08 "Veterinary Forensics: Examination of the Live Victim". World Veterinary Congress. Vancouver, British Columbia, Canada.
- 07/08 "Veterinary Forensics: Examination of the Deceased Victim". World Veterinary Congress. Vancouver, British Columbia, Canada.
- 06/08 "Animal CSI". Southeastern Animal Control Association. Columbus, Georgia.
- 06/08 "Veterinary Forensics and Animal Cruelty Investigations". National Animal Care and Control Association. Spokane, Washington.
- 06/08 "Veterinary Forensics". Society of Animal Welfare Administrators. Kansas City, Missouri.
- 05/08 "Veterinary Forensics and Animal Cruelty Investigations". HSUS Animal Expo. Orlando, Florida.
- 04/08 "Veterinary Forensics and Animal Cruelty Investigations". Royal New Zealand SPCA. Christchurch, New Zealand.
- 04/08 "Veterinary Forensics and the Role of the Veterinarian". Christchurch Veterinary Association. Christchurch, New Zealand.
- 04/08 "Animal CSI". Colorado Animal Care and Control Association. Boulder, Colorado.
- 04/08 "Veterinary Forensics". Colorado Veterinary Medical Association. Boulder, Colorado.
- 03/08 "Recognition of Animal Cruelty and CSI". Student Chapter of the American Veterinary Medical Association National Meeting. Auburn University. Auburn, Alabama.
- 02/08 "Veterinary Forensics". University of Minnesota College of Veterinary Medicine. Minneapolis, Minnesota.
- 02/08 "Veterinary Forensics". University of Wisconsin College of Veterinary Medicine. Madison, Wisconsin.
- 02/08 "Veterinary Forensics". Michigan State University College of Veterinary Medicine. Lansing, Michigan.
- 02/08 "Veterinary Forensic Investigation of Animal Cruelty Cases". Midwest Veterinary Conference, Columbus, Ohio.

02/08 "Veterinary Forensics" Wet Lab. Midwest Veterinary Conference, Columbus, Ohio.

11/07 "Animal CSI". South Carolina Animal Control Conference. Myrtle Beach, South Carolina.

11/07 "Veterinary Forensics". On-line course for Veterinary Information Network.

10/07 "Veterinary Forensics: Animal CSI". Tennessee Animal Care and Control, Nashville, Tennessee.

10/07 "Veterinary Forensics: Making the Case". Massachusetts Veterinary Medical Association Veterinary Conference. Boston, Massachusetts.

10/07 "Veterinary Forensics and Animal Cruelty Investigations". Royal New Zealand SPCA. Sydney, Australia.

10/07 "Veterinary Forensics and Animal Cruelty Investigations". Royal New Zealand SPCA. Canberra, Australia.

10/07 "Veterinary Forensics and Animal Cruelty Investigations". Royal New Zealand SPCA. Auckland, New Zealand.

10/07 "Veterinary Forensics and Animal Cruelty Investigations". Royal New Zealand SPCA. Rotorua, New Zealand.

09/07 "CSI in Animal Cruelty Investigations". Kent County SPCA. Dover, Delaware.

09/07 "Veterinary Forensics: Animal CSI". American Humane Association. Washington, DC.

08/07 "Feline Cruelty". University of Florida. Gainesville, Florida.

08/07 "Recognition and Response to Animal Cruelty". University of Florida. Gainesville, Florida.

08/07 "CSI in Animal Cruelty Investigations". Georgia Legal Professionals for Animals. St. Simmons Island, Georgia.

05/07 "Veterinary Forensics: Animal Cruelty Investigations and the Role of the Veterinary Practitioner". Shelter Medicine Club, University of Georgia, College of Veterinary Medicine. Athens, Georgia.

05/07 "Veterinary Forensics: Making the Case for Animal Cruelty". Humane Society of the United States Animal Expo. Dallas, Texas.

04/07 "Veterinary Forensics: Recognition of Abuse and Examination of the Live Victim". Ohio State University, College of Veterinary Medicine. Columbus, Ohio.

04/07 "Veterinary Forensics: Recognition of Abuse and Examination of the Deceased Victim". Ohio

State University, College of Veterinary Medicine. Columbus, Ohio.

- 04/07 "Veterinary Forensics: Animal Cruelty Investigations and the Role of the Veterinary Practitioner". Ohio State University, College of Veterinary Medicine. Columbus, Ohio.
- 03/07 "Veterinary Forensics: Making the Case for Animal Cruelty". Student Chapter of the American Veterinary Medicine Association. Purdue University School of Veterinary Medicine. West Lafayette, Indiana.
- 02/07 "Veterinary Forensic Investigation of Animal Cruelty Cases". Western States Veterinary Conference. Las Vegas, Nevada.
- 02/07 "Veterinary Forensics" Wet Lab. Western States Veterinary Conference. Las Vegas, Nevada.
- 01/07 "Animal CSI: Animal Cruelty Investigations". Sheriff's Departments of Volusia, Flagler, and St. John's County; Flagler Beach High School. Flagler Beach, Florida.
- 12/06 "Veterinary Forensics". Continuing Education Seminar. University of Tennessee, College of Veterinary Medicine. Knoxville, Tennessee.
- 05/06 "CSI: The Veterinarian's Perspective". Animal Cruelty Investigation and Prosecution Seminar. Georgia State Bar Association, Institute of Continuing Legal Education. Atlanta, Georgia.
- 05/06 "Veterinary Forensics". Animal Cruelty Investigation and Prosecution. Georgia State Bar Association, Institute of Continuing Legal Education. Atlanta, Georgia.
- 04/06 "Veterinary Forensics: Crime Scene Analysis and Evidence Collection". Gwinnett County Animal Control. Lawrenceville, Georgia.
- 02/06 "Veterinary Forensic Investigation of Animal Cruelty". Midwest Veterinary Conference. Columbus, Ohio.
- 01/06 "Veterinary Forensics: Making the Case for Animal Cruelty". Student Chapter of American Veterinary Medical Association. University of Florida. Gainesville, Georgia.
- 11/05 "Veterinary Forensics". An on-line course for Veterinary Information Network.
- 04/05 "Veterinary Forensic Investigation of Animal Cruelty". Animal Expo. Sponsored by the Humane Society of the United States. Atlanta, Georgia.
- 04/05 "Veterinary Forensics: Key Points to Cases of Animal Cruelty". Animal Cruelty Investigation and Prosecution Seminar. Georgia State Bar Association, Institute of Continuing Legal Education. Atlanta, Georgia.
- 04/05 "Pearls of Feline Medicine". Student Chapter of American Association of Feline Practitioners. University of Georgia, College of Veterinary Medicine. Athens, Georgia.

- 02/05 "Veterinary Forensics". Seminar for the Faculty of University of Georgia, College of Veterinary Medicine. Athens, Georgia.
- 11/04 "Veterinary Forensics: Making the Case". Student Chapter of American Association of Feline Practitioners and Pathologists. University of Georgia College of Veterinary Medicine. Athens, Georgia.
- 09/04 "Veterinary Forensics: Animal CSI". American Humane Conference, Philadelphia, Pennsylvania.
- 04/04 "Veterinary Forensics: Animal CSI". Animal Cruelty Investigation and Prosecution. Georgia State Bar Association, Institute of Continuing Legal Education. Atlanta, Georgia.

CONFERENCES, WORKSHOPS AND PRESENTATIONS

- 01/14 "Expect the Unexpected: Unusual and Complex Cases of Animal Cruelty". Animal CSI Program. North American Veterinary Community Annual Conference. Orlando, Florida.
- 01/14 "What Would You Do? Solve the Case with Dr. Melinda Merck". Animal CSI Program. North American Veterinary Community Annual Conference. Orlando, Florida.
- 01/13 "Advanced Veterinary Forensics". 8 week online course. Co-presenter. Veterinary Information Network.
- 01/13 "Surviving Cross Examination in Animal Cruelty Cases". Masterclass. Co-presenter. North American Veterinary Conference. Orlando, Florida.
- 11/11 "Veterinary Forensics". 4 week online course. Co-presenter. Veterinary Information Network.
- 03/11 "Evidence Processing: What, When, Where, and Who". Blood Sports Investigations Conference. Maddie's Fund Shelter Medicine Program. University of Florida. Gainesville, Florida.
- 02/11 "Unveiling the Secrets of the Michael Vick Dogs". Animals as Evidence: Veterinary Forensic Sciences Workshop, Co-Chair. American Academy of Forensic Sciences. Chicago, Illinois.
- 01/11 "Body of Evidence: What Decomposed Bodies Can Tell Us". North American Veterinary Conference. Orlando, Florida.
- 01/11 "Supersized Hoarding Interventions: When One Agency Isn't Enough". North American Veterinary Conference. Orlando, Florida.
- 11/10 "Animal Crime Scene Workshop". Maples Center for Forensic Medicine. Gainesville, Florida.
- 03/10 "Forensic Necropsy Wet Lab". Veterinary Forensics Conference. Maddie's Fund Shelter Medicine Program. University of Florida. Gainesville, Florida.

- 03/10 "Veterinary Forensics". Veterinary Forensics Conference. Maddie's Fund Shelter Medicine Program. University of Florida. Gainesville, Florida.
- 01/10 "Large Scale Raids". North American Veterinary Conference. Orlando, Florida.
- 01/10 "Animal Crimes: Veterinary Forensics Report Writing". Meet the Professor Luncheon. North American Veterinary Conference. Orlando, Florida.
- 06/09 "Animal Crime Scene Workshop". Maples Center for Forensic Medicine. Gainesville, Florida.
- 01/08 "Making the Case for Neglect: Proving Cause, Intent and Timelines". The North American Veterinary Conference. Orlando, Florida.
- 01/08 "Making the Case for Non-Accidental Injury: Proving Cause, Sequence of Events, Time of Death". The North American Veterinary Conference. Orlando, Florida.
- 04/08 "Veterinary Forensic Pathology and Animal Cruelty". Veterinary Forensics Symposium. Maples Center for Forensic Medicine and ASPCA. Orlando, Florida.
- 10/08 "Animal Crime Scene Workshop". Maples Center for Forensic Medicine. Gainesville, Florida.
- 01/07 "Veterinary Forensic Science". Shelter Medicine Evening Program. The North American Veterinary Conference. Orlando, Florida.
- 01/07 "Veterinary Forensics Lab: Necropsy Examination and CSI". A Wet Lab. The North American Veterinary Conference. Orlando, Florida.
- 01/07 "From the Exam Room to the Court Room: Presenting Your Case". The North American Veterinary Conference. Orlando, Florida.
- 01/07 "Animal Cruelty: CSI and Examination of the Victim". The North American Veterinary Conference. Orlando, Florida.
- 01/05 "Mock Trial: Animal Cruelty". The North American Veterinary Conference, Orlando, Florida.
- 01/05 "Veterinary Forensics: Making the Case", Chairperson of half-day program. The North American Veterinary Conference. Orlando, Florida.
- 06/04 "Veterinary Forensic Investigation of Animal Cruelty". Fulton County Animal Services. Sponsored by Georgia Legal Professionals For Animals. Atlanta, Georgia.
- 01/04 "Veterinary Forensics: Animal CSI". The North American Veterinary Conference. Orlando, Florida.

01/04 "Veterinary Forensic Investigation: What Law Enforcement Needs to Know". The North Georgia Intelligence Meeting. Georgia Legal Professionals for Animals. Gainesville, Georgia.

04/03 "Veterinary Forensics: What Law Enforcement Needs to Know". For Douglas County Sheriff, Police and Animal Control Departments; Douglas County District Attorney's Office and Local Veterinarians. Georgia Legal Professionals for Animals. Douglasville, Georgia.

GRANTS

Grant: Other **Awarded:** 2008 **Period:** 2008-2013

Total: \$5million (historically largest ever awarded)

Project Title: Maddie's Fund Shelter Medicine Program, University of Florida College of Veterinary Medicine

Involvement: Joint Coordinator **Subject:** Development of unique shelter medicine program to include courses in disaster and forensic medicine. Provide annual veterinary forensic medicine conference. Provide for Shelter Medicine Residency program to include forensic medicine training. Develop and implement elective Veterinary Forensics Course at University of Florida College of Veterinary Medicine.

OTHER PROFESSIONAL TRAININGS

- Discovery and Recovery: Death Scene Investigations in the Natural Environment. North Carolina State University. Raleigh, North Carolina. May 2007.
- Illegal Animal Fighting Investigations. Humane Society University. Gwinnett County Sheriff's Department. Lawrenceville, Georgia. March 2008.
- Basic Forensic Science and Medicine. Virginia Institute of Forensic Science and Medicine. University of Virginia. Charlottesville, Virginia. March 2008.
- Veterinary Forensics Symposium. Maples Center for Forensic Medicine and ASPCA. Orlando, Florida. April 2008.
- Bloodstain Evidence. Bloodstain Institute. Herbert MacDonnel. Corning, NY. May 2008.
- Veterinary Forensic Science: Bite Mark Workshop. Gainesville, FL. September 2008.
- FEMA ICS Training. Summer 2008.
- Large Animal Technical Rescue. New York. Fall 2008.
- Animal CSI Program. North American Veterinary Conference. Orlando, Florida. January 2009.
- Veterinary Forensics Symposium. Maples Center for Forensic Medicine and ASPCA. Orlando, Florida. April 2009.
- Gunshot Reconstruction. Maples Center for Forensic Medicine. Orlando, Florida. October 2009.
- Animal CSI Program. North American Veterinary Conference. Orlando, Florida. January 2010.
- American Academy of Forensic Sciences. Forensic Anthropology Workshop, General Conference. Seattle, Washington. February 2010.
- Basic Ropes Disaster Training. University of Florida, Gainesville, Florida. March 2010.
- Forensic Photography. Maples Center for Forensic Medicine and ASPCA. Gainesville, Florida. March 2010.
- Disaster Training: SART, DART, VETS. Bushnell, Florida. April 2010.
- Veterinary Forensic Science Annual Conference. International Veterinary Forensic Sciences Association. Orlando, Florida. May 2010.

- Oiled-Bird Disaster Training. Sumter County, Florida. May 2010.
- Florida Agriculture Intelligence Crimes Unit Training, Tavarre, Florida. May 2010.
- Animal Blood Stain Pattern Analysis Workshop. Gainesville, Florida. November 2010.
- Animal CSI Program. North American Veterinary Conference. Orlando, Florida. January 2011.
- American Academy of Forensic Sciences. Chicago, Illinois. February 2011.
- Blood Sports Investigations. Gainesville, Florida. March 2011.
- Oregon Humane Society Victim to Verdict Conference. Portland, Oregon. March 2011.
- Veterinary Forensic Science Annual Conference. International Veterinary Forensic Sciences Association. Orlando, Florida. May 2011.
- American Academy of Forensic Sciences. Atlanta, Georgia. February 2012.
- Animal CSI Program. North American Veterinary Conference. Orlando, Florida. January 2012.
- Walton County Animal Cruelty Conference. Ft. Walton, Florida. February 2012.
- Animal Law Conference. Association of Prosecuting Attorney's. Los Angeles, California. October 2012.
- Animal CSI Program. North American Veterinary Community Annual Conference. Orlando, Florida. January 2013.
- Animal Investigations and Prosecutions Conference. Tallahassee, Florida. March 2013.
- Advanced Veterinary Forensics. Veterinary Information Network. March 2013.
- Veterinary Forensic Science Annual Conference. International Veterinary Forensic Sciences Association. Orlando, Florida. May 2013.
- Death Scene Check List. The Evidence Conference Educational Webinar Series. July 2013.
- Animal CSI Program. North American Veterinary Community Annual Conference. Orlando, Florida. January 2014.
- Animal Law Conference. Association of Prosecuting Attorney's. Atlanta, Georgia. May 2014.
- Veterinary Forensic Science Annual Conference. International Veterinary Forensic Sciences Association. Orlando, Florida. May 2014.

PROFESSIONAL MEMBERSHIPS

American Academy of Forensic Sciences, Fellow Member

International Veterinary Forensic Sciences Association, Full Member

International Association of Bloodstain Pattern Analysts, Provisional Member

American College of Forensic Examiners

Georgia Legal Professionals for Animals

American Veterinary Medical Association

Association of Shelter Veterinarians

British Small Animal Veterinary Association 2012-2013

Florida Agriculture Intelligence Crimes Unit 2010-2012

SERVICE

Association of Shelter Veterinarians

Organizing Committee member for development of Shelter Medicine Board Specialty under ABVP including writing board certification questions, 2012-present

North American Veterinary Conference
Program Chair: Animal CSI. 2009-Present
Ahimsa House, Inc. (Animal Shelter for Victims of Domestic Violence)
Advisory Council, Member, October 2008-Present
Good Mews Animal Foundation (No-Kill Cat Shelter)
Board of Directors, 1991-1994
VETS Disaster Response Team, University of Florida
Sumter Disaster Animal Response Team, 2009-2011
Volunteer Veterinarian:
Good Mews Animal Foundation
Cherokee County Animal Control
Cherokee County Humane Society
Fur Kids
Cats in the Cradle
Georgia SPCA

EXPERT WITNESS

Animal Cruelty Cases:

Montgomery, Alabama (Federal court)
Gwinnett County, Georgia (approximately 70 cases)
Cobb County, Georgia
Fulton County, Georgia (approximately 46 cases)
Henry County, Georgia
Walterboro, South Carolina
St. Bernard's Parish, Louisiana
Pima County, Arizona
Louisville, Kentucky
Fergus Falls, Minnesota
Orleans Parish, Louisiana (2 cases)
Luzerne County, Pennsylvania
Hickman County, Tennessee
Alachua County, Florida
Palm Beach County, Florida
Miami-Dade County, Florida
Washington County, Georgia
Dallas, Texas

EXHIBIT H

WILENCHIK & BARTNESS
— A PROFESSIONAL CORPORATION —



ENGINEERING FORENSICS EXPERTS LLC

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Mesa, AZ 85213

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ENGINEERING EXAMINATION and ANALYSIS
REPORT #1

File No: 4874-0701

Prepared for:
Maricopa County Sheriff's Office
Attn: Lt. David Toporek

Date of Incident: June 19, 2014
Location of Incident: 15723 E. Appleby Road, Gilbert, AZ 85298
MCSO Case: IR 14-014274

Dates of Examinations:
Scene Examination: July 9, 2014

CONTENTS:

- (A) SUMMARY:
 - (B) ENCLOSURES:
 - (C) INSTRUCTIONS:
 - (D) BACKGROUND:
 - (E) SCENE EXAMINATION:
 - (F) ANALYSIS:
 - (G) CONCLUSION:
 - (H) COMMENTS:
 - (I) EVIDENCE CUSTODY & CONTROL
- APPENDIX 1. TRIP CURVES FOR SQUARE D 15 AMP BREAKER
APPENDIX 2. TRIP CURVES FOR SQUARE D 200 AMP MAIN BREAKER
APPENDIX 3. CALCULATIONS FOR HVAC WITH 28 DOGS IN ROOM
APPENDIX 4. CALCULATIONS FOR HVAC WITH 20 DOGS IN ROOM.

The investigation activities and reporting have been conducted in accordance with the following standards among others:

- NFPA 921-2011 Edition "Guide for Fire and Explosion Investigations"
- ASTM E620-04 "Standard Practice for Reporting Opinions of Scientific or Technical Experts"
- ASTM E678-07 "Standard Practice for Evaluation of Scientific or Technical Data"
- ASTM E860-07 "Standard Practice for Examining And Preparing Items That Are Or May Become Involved In Criminal or Civil Litigation"
- ASTM E1020-96 (Reapproved 2006) "Standard Practice for Reporting Incidents that May Involve Criminal or Civil Litigation"
- ASTM E1188-05 "Standard Practice for Collection and Preservation of Information and Physical Items by a Technical Investigator"
- ASTM E2332-04 "Standard Practice for Investigation and Analysis of Physical Component Failures"

(A) SUMMARY:

The reported damage to the circuit caused by the dog chewing on the romex at the receptacle circuit could not have possibly caused any interruption of the west HVAC system operation.

The electrical systems of the home were found to be in serviceable condition with no anomalies.

The west HVAC system was inadequate and improperly configured for this type of utilization of the "dog room". This inadequate condition was exacerbated by the airflow limitations with the closed room and fact that the HVAC system was neglected as to maintenance including the most basic requirement of changing the filter.

A plugged return filter will cause a number of problems with an HVAC unit besides poor airflow and poor cooling, including the very likely condition of freezing up the indoor coil (evaporator coil) which will block all the airflow and render the unit completely ineffective.

Even if the west HVAC unit did not freeze up, clearly there would not be sufficient airflow to cool the animals and likely not enough turnover of the air to replenish the oxygen as needed.

(B) ENCLOSURES:

1. 31 color images of evidence examination (from digital photographs) with descriptions.

(C) INSTRUCTIONS:

Instructions were received from Lt. David Toporek representing Maricopa County Sheriff's Office for George J. Hogge PE, Principal Electrical Engineer to conduct the following Forensic Engineering Examinations and Activities:

- Forensic Engineering evaluation of the house electrical systems to confirm or negate any electrical or mechanical failure that could have contributed to or caused the HVAC system to fail on the residence.
- Forensic Engineering examination of the HVAC system(s) serving the home, focusing on the efficacy and functionality of the HVAC system serving the room that the dogs were found in.
- Survey and take samples of the insulation associated with the room the dogs had been found in.

- Collect and analyze the circuit conductor(s) that had reportedly been damaged by being chewed by a dog. Also to determine the effect of that event on the electrical system(s) including the HVAC circuit(s).
- Additional instructions were received to provide a written Engineering Report.

(D) BACKGROUND:

While it is not the scope or intent of this report to discuss the incident, some basic background information that was provided to EFX is important for the analysis:

- About 28 large dogs had been placed into a room at the southwest corner of the home with the doors closed.
- About 20 dogs were found deceased in the room on June 19, 2014.
- The business/home owner had reportedly claimed that a dog had chewed through one of the circuits in the room causing the HVAC (Heating, Ventilation, and Air Conditioning) system that served that room to fail.

(E) SCENE EXAMINATIONS:

An Electrical Engineering examination of the scene was conducted on July 9, 2014. Present were George J. Hogge PE, Principal Electrical Engineer of Engineering Forensics Experts LLC and Ron Ballard, HVAC Technical Consultant of Getty Engineering Services.

A number of photographs were taken in digital format during the scene examination. Select photographs are attached in this report, some of which have been cropped or rotated to fit. All photographs are stored by EFX in their original format.

The subject structure was a one story single family home of wood frame construction supported by a concrete slab on grade. The sloped roof was supported by typical wood trusses and finished with asphalt shingles. Figure 1 shows a rear view of the home looking northeast and Figure 2 shows a basic Plan View with dimensions. The rooms are shown in the area of interest on the west end of the home.



Figure 1. Rear view of house looking northeast.

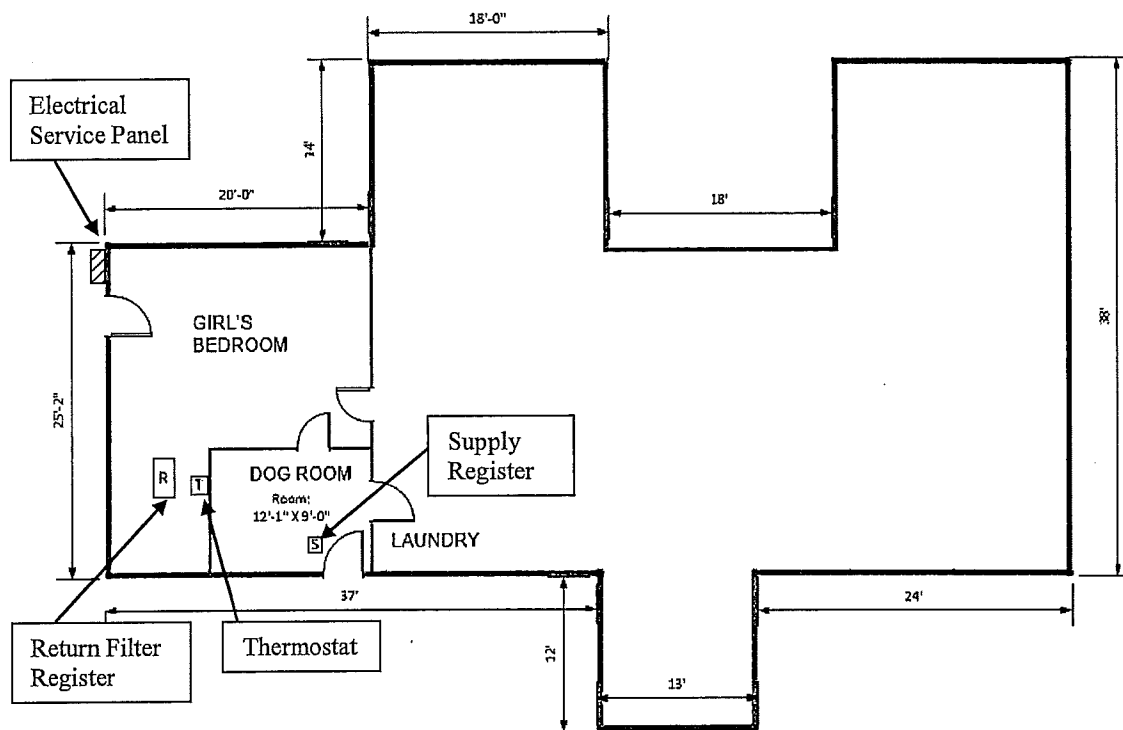


Figure 2. Plan view of house with dimensions for exterior and interior areas of interest. Not to scale.

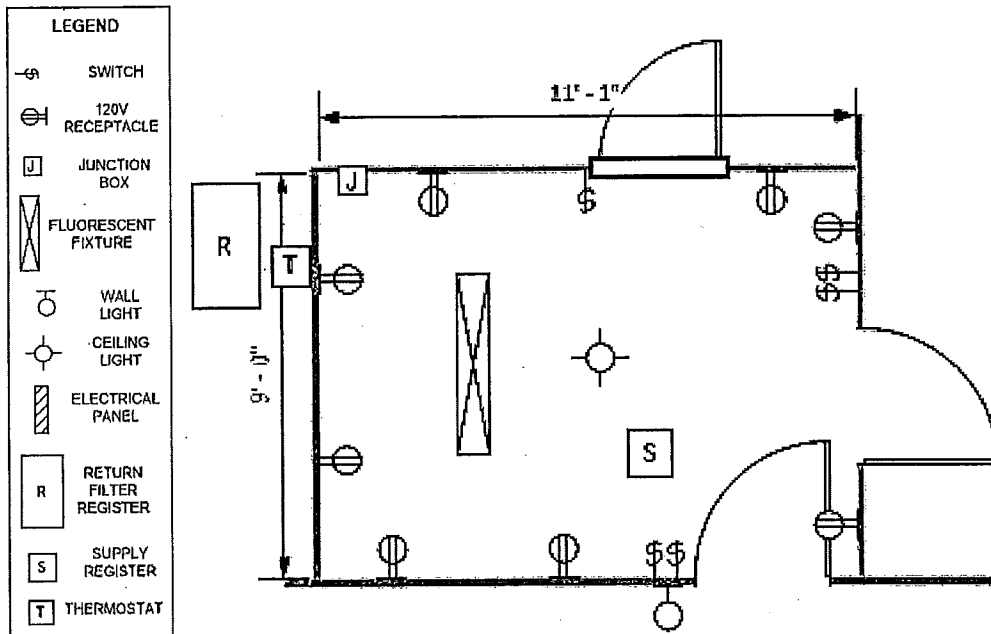


Figure 3. Plan view of "dog room" showing electrical and mechanical fixtures and devices. Not to scale. Red rectangle indicates sealed doorway into girl's bedroom.

Figure 3 shows an enlarged Plan View of the room where the dogs had been placed with the electrical and mechanical components of interest shown. For the purposes of this report, we will refer to this as the "dog room". The door to the north that led into the girl's bedroom had been completely and permanently sealed with caulking such that no air could pass, which is shown by a red rectangle in Figure 3. Note that there is one HVAC (Heating, Ventilation, and Air Conditioning) supply register in the ceiling in the dog room and that the return register and filter as well as the thermostat are in the closet of the girl's room to the west.

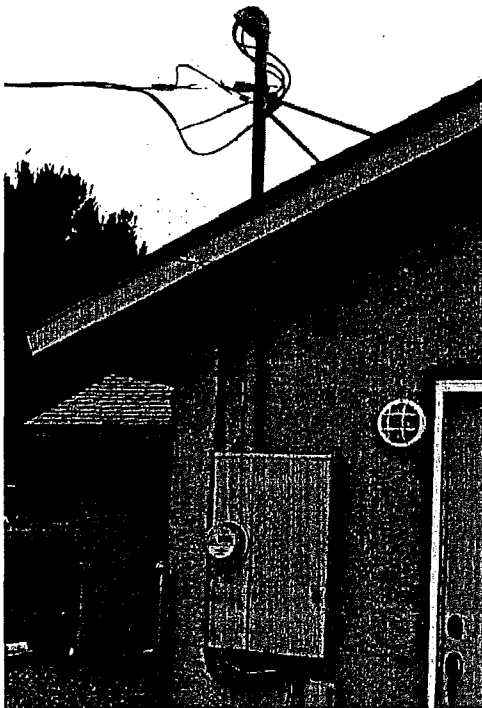


Figure 4. Electrical service.

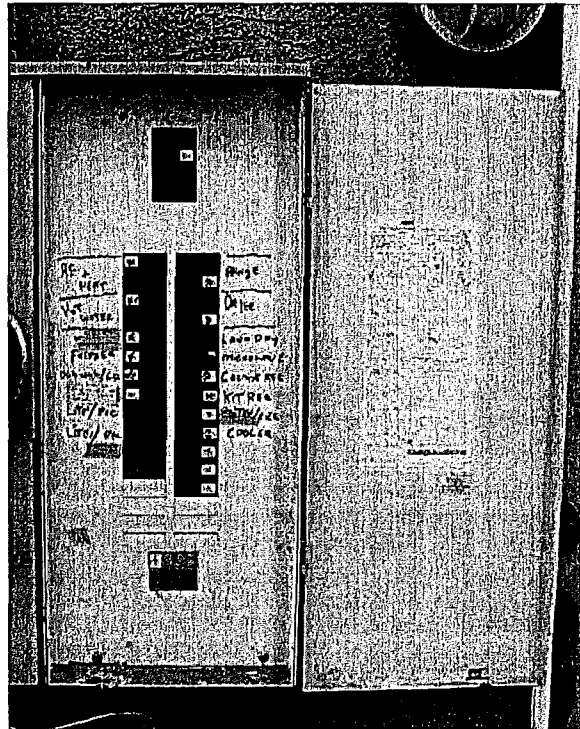


Figure 5. View of circuit breaker panel.

Figures 4-6 show the electrical service panel on the north end of the west exterior wall. The electrical service panel was a typical modern combination metering and circuit breaker panel rated at 240/120 volts, 200 amps, with a 200 amp main circuit breaker. The main service panel was supplied via an SRP overhead lateral from a pole mounted transformer. There was nothing remarkable about the physical condition of the service panel. The panel contained a number of branch circuit breakers that are there to control and protect the branch circuits that extend into the house wiring systems. Apparently some circuits and breakers had been moved as the labeling was not complete nor correct. Otherwise, no remarkable deficiencies in code or workmanship were found.

The electrical wiring within the home was installed using copper Type NM Non Metallic Sheathed Cables, which are intended for and suitable for such use in a residential structure. For purposes of this report, the Type NM cables will be referred to by the trade jargon of "romex". A typical romex cable will have an outer thermoplastic sheath surrounding a specific number of insulated "current carrying" conductors as well as one (1) non-insulated conductor that is intended to be used as a ground conductor only. The number of insulated conductors is typically stated in the sizing convention, for example 14/2 romex will have two (2) insulated #14 AWG conductors and a non-insulated ground conductor. The first run of romex that extends from the circuit breaker at the panel into the structure is typically referred to as the "home run" until it reaches the first device or load.

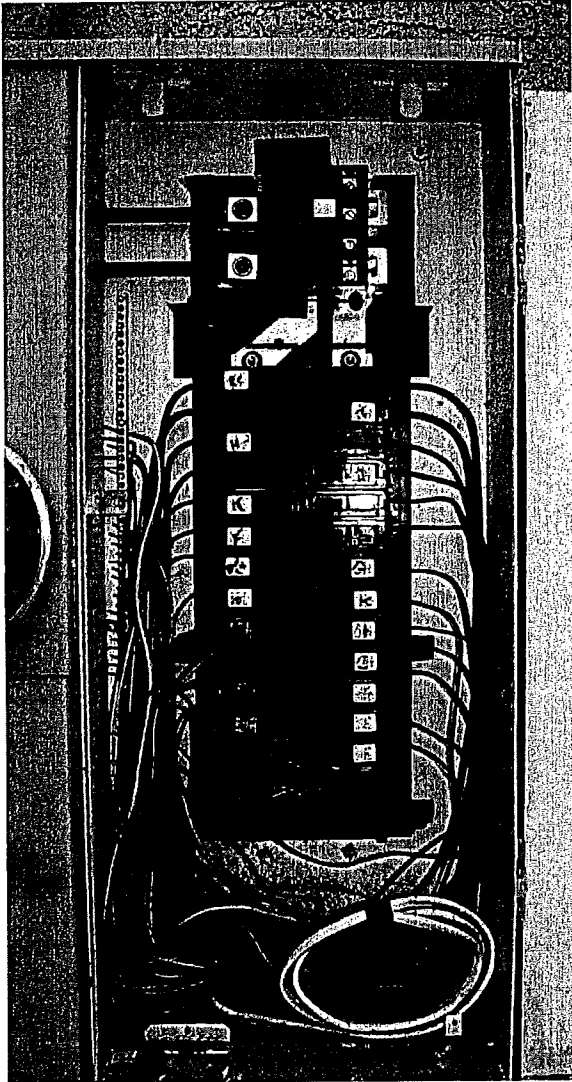


Figure 6. Interior view of circuit breaker panel showing home runs terminated to branch circuit breakers.

Figure 7 shows the south exterior door entering into the dog room and also shows the HVAC system that serves the west portion of the home. For purposes of this report, we will refer to this as the "west HVAC" unit. Figures 8-11 show the interior walls of the dog room, which was measured to be 9 feet by 12 feet and the ceiling was 8 feet, 3 inches from finish floor. The passage door shown in Figure 9 that led to the girl's bedroom had been sealed completely with caulk so no air could pass through at all. The passage door into the laundry room and the exit door to the south yard shown in Figure 10 both had sweeps and weather stripping such that the room was actually fairly tightly sealed.

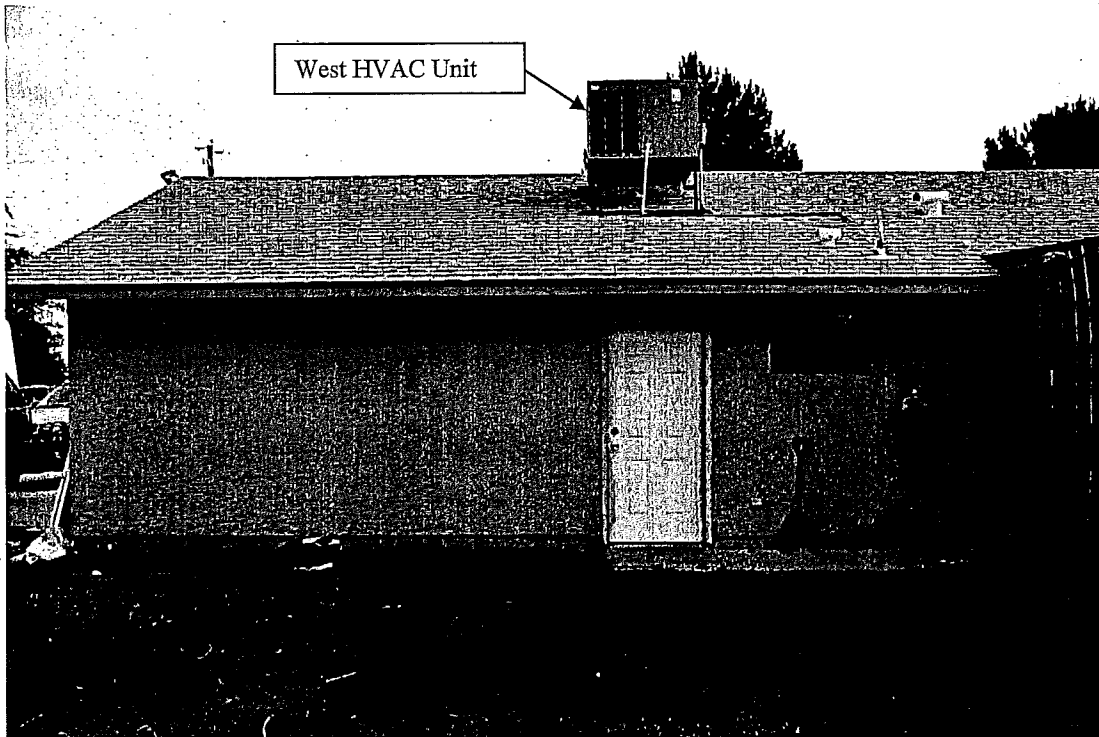


Figure 7. South entrance into room where dogs were found. Note west HVAC unit on roof above door.

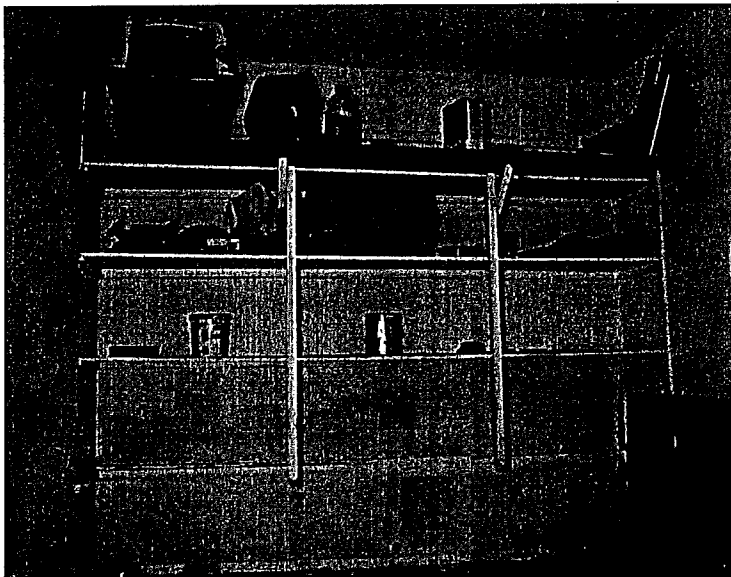


Figure 8. West wall of dog room.

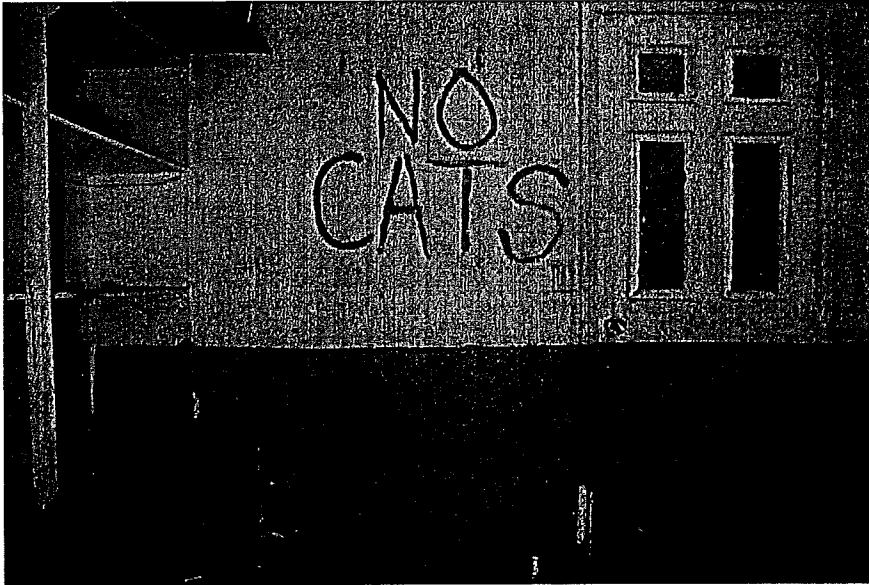


Figure 9. West end of north wall of dog room. Repaired romex at lower left.

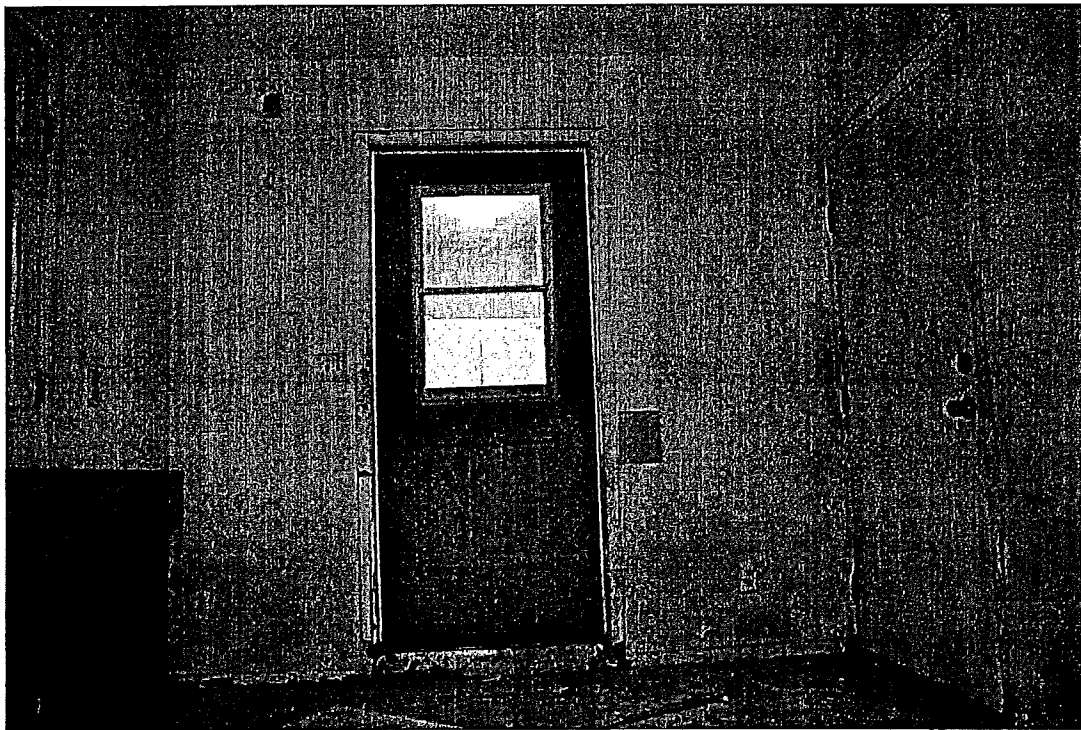


Figure 10. East end of room showing door into laundry (center) and door to south exit on right.

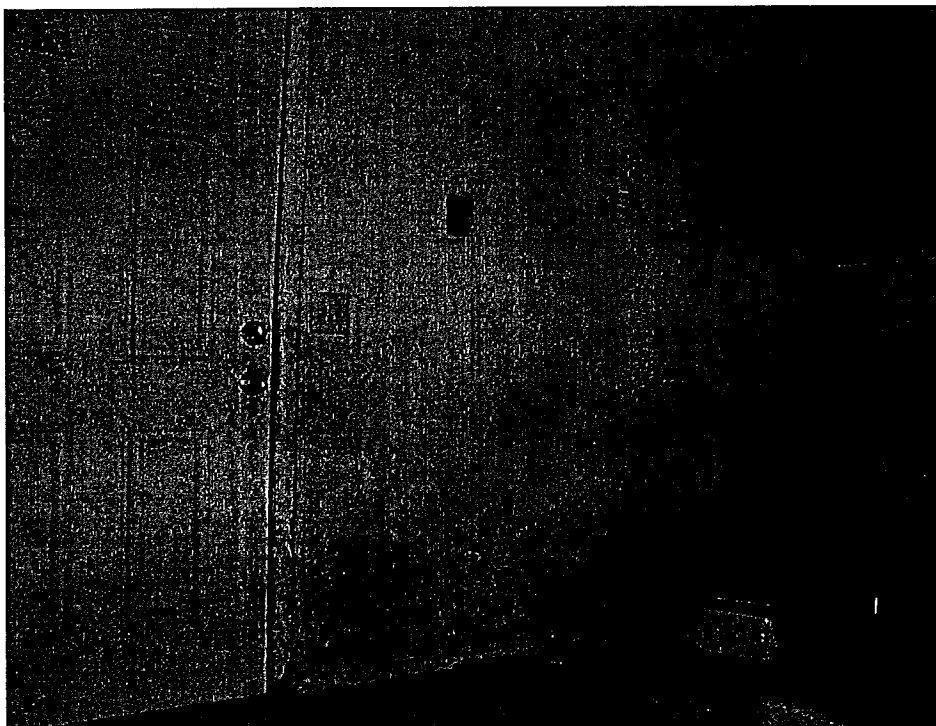


Figure 11. West end of south dog room wall.

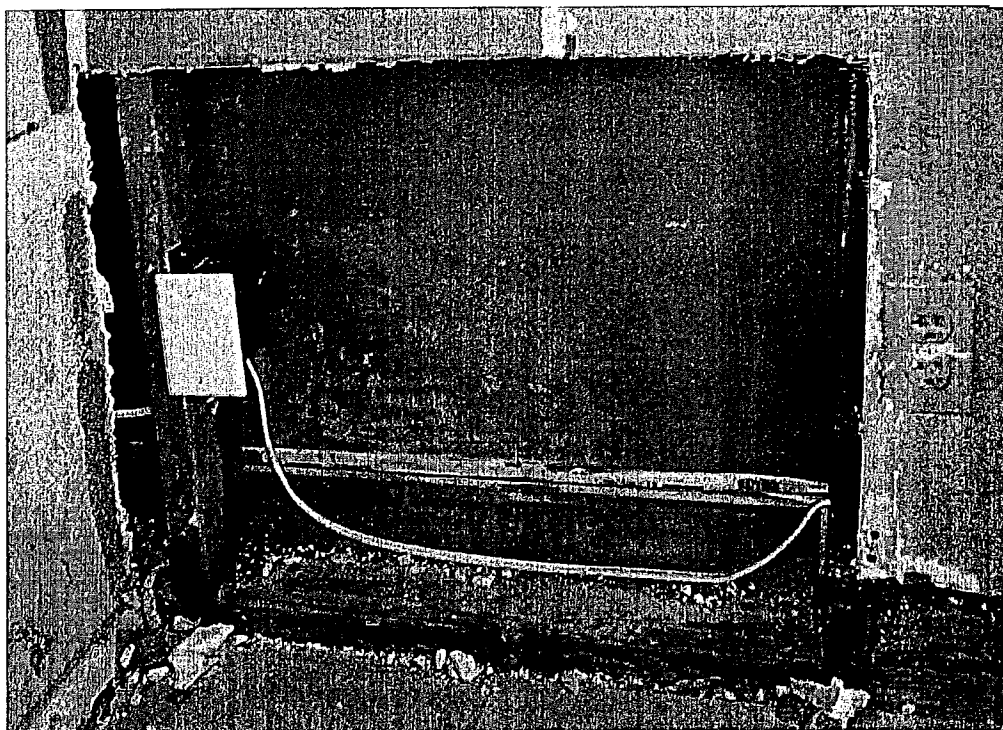


Figure 12. Repaired romex in west end of north dog room wall.

Figure 12 shows the location where the romex cable had reportedly been chewed on by a dog. It was apparent that this segment of cable had been replaced since the incident. A "new" segment of 14/2 romex had been extended from the receptacle in the wall to the east to a plastic junction box that had been installed to make a legal splice in. NEC (National Electrical Code) requires that all splices in any wiring must be accessible from the living space so this junction box was required to make such a splice. As shown in Figure 13, the splice was made using typical "wire nut" splice connectors that are suitable for the purpose.

This circuit was then traced to the source using a toner and it was determined and verified that the circuit was serviced via the 15 amp single pole circuit breaker in the #24 position in the panel as shown in Figure 14. This circuit was limited to receptacles and lighting in the southwest corner of the home.



Figure 13. Wire nuts in junction box.

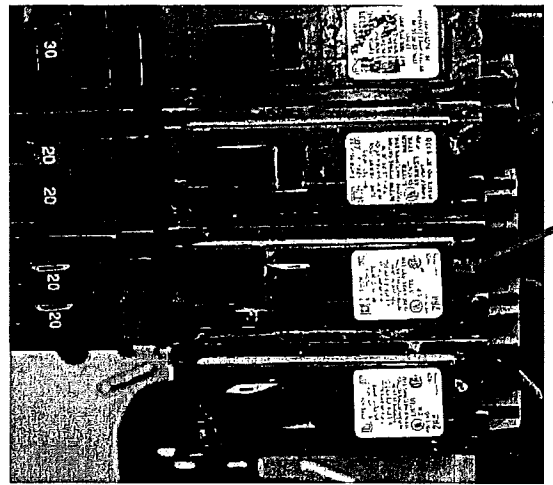


Figure 14. Breaker 24 serves repaired circuit.

Figure 15 shows the remaining end of the original circuit romex at that location, which is a 14/2 cable. It is apparent that the wall was open such that the dog was able to access this cable as evidenced by the blue paint on the external sheathing and the blue paint on the interior backside of the drywall on the opposite side of that wall space. Figure 16 shows that this original segment extended around the corner into the west wall where it was terminated at another duplex receptacle which is a typical residential installation.

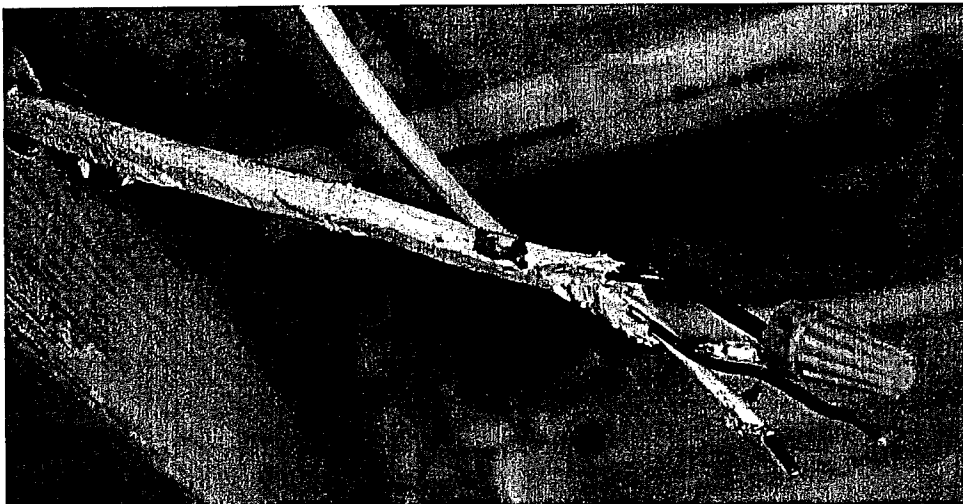


Figure 15. Remaining portion of original romex into area of damage.

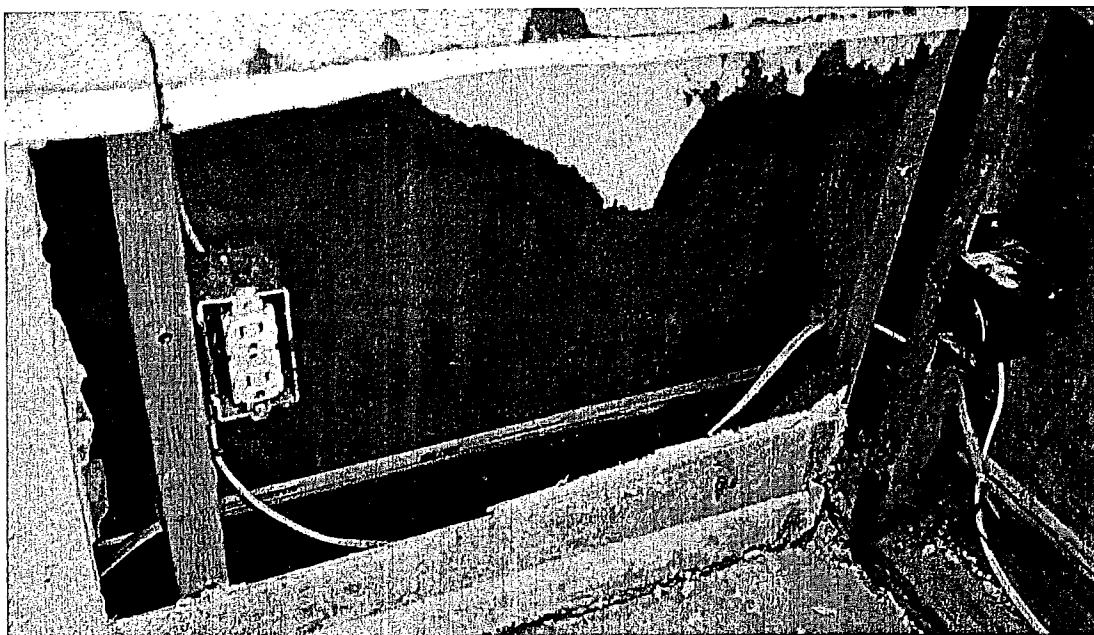


Figure 16. North end of west wall opened to show routing and termination of remaining portion of damaged romex segment.

The testing for a circuit breaker is prescribed by ANSI/NEMA AB4. The typical testing is done to a circuit breaker that has been removed from the system and placed in a specialized test apparatus that can be regulated to flow a prescribed current through the breaker at low voltage. The tripping of the breaker is based on current and not voltage. However, a specialized test based on the ANSI/NEMA protocol was utilized in order to test this system as configured to determine if the HVAC operation could have been affected by a dog chewing on the romex in the wall. The west HVAC was set to run continuously during this testing. The particular tests that were utilized were:

- ANSI/NEMA AB4, Article 5.5: Inverse Time Overcurrent Trip Test: This test is conducted by placing a load of 200 to 300% of the rated current on the breaker and would in this case simulate the current that could be expected if a dog chewed on the cable and caused a short circuit that traveled through the saliva and flesh of the dog's mouth. For this test, a load of about 32 amps was placed on the circuit of the 15 amp breaker as shown in Figure 17. Within less than 20 seconds, the 15 amp circuit breaker tripped (Figure 18) and the current flow ceased. The 200 amp main circuit breaker was unaffected (Figure 19) and the HVAC units continued to operate.
- ANSI/NEMA AB4, Article 5.6: Instantaneous Overcurrent Trip Test. This test is conducted by very quickly ramping the current to multiple times the rating of the breaker and would simulate the dog chewing the cable such that the energized conductor insulation was compromised and it came into direct contact with the neutral or ground, resulting in a direct fault (short circuit). For this test a heavy duty switch was connected to the hot and neutral conductors, then the circuit was energized and the switch was closed (turned on). The 15 am circuit breaker tripped instantaneously, while the 200 amp main breaker was unaffected. The HVAC units continued to operate.

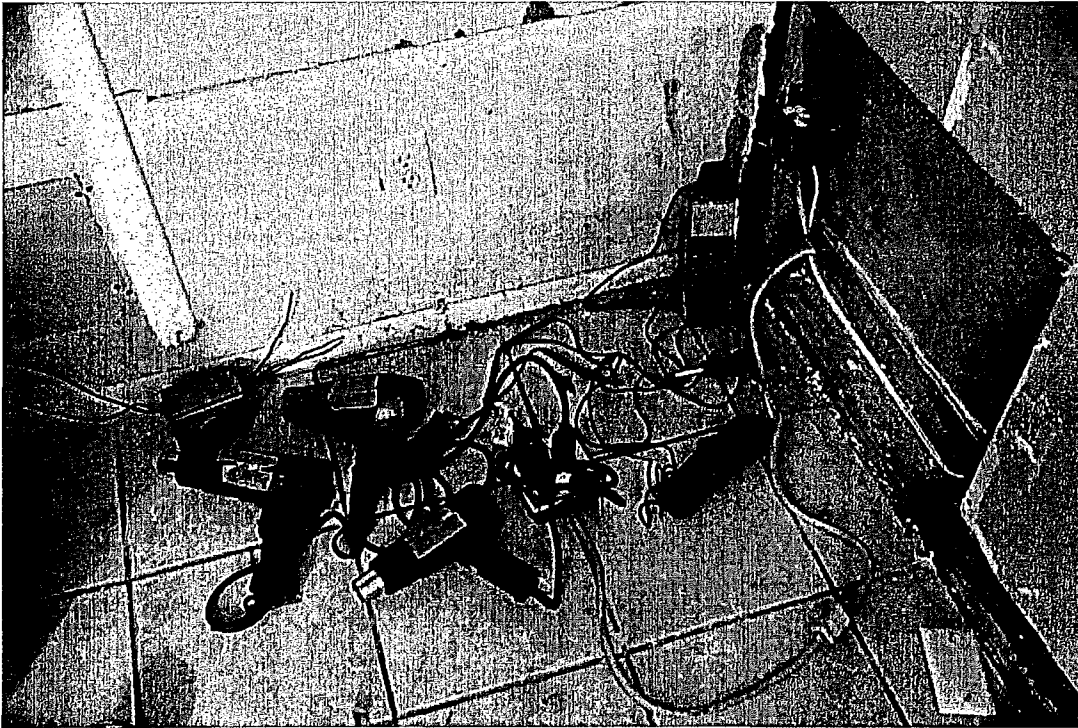


Figure 17. Test equipment utilized for testing circuit breaker coordination and tripping.

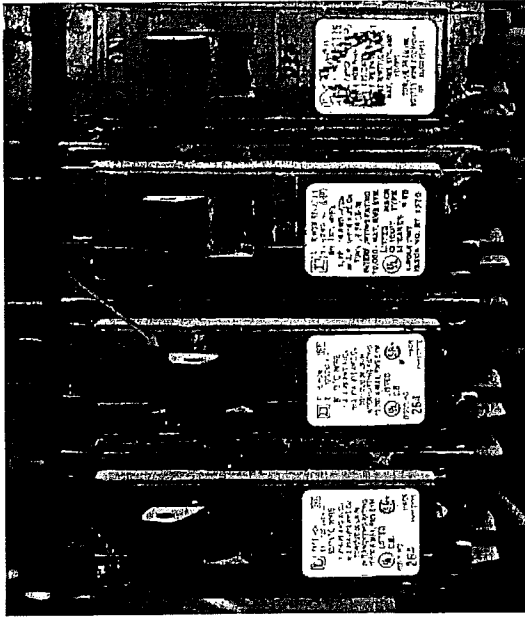


Figure 18. Breaker 24 tripped during tests.

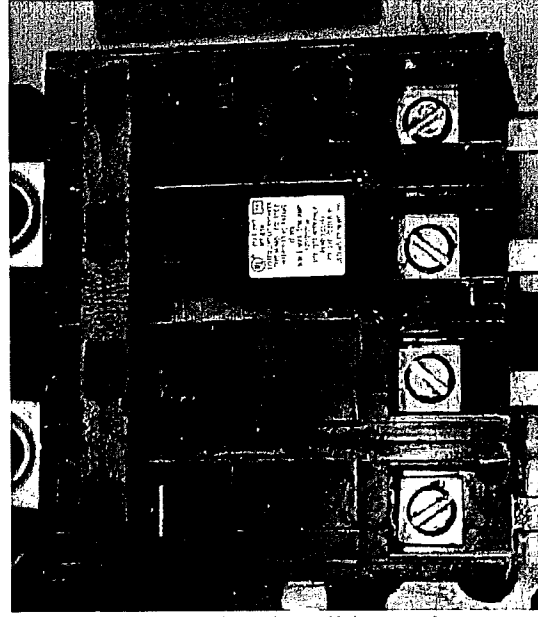


Figure 19. Main breaker did not trip.

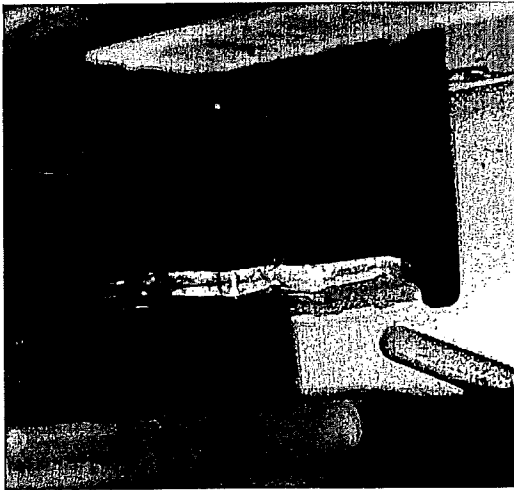


Figure 20. Bus stab at space 24.

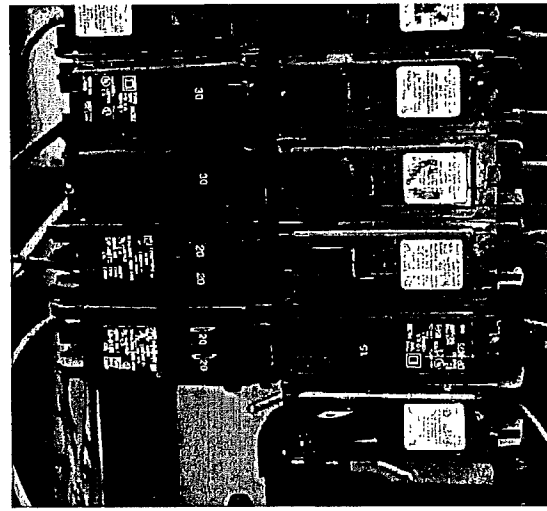
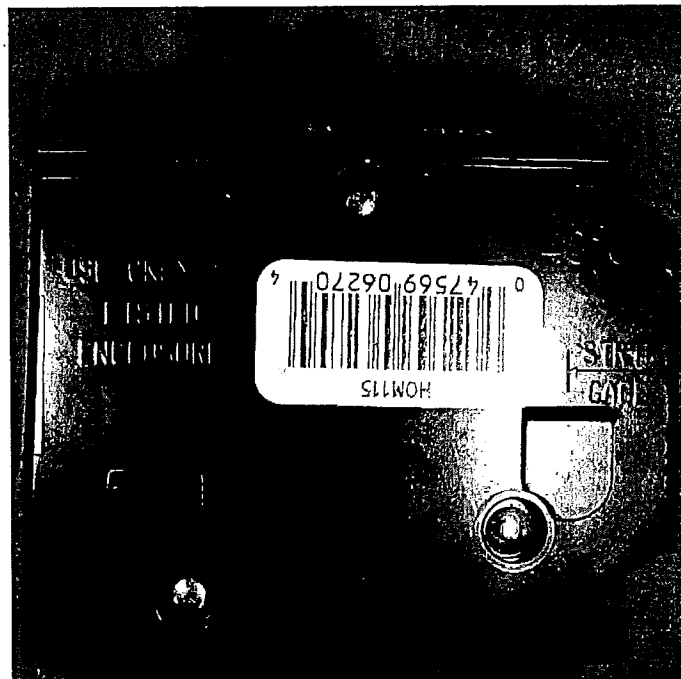
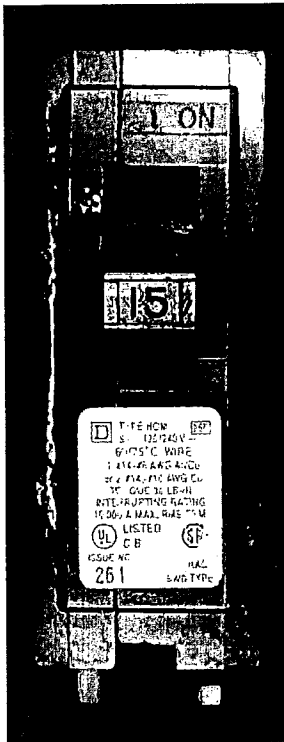


Figure 21. New circuit breaker installed at 24.

The 15 amp circuit breaker was then removed from space 24 and retained as evidence. Figure 20 shows the bus stab where the circuit breaker had been installed into the panel and the factory grease is still present, indicative of no heating or other anomaly of the circuit breaker. A new 15 amp single pole breaker was installed and terminated to the circuit as shown in Figure 21 so power could be restored to the circuit.

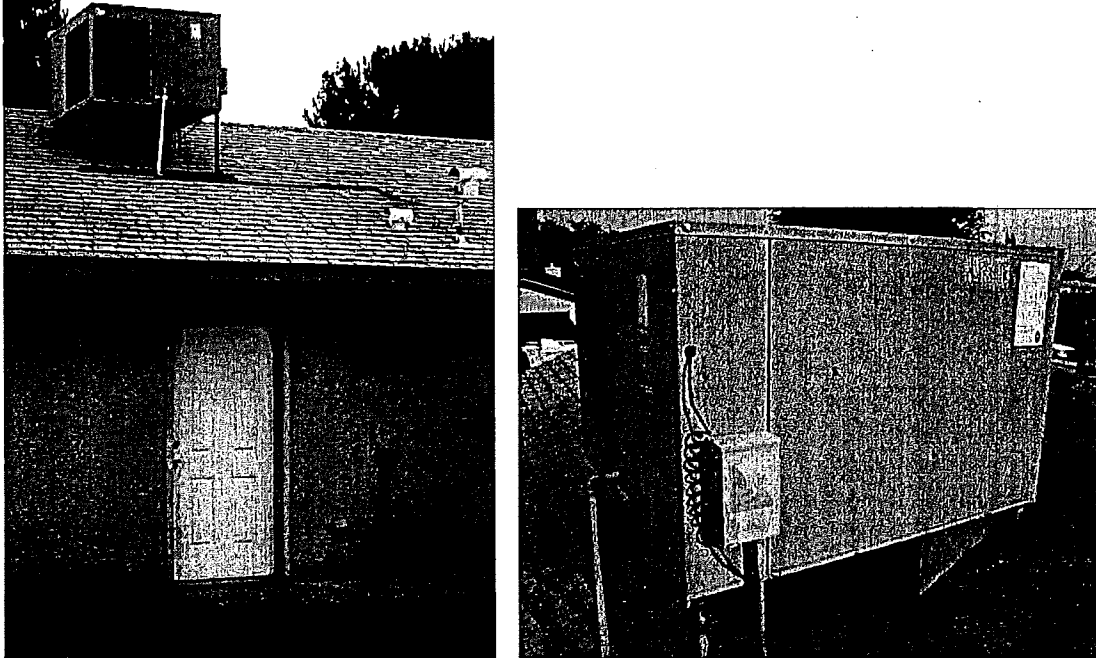
The 15 amp single pole circuit breaker from space 24 was then examined and there was nothing remarkable about the circuit breaker (Figures 22-23).



Figures 22-23. Front and side views of subject circuit breaker from space 24 in electrical service panel.

HVAC Examination and Testing:

HVAC Technical Consultant Ron Ballard inspected the HVAC system that served the west side of the house including the girl's bedroom with closet and the separate room where the dogs were kept, the "dog room". Figures 24-25 show the location of the package HVAC unit on the house.



Figures 24-25. West HVAC unit on roof over west bedroom and dog room.

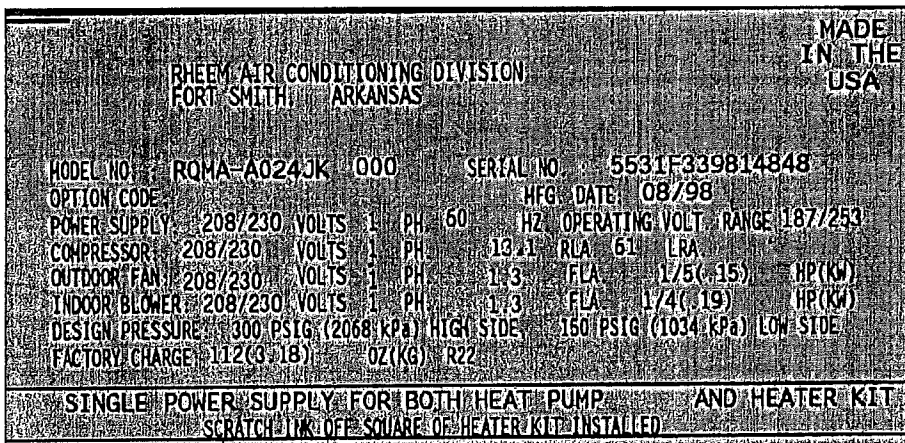


Figure 26. Manufacturing label on west HVAC unit.

Figures 25-26 were taken on the roof. The west HVAC unit is a 2 ton Rheem HP model #RQMA-A024JK, serial #5531F339814848. Unit was built in the 33rd week (approximately August) of 1998. Fuses in unit disconnect were rated for 30 amps and the

breaker in panel was also a 30 amp, 2 pole. The west HVAC unit was tested through the typical cooling cycles and operated normally, producing cool air.

The duct work associated with the west HVAC unit was surveyed in the attic. The unit had two 8" supply runs to the daughter's room and one 7" supply run to the dog room. The return was a single 14" run with a 16x25 inch filter in the daughter's bedroom. There was no return or passage from the dog room for air to exit.

The thermostat and the only return air register for the west HVAC were found in the closet of the girl's bedroom as shown in the Plan View of Figures 2 and 3 and in the Photos of Figures 27-28. Figure 28 shows filter in filter grill. It is extremely bowed up because air is not flowing easily through air filter. Figure 29 shows the return air filter on the ground and the filter was found to be extremely dirty.

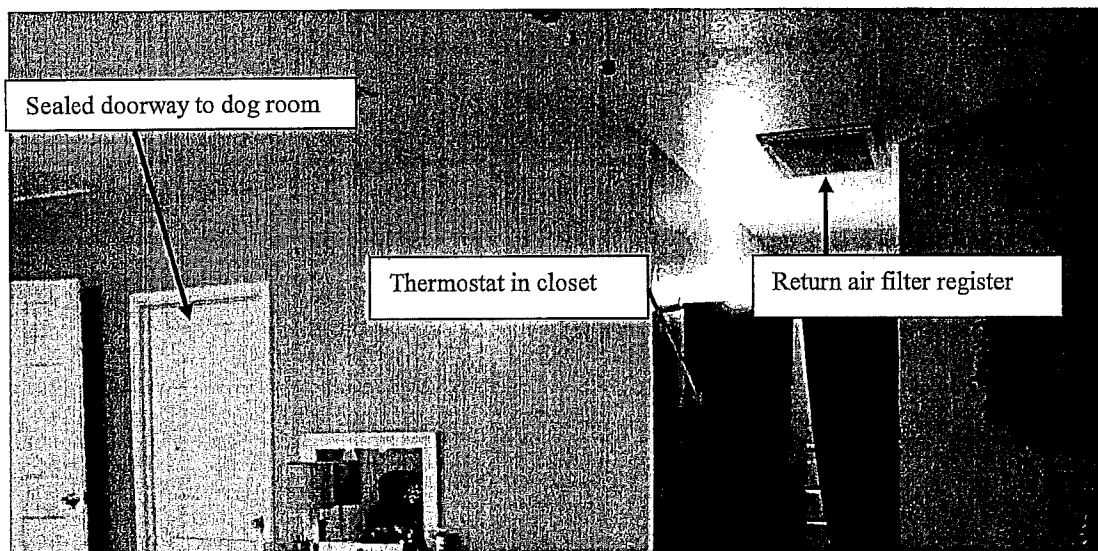
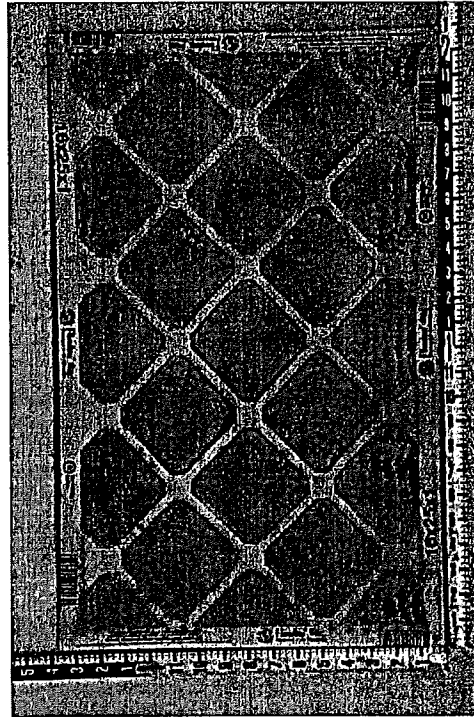
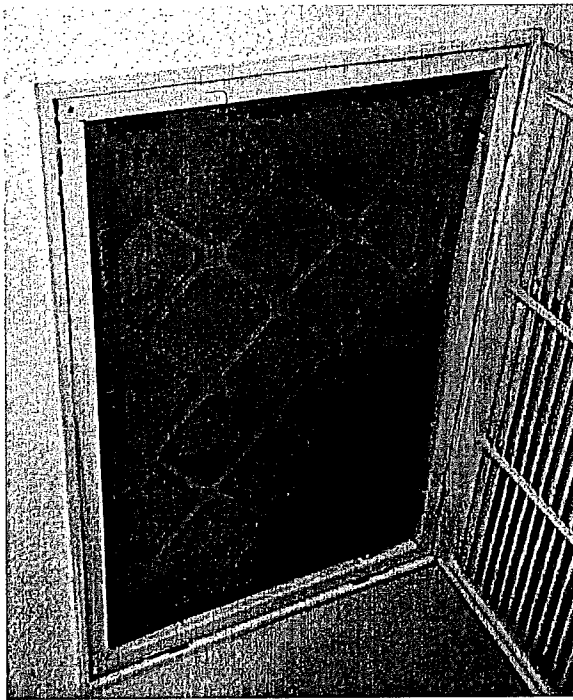


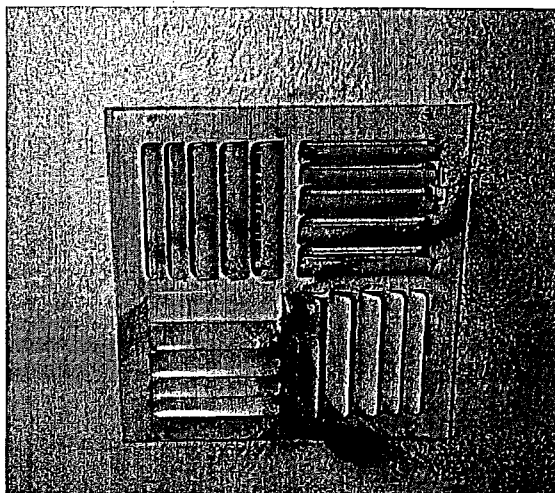
Figure 27. View of sealed dog room passage door and return air filter register from girl's room looking south.



Figures 28-29. Return air filter in register over closet in girl's room and on ground after removal.

At 7:45 am, Mr. Ballard was asked to take a temperature reading in the room where 2 dogs were being held. Temperature was measured at 79.5°F but at the time of the temperature reading, the dogs had been removed and the doors that lead to the laundry area and outside were open.

At this time, Mr. Ballard began setting up equipment to take air flow readings in the room that housed the dogs. The equipment utilized was a Fieldpiece HS36 multimeter with a Model AAV3 flow measurement attachment. There was no return register and only one 10"x10" ceiling mounted supply register in the room. Louvers faced 4 directions on the supply register as shown in Figures 27-28.



Figures 27-28. Single 10" by 10" supply register in dog room.

Two readings were taken from each quadrant of the register with the doors open, and that test was repeated with the doors closed. The readings were then averaged. As mentioned above, the doors created a fairly tight seal on the room when closed. It was remarkably difficult to open the exterior door (which opens inward) when the HVAC unit was blowing air into the room due to the tight seal of the room envelope.

Following is a chart with doors open:

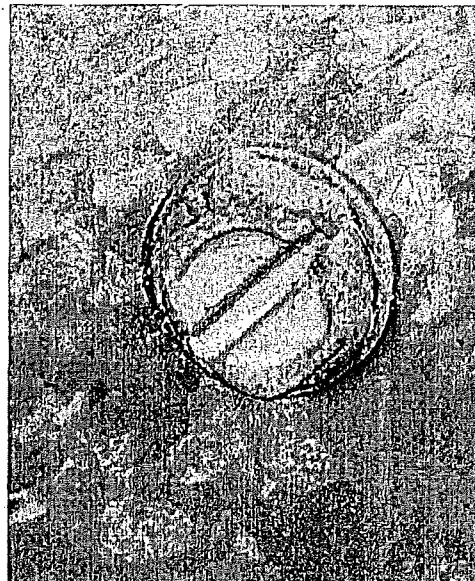
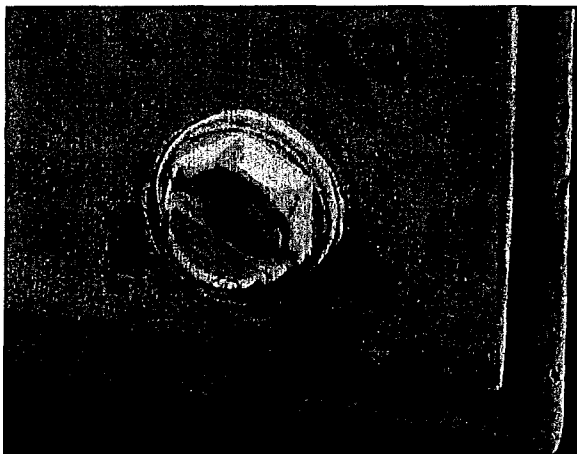
Register	Airflow Readings			
Quadrant	1	2	Total	Average
SE	545	545	1090	545
SW	465	485	950	475
NW	245	300	545	273
NE	165	299	464	232
			Average CFM Total	1525
			Average CFM	381
			Factor for register size (.83x.83)	0.689
			Calculated CFM	263

Following chart with doors closed:

Register	Airflow Readings			
Quadrant	1	2	Total	Average
SE	372	230	602	301
SW	252	200	452	226
NW	137	122	259	130
NE	29	42	71	36
			Average CFM Total	692
			Average CFM	173
			Factor for register size (.83x.83)	0.689
			Calculated CFM	119

As the charts show, there is a significant reduction of air flow into this room when the doors are closed. The CFM's (Cubic Feet per Minute) dropped from 262 CFM with doors open to 119 CFM with doors closed.

A closer inspection of the west HVAC unit on the roof found that the screws holding the panel for the controls showed no signs of having been opened for some time (Figures 29-30). The screws that held the panel cover inside unit had not been opened. One interior cover screw had 1/8 inch of dust on it. Figure 31 shows that there is a significant amount of dust on the interior wiring and components as well. This would indicate that no-one had serviced this unit in quite some time.



Figures 29-30. Mounting screws on west HVAC exterior and interior panel covers for accessing service bay area.

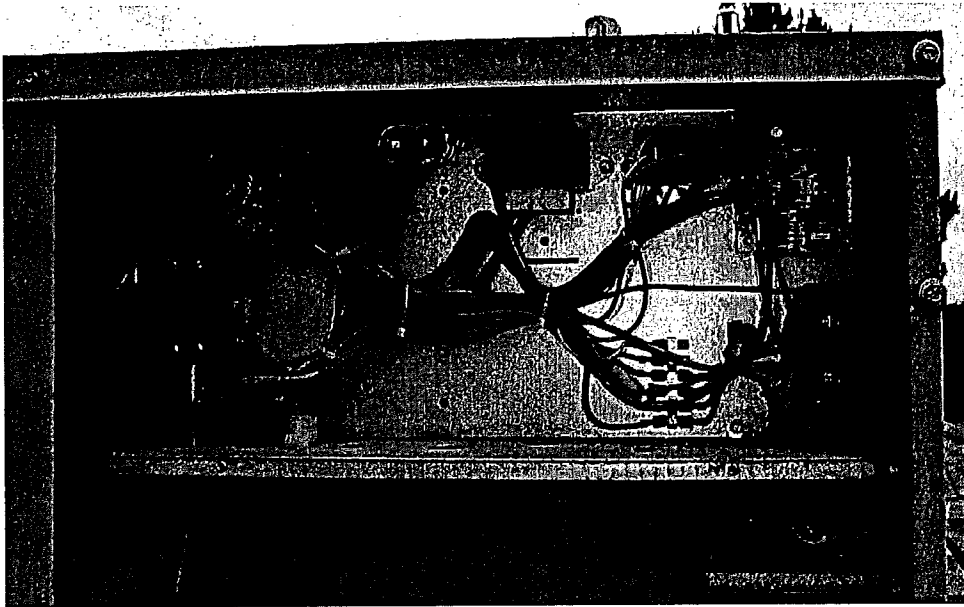


Figure 31 Service bay area inside west HVAC unit.

(F) ANALYSIS:

The electrical systems of the home were found to be in serviceable condition with no anomalies. The segment of romex cable that had reportedly been chewed through by a dog had been removed and replaced, therefore could not be analyzed, however the testing conducted by EFX was effective in determining the possibility of whether if a dog did chew through that cable and cause any faulting (short circuit), if that could cause any failure of the HVAC system.

The circuit breaker that served and protected the lighting and receptacle circuit which included this segment was a typical 15 amp single pole circuit breaker installed in the typical fashion within the main service panel. The circuit breaker that served and protected the west HVAC unit was a typical 2-pole 30 amp circuit breaker also installed within the service panel. As such, these circuit breakers are in parallel and the only possible way that a fault on the receptacle circuit could affect the HVAC is for it to have tripped the 200 amp main circuit breaker, which would have turned off the power to the entire house. This of course would have resulted in spoiling of food in the refrigerator, freezer, etc., as these circuit breakers do not reset themselves. The only scenario where the 200 amp breaker could possibly trip due to a downstream fault in the circuit would be if the 15 amp circuit breaker failed to clear that fault for a significant amount of time.

The testing conducted by EFX utilized the series system of the 15 amp receptacle circuit breaker with the 200 amp main breaker to comprehensively test for the unlikely event of tripping the 200 amp main due to any fault at this location in the circuit.

There was no evidence of any failure of the electrical system of the home that could cause or contribute to any failure of the HVAC system. There was no evidence of any electrical or mechanical failure of the HVAC system.

The chart in Figure 32 shows the calculated available fault current at the service panel and at the location of the damaged romex in the northwest corner of the dog room. The available source fault current (Isc) of 10,792 amps at the SRP transformer is from SRP literature and basically says that if you shorted out the wires at the transformer that is all the current you would get there. The impedance or resistance of the conductors as you travel downstream from the source will significantly reduce the amount of current that you can draw with a "bolted fault" or a dead short. The Isc or greatest possible fault current available at the main service panel is 4,641 amps (green highlight) and the Isc at the receptacle is 483 amps (yellow highlight). This tells us that the most current we could possibly get through the electrical system due to a fault at that location where the dog reportedly chewed through the wires would be 483 amps, which is 32 times the 15 amp rating and 2.4 times the 200 amp breaker rating. It is important to note that since the fault was at the romex, 483 amps is the greatest possible current that would flow through the 200 amp main which is in series upstream. The actual short circuit amperage for a dog chewing on the romex was likely much lower but we will use worst case possible for our calculations and analysis.

Locations	Length	Start Isc	Constant	# of cond	voltage	f factor	M	Isc @ end	Conductors used
	L	I	C	n	E				
SRP xfmr to SES	100	10792	5876	1	240	1.32543	0.43	4641	3-1/0 Aluminum
SES to damaged romex	50	4641	389	1	120	8.609654	0.104	483	14/2 copper romex

Note: Isc of 10792 amps for SRP xfmr secondaries from SRP Electric Service Specifications pg 1-31, Table 1.

Note: calculations and Constant factors per formulas and tables given in

Cooper Bussmann SHORT CIRCUIT CURRENT CALCULATIONS

Figure 32. Calculations for short circuit current available at service panel and subject romex segment.

Appendix 1 below shows the time-current curves for a 15 amp Square D circuit breaker. The red lines show the results of EFX testing at 200% of the rated current and we see that the circuit breaker tripping at less than 20 seconds is within the manufacturer's specified results (shaded area on chart). The green lines on the chart show that this breaker will trip within 1/60th of a second at 32 times the current or a direct short. This was shown to be functional on the 15 amp breaker, as there was not time to even start the stop watch timer before the breaker tripped for the short circuit test.

Appendix 2 below shows the time-current curves for a 200 amp Square D main circuit breaker. The red lines show the maximum Isc of 2.4 times the rating and it would take from 30 to over 300 seconds for that current to trip the main. From practical experience and "real world" observations of this Journeyman Electrician of 35 years, this does not happen, and would have melted the 14/2 romex, which didn't happen. Clearly, it is impossible that this 200 amp main tripped, therefore it is clearly impossible that any dog chewing on the 14/2 in that wall caused any failure of the HVAC system.

West HVAC System Analysis:

Adtek Accuload software was utilized to conduct minimum A/C load calculations and CFM's for the room. Appendix 3 below shows the results of those calculations with 28 dogs in the room (job #1005-1). Appendix 4 below shows the results of those calculations with 20 dogs in the room (job #1005-2).

Page 1 on the line that shows "room internal loads" has sensible and latent BTU gains. Page 2 on the line "dog room" shows summer calculated CFMs. At the bottom of each load calculation it shows the total cooling load in BTUs.

Essentially, the results demonstrate that with good airflow and a clean filter, the 2 ton unit is not adequate to cool the space. Obviously, with a totally plugged air filter and no return from the sealed room, that already inadequate condition is exacerbated significantly. It is very important to realize that in the configuration of this west HVAC system, there are 3 supply ducts from the same manifold, so if you block the airflow to one of those (by closing doors in a sealed room), the already inadequate airflow will be

diverted to the other 2 ducts. The other 2 supplies are also in the room with the return so that is the more natural flow.

A plugged return filter will cause a number of problems with an HVAC unit besides poor airflow and poor cooling, including the likely condition of freezing up the indoor coil (evaporator coil) which will block all the airflow and render the unit completely ineffective.

It is also important to consider the fact that the thermostat that controls the west HVAC was in the closet below the return air filter register. With the airflow blocked to the dog room, the unit would cool the space within the girl's room and satisfy the thermostat while having negligible cooling effect on the dog room.

Some very practical issues are that the heat given off by the dogs would result in significant heat gain within the room and with no airflow, 28 dogs would use the available oxygen rapidly. The room volume was less than 900 cubic feet of air. These animals also pant to cool themselves so they will significantly raise the humidity, making it much more likely that the indoor coil will freeze up even with adequate ventilation due to the plugged filter.

Even if the west HVAC unit did not freeze up, clearly there would not be sufficient airflow to cool the animals and likely not enough turnover of the air to replenish the oxygen as needed.

Recommendations:

The first remedy to the problem could be to have two 8" supply ducts to the dog room or one 10" run. You would need an air return in this room or an exhaust fan. A 2 ton unit cannot handle the heat load or CFMs for these two rooms. It would need to have at least a 2 ½ ton unit. The thermostat should be in the dog room as this has the greatest heat load. The second remedy would be to install a 1 ton ductless unit in the dog room and you would still need to have an exhaust fan in the room to replenish the oxygen. No matter which remedy is used it is imperative to keep the air filters clean.

(G) CONCLUSION:

The reported damage to the circuit caused by the dog chewing on the romex could not have possibly caused any interruption of the west HVAC system operation.

The west HVAC system was wholly inadequate for this type of utilization of the "dog room". This inadequate condition was exacerbated by the airflow limitations with the room and fact that the HVAC system was neglected as to maintenance including the basic requirement of changing the filter.

These conclusions were reached with reasonable scientific certainty based on:

1. Forensic Examinations of the scene and evidence at the scene.
2. Testing of the electrical system at the scene.
3. Testing of the HVAC system at the scene.
4. The undersigned investigator's education, training, and experience as a Journeyman Electrician and Registered Professional Electrical Engineer.

(H) COMMENTS:

The statements and conclusions contained herein are based on the information given to and gathered by Engineering Forensics Experts at the time of this report. If additional information becomes available we reserve the right to change our conclusions.

The evidence listed below will be held in secure storage at Engineering Forensics Experts LLC.

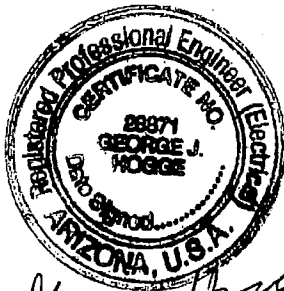
Thank you for the opportunity to be of service.

George J. Hogge P.E. 7/12/14

SIGNATURE

DATE

George J. Hogge PE
Principle Forensic Engineer



George J. Hogge

(I) EVIDENCE CUSTODY & CONTROL



ENGINEERING FORENSICS EXPERTS LLC

EFX File No: 4874-0701

Maricopa County Sheriff's Office

Attn: Lt. David Toporek

Date of Incident: June 19, 2014

Location of Incident: 15723 E. Appleby Road, Gilbert, AZ 85298

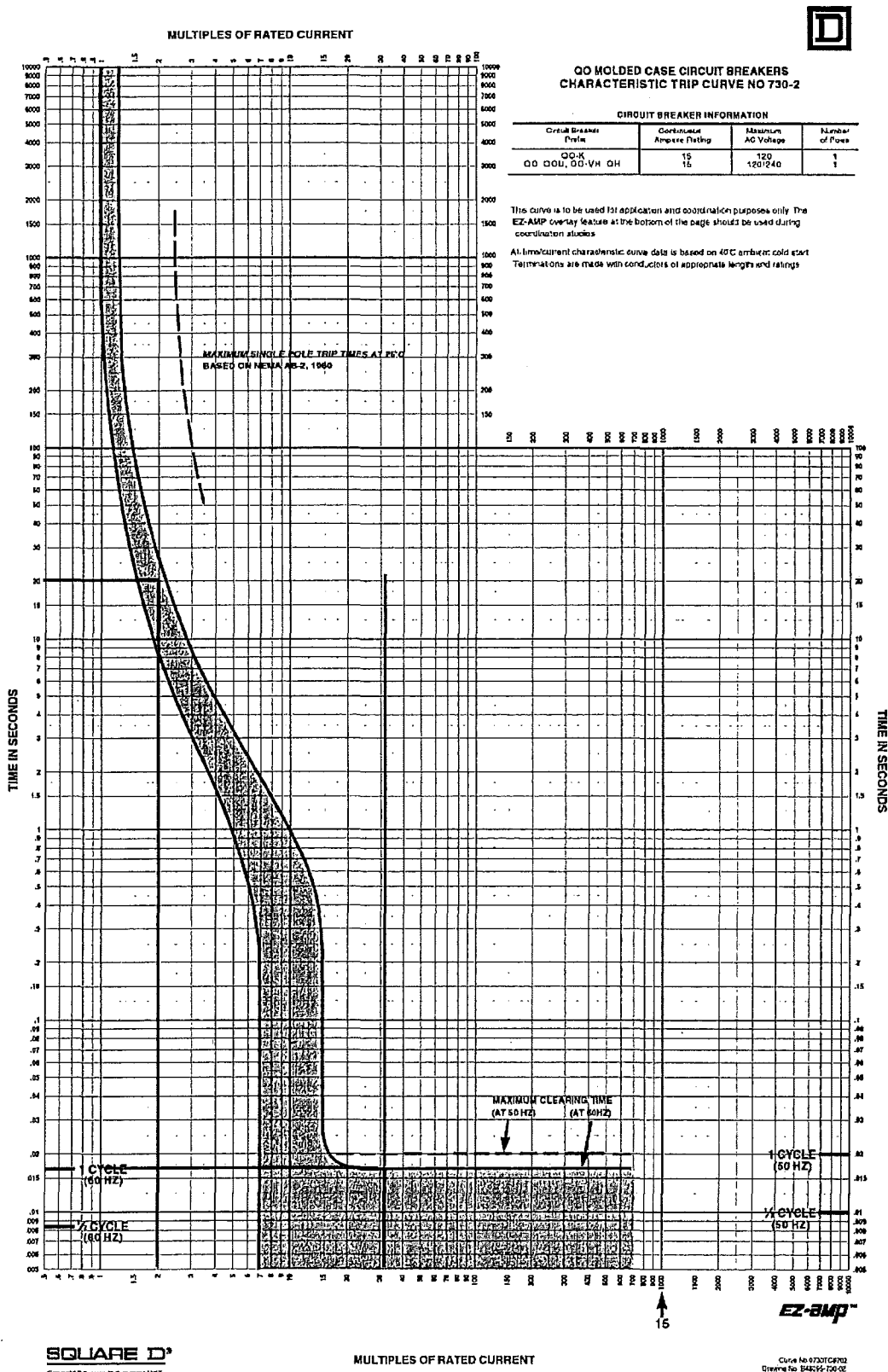
Date Evidence removed: July 9, 2014

#	Description	Location From
1	15 amp single pole circuit breaker	Service panel on west end of home, space 24

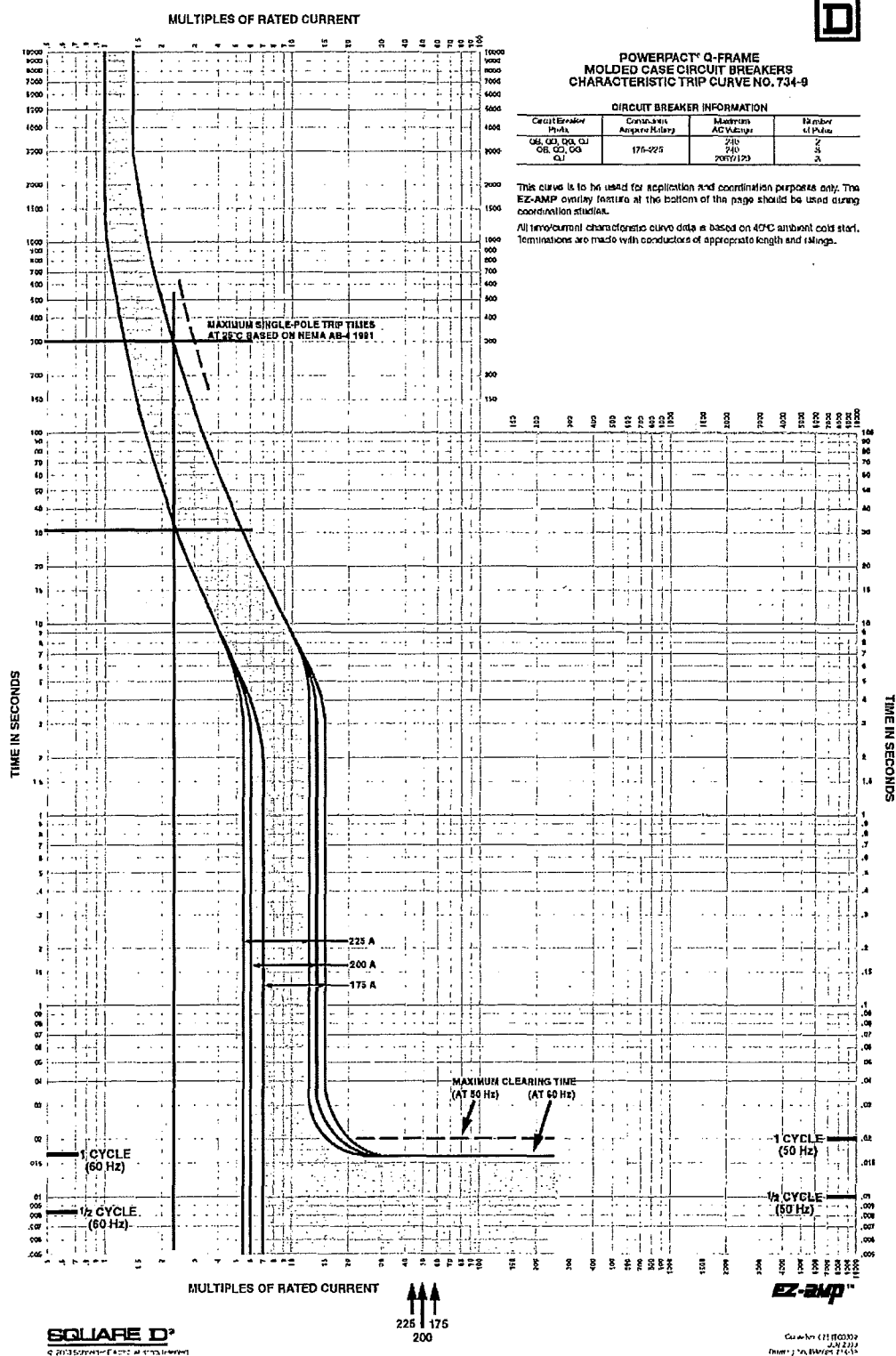
Note:

Numerous other evidence artifacts were collected and retained by MCSO and are not listed in this report.

APPENDIX 1. TRIP CURVES FOR 15 AMP SQ D CIRCUIT BREAKER



APPENDIX 2. TRIP CURVES FOR 200 AMP SQ D CIRCUIT BREAKER



APPENDIX 3. HVAC CALCULATIONS WITH 28 DOGS IN ROOM

Ron Ballard
- SCOTTSDALE, AZ 85260
602-228-7752 - ronnsue2010@hotmail.com

Green Acre Boarding MCSO IR 14-014274
15723 E. Appleby
Gilbert, AZ 85298

Sales Consultant: Ron
Job#: 1005-1
Date: 07/11/2014

System I (Average Load Procedure)

Design Conditions

Location: Phoenix AP, Arizona Elevation: 1133 ft Daily Range: High
Input Data: Outdoor Dry Bulb Indoor Dry Bulb Latitude: 33° N Design Grains: -8
Summer: 108 75 Heated Area 454 Sq.Ft.
Winter: 37 70 Cooled Area 454 Sq.Ft.

Heat/Loss Summary (July Heat Load Calculations)

	Gross Area	Loss	Sensible Gain	Latent Gain
Walls	474.25	863	846	0
Windows	48	2012	2746	0
Doors	42	776	966	0
Ceilings	453.75	734	1225	0
Skylights	0	0	0	0
Floors	62	2024	0	0
Room Internal Loads		0	6440	5040
Blower Load			1707	0
Hot Water Piping Load		0	0	0
Winter Humidification Load		0	0	0
Infiltration		1361	714	-107
Ventilation		0	0	0
Duct Loss/Gain EHLF=0.06 ESGF=0.13		466	1682	0
AED Excursion		n/a	0	n/a
Subtotal		8236	16326	4933
Total Heating		8236	Btuh	
Total Cooling		21259	Btuh	



Approved ACCA
MJ8 Calculations

17 Linear ft. of Hydronic Baseboard

*Calculations are based on the ACCA Manual J 8th Edition and are approved by ACCA. All computed calculations are estimates based on building use, weather data, and inputted values such as R-Values, window types, duct loss, etc. Equipment selection should meet both the latent and sensible gain as well as building heat loss.

Ron Ballard
- SCOTTSDALE, AZ 85260
602-228-7752 - ronnsue2010@hotmail.com

Green Acre Boarding MCSO IR 14-014274
15723 E. Appleby
Gilbert, AZ 85298

Sales Consultant: Ron
Job#: 1005-1
Date: 07/11/2014

Equipment Selection

Design Conditions

Design Location: Phoenix AP, Arizona	Relative Humidity: 45%
Elevation: 1133 ft	Summer Outdoor Design: 108
Latitude: 33° N	Winter Outdoor Design: 37
Daily Range: High	Summer Indoor Design: 75
Design Grains -8	Winter Indoor Design: 70

Heating Equipment

Mfg:	Altitude Correction Factor: .04
Model:	Heating Input (btuh):
AHRI Ref #:	Heating Output (btuh):
Efficiency (AFUE):	Calculated HeatPump Output @ Design (btuh):

Cooling Equipment

Mfg: Rheem	Altitude Correction Factor: .03
Outdoor Unit Model: RQMA-A024JK	Rated Total Cooling (btuh): 24000
Coil:	Sensible Cooling (btuh): 18000
Furnace:	Latent Cooling (btuh): 6000
AHRI Ref #:	SEER - EER@95: 14 - 11.5
	Heat Pump HSPF: 9.5

Summary

<u>MJ8 Calculations</u>	<u>Status</u>	<u>Equipment Capacities</u>
Sensible Gain (btuh): 16326	Sufficient	Sensible Capacity (btuh): 18000
Latent Gain (btuh): 4933	Sufficient	Latent Capacity (btuh): 6000
Total Heat Gain (btuh): 21259	Sufficient	Total Capacity (btuh): 24000
Heat Loss (btuh): 8236	Not Sufficient	Heating Capacity (btuh):

Ron Ballard
- SCOTTSDALE, AZ 85260
602-228-7752 - ronnsue2010@hotmail.com

Green Acre Boarding MCSO IR 14-014274
15723 E. Appleby
Gilbert, AZ 85298

Sales Consultant: Ron
Job#: 1005-1
Date: 07/11/2014

System I CFM

Duct sizes and velocities based on settings selected in the setup screen.

Item Name	Return Velocity	*Duct sizes calculated using this CFM.		Winter Calculated CFM	Summer Calculated CFM	Winter System CFM	Summer System CFM
		RA Duct Size	Supply Velocity SA Duct Size				
System I	0		0	150	742	0	* 0
Closet	0		0	25	39	0	* 0
Daughters Bedroom	0		0	97	272	0	* 0
Dog Room	0		0	27	432	0	* 0

APPENDIX 4. HVAC CALCULATIONS WITH 20 DOGS IN ROOM

Ron Ballard
 - SCOTTSDALE, AZ 85260
 602-228-7752 - ronnsue2010@hotmail.com

Green Acre Boarding MCSO IR 14-014274
 15723 E. Appleby
 Gilbert, AZ 85298

Sales Consultant: Ron
 Job#: 1005-2
 Date: 07/11/2014

System I (Average Load Procedure)

Design Conditions

Location: Phoenix AP, Arizona	Elevation: 1133 ft	Daily Range: High
Input Data: Outdoor Dry Bulb	Indoor Dry Bulb	Latitude: 33° N
Summer: 108	75	Design Grains: -8
Winter: 37	70	
	Heated Area	454 Sq.Ft.
	Cooled Area	454 Sq.Ft.

Heat/Loss Summary (July Heat Load Calculations)

	Gross Area	Loss	Sensible Gain	Latent Gain
Walls	474.25	863	846	0
Windows	48	2012	2746	0
Doors	42	776	966	0
Ceilings	453.75	734	1225	0
Skylights	0	0	0	0
Floors	62	2024	0	0
Room Internal Loads		0	4600	3600
Blower Load			1707	0
Hot Water Piping Load		0	0	0
Winter Humidification Load		0	0	0
Infiltration		1361	714	-107
Ventilation		0	0	0
Duct Loss/Gain EHLF=0.06 ESGF=0.13		466	1443	0
AED Excursion		n/a	0	n/a
Subtotal		8236	14247	3493
<hr/>				
Total Heating	8236	Btuh		
Total Cooling	17740	Btuh		

17 Linear ft. of Hydronic Baseboard



Approved ACCA
 MJB Calculations

*Calculations are based on the ACCA Manual J 8th Edition and are approved by ACCA. All computed calculations are estimates based on building use, weather data, and inputted values such as R-Values, window types, duct loss, etc. Equipment selection should meet both the latent and sensible gain as well as building heat loss.

Ron Ballard
- SCOTTSDALE, AZ 85260
602-228-7752 - ronnsue2010@hotmail.com

Sales Consultant: Ron
Job#: 1005-2
Date: 07/11/2014

Green Acre Boarding MCSO IR 14-014274
15723 E. Appleby
Gilbert, AZ 85298

Equipment Selection

Design Conditions

Design Location: Phoenix AP, Arizona	Relative Humidity: 45%
Elevation: 1133 ft	Summer Outdoor Design: 108
Latitude: 33° N	Winter Outdoor Design: 37
Daily Range: High	Summer Indoor Design: 75
Design Grains -8	Winter Indoor Design: 70

Heating Equipment

Mfg:	Altitude Correction Factor: .04
Model:	Heating Input (btuh):
AHRI Ref #:	Heating Output (btuh):
Efficiency (AFUE):	Calculated HeatPump Output @ Design (btuh):

Cooling Equipment

Mfg: Rheem	Altitude Correction Factor: .03
Outdoor Unit Model: RQMA-A024JK	Rated Total Cooling (btuh): 24000
Coil:	Sensible Cooling (btuh): 18000
Furnace:	Latent Cooling (btuh): 6000
AHRI Ref #:	SEER - EER@95: 14 - 11.5
	Heat Pump HSPF: 9.5

Summary

<u>MJ8 Calculations</u>	<u>Status</u>	<u>Equipment Capacities</u>
Sensible Gain (btuh): 14247	Sufficient	Sensible Capacity (btuh): 18000
Latent Gain (btuh): 3493	Sufficient	Latent Capacity (btuh): 6000
Total Heat Gain (btuh): 17740	Sufficient	Total Capacity (btuh): 24000
Heat Loss (btuh): 8236	Not Sufficient	Heating Capacity (btuh):

Ron Ballard
- SCOTTSDALE, AZ 85260
602-228-7752 - ronnsue2010@hotmail.com

Green Acre Boarding MCSO IR 14-014274
15723 E. Appleby
Gilbert, AZ 85298

Sales Consultant: Ron
Job#: 1005-2
Date: 07/11/2014

System I CFM

Duct sizes and velocities based on settings selected in the setup screen.

Item Name	Return Velocity	*Duct sizes calculated using this CFM.		Winter Calculated CFM	Summer Calculated CFM	Winter System CFM	Summer System CFM
		RA Duct Size	Supply Velocity SA Duct Size				
System I	0		0	150	648	0	* 0
Closet	0		0	25	39	0	* 0
Daughters Bedroom	0		0	97	277	0	* 0
Dog Room	0		0	27	332	0	* 0

GEORGE J. HOGGE PE

EDUCATION

Numerous Continuing Educational classes and seminars
B.S. Electrical Engineering: Arizona State University, Grad 1989
Classes in National Electrical Code, Electrical Inspections, Electronics; Gateway
Community College 1982

EMPLOYMENT

October 2004	Engineering Forensics Experts LLC
Present	<i>President/Principal Forensic Electrical Engineer</i>
October 2004	Jerry James & Associates Fire Investigations LLC
December 2006	<i>Managing Partner/Principal Forensic Electrical Engineer</i>
February 1998	BTI Consultants
2006	<i>Adjunct Consulting Forensic Engineer</i>
June 2001	Engineering & Fire Investigations (now EFI Global)
October 2004	<i>Senior Forensic Electrical Engineer</i>
January 2000	TOR Engineering
June 2001	<i>Electrical Engineering Manager</i>
June 1999	GJH Engineering
January 2000	<i>Owner, Design and Consulting Firm</i>
May 1990	Salt River Project
June 1999	<i>Senior Engineer, Inspections Supervisor, Distribution Design</i>
January 1990	TOR Engineering
May 1990	<i>Engineer, Distribution Design</i>
May 1985	GJH Electrical Design and Construction
January 1990	<i>Design/Build Electrical Contractor while attending ASU</i>
	Various Electrical Contractors including self
1979 to May 1985	<i>Journeyman Electrician and Electrical Design/Build Contractor</i>
1975 to 1979	<i>Electrician Apprentice</i>

LICENSES

State of Arizona

- Registered Professional Engineer 28871

State of Colorado

- Registered Professional Engineer 35940

State of California

- Registered Professional Engineer 35940

State of Nevada

- Registered Professional Engineer 015229

State of New Mexico

- Registered Professional Engineer 5408

State of Utah

- Registered Professional Engineer 987935-2202

State of Wyoming

- Registered Professional Engineer PE 9511

National Council of Examiners for Engineering and Surveying (NCEES)

- Record # 26090 (Facilitates PE reciprocity for all states)

Arizona Electrical Contractor License

- Certified as Qualifying Party for Salt River Project ~ 1995 – 1999
- Certified as Qualifying Party for self ~ 1985-1989

EXPERT TESTIMONY EXPERIENCE

Deposition

Allstate Insurance and Hampton Braun VS Salt River Project

Salt River Project Law Department

Maricopa County, Arizona Cause #CV 1995-011100

1995

Deposition File No. 48120

Strozykowski, Tamara, VS Simplimatic Engineering

Burnett & Williams, PC

Virginia Circuit Court of Frederick County at Law #97-205

July 1999

Deposition File No. 49098

Ohio Casualty Insurance VS Delani Electric/Merkley

Tryon, Heller & Rayes, PC

Maricopa County, Arizona Cause #CV 98-15858

November 1999

Deposition File No. 94603-18626

Pinelli VS Colonial Electric

Horton, Barbaro & Reilly

Superior Court of California, County of Los Angeles Cause #BC224299

November 2001

Court Testimony File No. 94603-00373
State Farm Mutual Automobile Insurance Company VS Howell Enterprises Inc
Burrell & Seletos
South Mesa Justice Court, August 2003

Deposition File No. 1984-010705
Farmers Insurance Company VS Sun Devil Auto Parts Inc
Belknap and Sterling
Maricopa County, Arizona Cause #CV 2004-005717
February 2005

Deposition File No. 2026-012105
State Farm VS General Electric
Sittu Law Firm
Maricopa County, Arizona Cause #CV 2004-012838
April 2005

Court Testimony
Linda Garner VS St. Johns Palms et al
Koeller, Nebeker, Carlson and Haluck, LLC
Maricopa County, Arizona Cause # C 2003-2967
May 2005

Deposition BTI File # 54108
Rosa Cantu VS W.P. Murphy Inc
Maloney & Campolo, LLP
Bexar County, Texas Cause # 2003-CI-18750
May 2005

Deposition File No. 2218-031105
Farmers Insurance VS Cadet Manufacturing Company
Evizich Law Offices, PLLC
King County, Washington Cause # 04-2-36615-1 SEA
October 2005

Deposition File No. 2450-052305
Fireman's Fund VS Double Q Electric and Nedbo Construction
White and Steele, PC
Eagle County, CO District Court Case # 04CV477
November 2005

Deposition File No. 2728-080305
Lujan/Southwest Gas/Salazar VS Four Threes MHP, Teufel et al
Chandler & Udall, LLP
Pima County Superior Court Case # C2003 2328
December 2005

Deposition
Panda Express Inc VS Excel Construction
Kirton & McConkie
Utah District Court Case # 2:04-CV-579 TS
March 2006

Court Testimony
Panda Express Inc VS Excel Construction
Kirton & McConkie
Utah District Court Case # 2:04-CV-579 TS
June 2006

Deposition
One Beacon Insurance Company VS Elcon Electrical Contractors Inc
Cozen O'Conner
Socorro County, New Mexico 7th Judicial District Case # D-0725-CV-2004-65
June 2006

Deposition
Universal Underwriters VS Ford Motor Company
Magnum, Wall, Stoops, and Warden, PLLC
Coconino County, Arizona Superior Court Case # CV 2005-0101
September 2006

Deposition
Sidney and Tammy Leyendekker VS Precision Ag and Roto-Mix
Evans, Craven & Lackie
Yakima County, Washington Superior Court Case # 05-2-03909-3
September 2006

Deposition
Vera Haribedian VS Kendall J. Beltnick, et al
Fieger, Fieger, Kenney, & Johnson
Circuit Court, County of Isabella, State of Michigan Cause # 05-4568-NO
October 2006

Court Testimony
State Farm Insurance V. General Electric
The Sittu Law Firm PLLC
Maricopa County, Arizona Superior Court Case # CV2004-012838
November 2006

Deposition
Ward, Ervin VS Terex-Telelect, Et Al
Bryan L. Query and Estevan A. Aguilar
District Court of New Mexico CIV-05-198 RLP LFG
December 2006

Deposition
State Farm Fire and Casualty VS Broan Manufacturing Co.
Law Office of Dennis A. Sever, PLLC
US District Court for District of Arizona Cause # CV-00889-PHX-SMM
February 2007

Deposition
Rohrbacker, et al. VS Engineering and Fire Investigations et al.
O' Connor & Campbell PC
Superior Court of Arizona, County of Maricopa Cause # CV2005-007458
February 2007

Deposition

Kendis Kowal VS Maytag.

Quarles and Brady LLP

US District Court for District of Arizona Cause # CV06-2195-PHX-RCB

August 2007

Deposition

Tanya Travis VS Burgess Norton.

Eaton and Sparks Law Office

District Court of Rogers County, State of Oklahoma Cause # CJ-2002-466

October, 2007

Court Testimony

Tanya Travis VS Burgess Norton.

Eaton and Sparks Law Office

District Court of Rogers County, State of Oklahoma Cause # CJ-2002-466

October, 2007

Deposition

Dharmesh Patel et al. v. GTE, et al.

Law Office of Ed Fitzhugh

Superior Court of the State of Arizona, County of Maricopa Case No. CV2004-092571

December, 2007

Court Testimony

Bass VS Empire Southwest.

Schneider & Onofry, P.C.

Superior Court of the State of Arizona, County of Maricopa Case No. CV2004-004798

January, 2008

Deposition

Allstate Property & Casualty Ins. Co. vs. Salton, Inc., et al.

Cozen O'Connor Attorneys

Superior Court of the State of Arizona, County of Maricopa Case No. CV2006-01384

February, 2008

Deposition

Travelers Property Casualty Co. VS. Broan Nutone, LLC

Tedford and Henry, LLP

United States District Court, District of Arizona Case No. CV07-01922-SRB

March, 2008

Deposition

Tucson Unified School District & St. Paul F&M VS Thomas Built Buses, Inc.

Cozen O'Connor

Superior Court of the State of Arizona, County of Pima Case No. C20056188

May, 2008

Deposition File name: Lester Family Trust

Allstate Property & Casualty Ins. Co. vs. Electrolux

Hammerman and Hultgren, P.C.

Superior Court of the State of Arizona, County of Apache Case No. CV2007-004

June, 2008

Deposition File name: Michealieu
Farmers Insurance Co of AZ v. Rob Planty, et al
Belknap and Sittu P.C.
Superior Court of the State of Arizona, County of Maricopa Case No. CV2007-052523
September, 2008

Deposition File name: Andrews
Farmers Insurance Co of AZ v. Allen Erb, et al
Belknap and Sittu P.C.
Superior Court of the State of Arizona, County of Maricopa Case No. CV2008-050446
September, 2008

Deposition File name: Gould
American Federation Insurance Co., v. Lasko Products, Inc.
Belknap and Sittu P.C.
United States District Court, District of Arizona, No. CIV08-0647-PHX-ECV
February 2009

Deposition File name: Rimsza
Farmers Insurance v. Haskins Electric
Belknap and Sittu P.C.
Superior Court of the State of Arizona, County of Maricopa Case No. CV 2008-050895
February 2009

Deposition File name: Kwans Chinese Buffet
Central Mutual Insurance v. Victory Refrigeration
Munck Carter LLP
Superior Court of the State of Arizona, County of Maricopa Case No. CV2008-051259
November 2009

Deposition File name: Redemptorist Society
Redemptorist Society v. Peter Schwabe; JL&S Electrical
Kopon Airdo
Superior Court of the State of Arizona, County of Pima Case No. C2007-5799
November 2009

Deposition File name: Rimsza
Farmers Insurance v. Brooks Hardwood Floors
Belknap and Sittu P.C.
Superior Court of the State of Arizona, County of Maricopa Case No. CV 2008-050895
December, 2009

Court Testimony File name: Rimsza
Farmers Insurance v. Brooks Hardwood Floors
Belknap and Sittu P.C.
Superior Court of the State of Arizona, County of Maricopa Case No. CV 2008-050895
December, 2009

Court Testimony File name: Burger
GMAC Insurance vs. Newmar Corporation
GMAC Insurance
Superior Court of the State of Arizona, County of Maricopa Case No. CV 2007-011622
February, 2010

Deposition File name: Frye
Allstate Insurance vs. Electrolux
Keis George LLP
US District Court, Northern District of Ohio Cause No. 1:09-cv-00674
April, 2010

Deposition File name: Woodruff
Farmers Insurance v. Schumacher Electric Corp.
Belknap and Sittu P.C.
United States District Court, District of Arizona Cause No. 09-01266 PHX MEA
June, 2010

Deposition File name: Opie
Douglas and Valerie Opie, v. Country Home Products/Neuton Inc.
Coppie and Coppie
United States District Court, District of Arizona Cause No. CIV-08-1716-PHX-DKD
January, 2011

Deposition File name: Sloan
Barbara A. Sloan vs. Farmers Insurance Co. of Arizona
Jones, Skelton, and Hochuli, P.L.C.
Superior Court of the State of Arizona, County of Maricopa Case No. CV2009-033244
June, 2011

Deposition File name: Munderloh
Mark and Liz Munderloh vs. Avista Utilities
Luvera Law Firm
Superior Court of the State of Washington, Spokane County Cause No. 10200874-2
June, 2011

Deposition File name: Kaip
Farmers Insurance v. Universal Metal Industries and Jakel Inc.
Law Office of Douglas A. Belknap PC
Superior Court of the State of Arizona, Co. of Maricopa Case No: CV 2010-054086
October, 2011

Deposition File name: Casey
Pacific Indemnity Co v. G.E.W. Corp. Inc.
Cozen O'Connor
Superior Court of the State of Arizona, Co. of Maricopa Case No" CV 209-036702
November, 2011

Deposition File name: Sloan
Barbara A. Sloan vs. Farmers Insurance Co. of Arizona
Jones, Skelton, and Hochuli, P.L.C.
Superior Court of the State of Arizona, County of Maricopa Case No. CV2009-033244
January, 2012

Deposition File name: Ashdown
Hartford v. Native Tucson Builders, Et al.
Garry, Woner, Hoffmaster & Peshek, P.C.
Superior Court of the State of Arizona, County of Pima Case No. C 2010-6129
March, 2012

Deposition File name (EFX): Ruud Lighting
John Libby v. Gary Lichte
The Moulton Law Firm, P.C.
Superior Court of the State of Arizona, County of Pima Case No. C 2010-7776
June, 2012

Deposition File name: Howard
Tony Howard vs. Broan Nutone, LLC
Matthew P. Bonham, Esq.
U.S. District Court, Northern District of Georgia, Gainesville Division
Civil Action File No. 2:10-cv-0195-RWS
December, 2012

Court Testimony File name: Rauch
Clark County vs. Charles Rauch
Kocka and Bolton
Superior Court of the State of Nevada, County of Clark, Case No. C268231
January 2013

Deposition File name: Clean Cut Lawns
State Auto Property and Casualty Ins. vs. Broan Nutone, LLC
Ted Frapoli, Esq.
U.S. District Court, District of Arizona, Case No. 2:13-CV-00752-DKD
January, 2014

COURSES INSTRUCTED

Design of Overhead and Underground 12kv Distribution Systems – Salt River Project
1995, 1996, 1997, 1998

Design of Underground Electrical and Gas Systems – TOR Engineering, 2000

Transformer Application and Sizing – Salt River Project
1996, 1997, 1998

Applications of National Electrical Code – Salt River Project
1995, 1996, 1997, 1998

Applications of National Electrical Safety Code – Salt River Project
1995, 1996, 1997, 1998

NFPA 921 Chapter 8 – Phoenix Fire Dept. 2010

“Elimination of Electrical Fire Causes” – Phoenix Fire Dept. 2011

PRINCIPAL AREAS OF RESEARCH AND CONSULTING EXPERIENCE

~Forensic Electrical Engineering

~Electrical Fire Causes, Injuries, and Fatalities

~Electrical Failures and Explosions

~Auto and Machinery Electrical Systems

~Water Intrusion Investigations

~Residential, Commercial, and Industrial Electrical Distribution Systems

~Industrial Electrical Controls and Instrumentation Systems

~National Electric Code

~National Electric Safety Code

~Engineering, Design and Construction Management of Overhead and Underground
High Voltage Electrical Distribution Facilities

~Design of Fiber Optic Facilities Associated with Electrical Distribution

~Design of Underground Gas Facilities

~Maintenance and Reliability of Overhead Power Facilities

~Electrical Substation Design and Construction Management

~Trenching and Boring Inspections and Safety Practices

~Journeyman Electrician and Electrical Contractor

PROFESSIONAL ORGANIZATION MEMBERSHIPS

IEEE – Institute of Electrical and Electronics Engineers

NFPA- National Fire Protection Association

IAAI – International Association of Arson Investigators

SAE – Society of Automotive Engineers

USERC – Utility Service Entrance Requirements Committee

AEI – Association of Electrical Inspectors

PACN – Phoenix Area Consultants Network

CTFIA-Central Texas Fire Investigators Association

GETTY ENGINEERING Services, Inc.

6929 N. Hayden Road
C4 #605
Scottsdale, AZ 85250
480-607-1808

CURRICULUM VITAE

RON BALLARD, MS

CURRENT POSITION

HVAC (Heating, Ventilation and Air Conditioning) retired contractor
HVAC & Engineering Technician

EDUCATION

1963- Mankato State College
1967 Mankato, MN
Bachelor of Science, Elementary Education

Major areas of study:
Elementary Education with an area of concentration in Social Studies
and a minor in History

1969- Mankato State College
1970 Mankato, MN
Master of Science, Elementary Education

Major areas of study:
Science

CERTIFICATION

1967 State of Minnesota - Teaching Certificate
1970 State of Arizona – Teaching Certificate
1985 State of Arizona – Air Conditioning and Refrigeration License
#ROC 187237

SPECIALIZED TRAINING & Education

- 1981 Phoenix, AZ - RSI (The Refrigeration School)
 Honor Roll Certificate
- TRANE: Seminars and/or training – multiple business and technical classes on
 new and existing equipment
- CARRIER: Seminars and/or training – multiple business and technical classes on new
 and existing equipment

EXPERIENCE

- 2011- Engineering and HVAC technician
present GETTY ENGINEERING Services
- HVAC Analysis
 Performance & troubleshooting of HVAC equipment
 Determination of HVAC operability
 Evaluation of reparability or replacement of condenser coils & fins
 Wind damage documentation
 Hail damage documentation
 Roof inspections
 Repair or Replace recommendations
 HVAC equipment
 . Commercial
 . Residential
- 1982 – HVAC contractor
2010 BALLARD A/C & HEATING, LLC
- Owner and principal operator of Ballard A/C & Heating for 28 years
 Repair and/or Replace HVAC equipment
 . Commercial
 . Residential
 Supervised, trained and motivated all staff in the field
 Responsible for consulting on and writing up all proposals for work
 Responsible for all aspects of marketing and business decisions including
 the introduction of a monthly newsletter mailing

- 1976-1984 Hale Elementary School, Mesa, AZ
Taught 5th grade general studies including math, spelling and science
Prominent science instructor for all three 5th grade classes for eight years
Stressed importance of problem solving to encourage motivation and independence
- 1970-1976 Longfellow Elementary School, Mesa, AZ
Taught 5th grade general studies including math, spelling, social studies, language arts and science
- 1967-1969 Le Sueur Public School, Le Sueur, MN
Taught 5th grade general studies including math, spelling, social studies, language arts and science
- 1959 – 1961 US Navy – ABU-3, Honorable discharge

PROFESSIONAL ASSOCIATIONS

RSES (Refrigeration Service Engineers Society)

Carrier Corporation Factory Authorized Dealer (1st established dealer in Arizona)

* * * * *

EXHIBIT I



14-014274

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

Court Order: 2014005836

STATE OF ARIZONA,
RESIDENTIAL ELECTRIC CUSTOMER
AT 15723 E APPLEBY RD GILBERT,
AZ 85298, INCLUDING SRP METER
#3288889 SUBSCRIBED THROUGH
SALT RIVER PROJECT (SRP)

IN THE MATTER OF THE
APPLICATION IN THE STATE OF
ARIZONA FOR AN ORDER FOR
DISCLOSURE OF PUBLIC UTILITIES
RECORDS AND OR USAGE
DOCUMENTS

YOUR AFFIANT: R. Kalinowski S1800 of the Maricopa County Sheriff's Office hereby applies to the court, has requested and made application, by proof of affidavit, for:
Residential Address 15723 E Appleby Rd Gilbert, AZ 85298, including SPR meter #3288889.

1. Customer information for the address including name, mailing address, and other identifying information on the account.
2. Customer's types of service utilized, length of services, including start date.
3. Detailed power usage information, including but not limited to the dates between May 2013 and July 2013 and the dates between April 2014 and July 2014.
4. Lastly, provide a detailed definitions page which identifies all information in the records

APPLICANT CERTIFIES that the information sought is relevant to an ongoing criminal investigation related to Arizona Revised Statutes including, but not limited to:

- 21 counts of violating ARS 13-2910.A8 Animal Cruelty / cruel neglect resulting in death F6.
- 3 counts of violating ARS 13-2910.A2 Animal Cruelty / failure to provide medical attention M1.

14-014274

AFFIANTS EXPERIENCE

Your affiant, Detective R. Kalinowski S1800, is a sworn Deputy Sheriff for Maricopa County Sheriff's Office and has so been employed for the past 7 plus years.

Your affiant has worked in District III Patrol, Court Security, and is currently assigned to the Animal Crimes Investigations Unit.

In addition to academy training your affiant has completed his Detective Certification and received specialized training in Criminal Investigations, Basic Animal Cruelty investigations, and has attended Level I and Level III of the Cruelty Investigators Academy provided by Code 3 Associates through Colorado State University.

PROBABLE CAUSE STATEMENT

Between the dates of about 06/19/2014 and 06/20/2014 at about 0530 hours 21 dogs died while being boarded at the Green Acres Dog Boarding Facility located at 15723 E Appleby Rd. The animals were in the care of Austin Flake and Logan Flake at the Green Acres Facility which is owned and operated by Jesse "Todd" Hughes and Maleisa Hughes. On the morning of 06/20/2014 Logan called her parents Todd and Maleisa who were out of town and advised her parents that several dogs were dead and others were very ill. Not during any time did Logan, Austin, Todd, or Maleisa contact a Veterinarian or Maricopa County Sheriff's Office. Several dog owners were telephoned by Todd and told that their dog(s) had run away, although he knew many of the dogs were in fact dead. Maleisa was also corresponding via text message to several dog owners that their dogs were doing fine although she was out of town and knew some of the dogs were dead. Todd said he and Austin moved many of the dead dogs into a shed on the property. The involved parties stated that one of the dogs had chewed through a wall and severed an electrical line that supplied power to a large Air Conditioning unit and the structure the dogs were inside of. The preliminary necropsy reports show cause of death to be consistent with asphyxiation and heat related death.

I am requesting the SRP customer and usage information in attempt to distinguish if there is any decline or discrepancy in the power usage which may confirm the statements by the parties involved or assist with providing a possible time of power outage.

14-014274

1 Your affiant believes that records related to this address and utility information including
2 customer information and power usage detail records may be used to establish that Jesse Todd
3 Hughes', Maleisa Hughes', Austin Flake's, and/or Logan Flake's involvement in the alleged
4 Animal Cruelty.

5
6 **WHEREFORE APPLICANT REQUESTS** that the court issue an order directing **SALT**
7 **RIVER PROJECT (SRP)** to provide the requested records and assistance to the Maricopa
8 County Sheriff's Office.

9
10 **APPLICANT FURTHER REQUESTS** that the court order **SALT RIVER PROJECT (SRP)**,
11 a public utility company to furnish the applicant with customer information, contractual
12 information, names or addresses identified pursuant to the Court's order, and that this application
13 has been made in good faith in furtherance of an ongoing criminal investigation involving
14 criminal activity.

15
16 **APPLICANT FURTHER REQUESTS** **SALT RIVER PROJECT (SRP)** not to notify any
17 person (including the subscribers and customers of the account(s) listed in the Court Order of the
18 existence of the attached Court Order until further order of the Court.

19
20 Accordingly, there is reason to believe that notification of the existence of the attached Court
21 Order will seriously jeopardize the investigation or unduly delay a trial, including by: giving
22 targets an opportunity to flee or continue flight from prosecution, destroy or tamper with
23 evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or
24 physical safety of an individual.

25
26 **WHEREFORE**, the Maricopa County Sheriff's Office respectfully requests that the Court grant
27 the attached Order directing **SALT RIVER PROJECT (SRP)** not to disclose the existence or
28 content of the attached Court Order, except that **SALT RIVER PROJECT (SRP)** may disclose
29 the attached Court Order to an attorney for **SALT RIVER PROJECT (SRP)** for the purpose of
30 receiving legal advice.

31
32
33 KALINOWSKI S1800

34 **APPLICANT: R. Kalinowski S1800**

35
36 Subscribed and sworn to me this 1st day of July, 2014

37
38
39
40
41
42 
Judge of the Maricopa County Superior Court

HONORABLE ALYSSON H. ABE
MARICOPA COUNTY SUPERIOR COURT
- 3 -

CR2014-002799 001829