



## WILENCHIK & BARTNESS

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### **CHARGES AGAINST AUSTIN AND LOGAN FLAKE TO BE DISMISSED**

Indictments Obtained by Maricopa County Sheriff's Office under False Pretenses

PHOENIX, Ariz. (DECEMBER 22, 2014) – all of the charges against Austin and Logan Flake, including 21 felony charges, will be dismissed, according to statements made by the Maricopa County Attorney's Office. The Flakes previously filed Motions to Remand and Dismiss the charges on the grounds that the Maricopa County Sheriff's Office misled the grand jury into issuing them.

The Flakes' attorney, Dennis Wilenchik, stated: "Our clients, Austin and Logan Flake, wish to express their continuing sympathy for owners of the dogs that passed away at the Green Acre dog facility in June, but also their sincere gratitude at the ultimate courage and integrity of our justice system, and our County Attorney, who took the time to reconsider and review the matter, in light of our Motion to Remand, and the unassailable facts laid out in it."

"The Maricopa County Attorney's Office was ethically obligated to dismiss these charges," said the Flakes' attorney, Dennis Wilenchik. "Prosecutors have a special responsibility to dismiss charges that are not supported by probable cause, and not to bring them again. There was never any probable cause for these charges, and nothing will ever change that," Mr. Wilenchik said. "This case never should have been brought in the first place, and we expect that after any further review the County Attorney will not find additional evidence to support bringing charges again. What Mr. Montgomery did was the right thing to do, and he did what the law and his ethical duties required of him."

"I have said since day one that this was a tragic accident, and that the Flakes never intended to harm these animals," Mr. Wilenchik said. "The Sheriff's own investigator had determined that the air conditioning accidentally went down in the middle of the night, and the electrical records that they had clearly showed that. But instead of telling this to the grand jury, a detective from the Sheriff's Office falsely testified that they had determined that the air conditioner was working fine, and that the records did not show the unit shutting down," Mr. Wilenchik added.



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“The consequences to my clients have been severe,” Mr. Wilenchik concluded. “This is not the way that law enforcement is supposed to work.”