

PROBABLE CAUSE STATEMENT

COPY

Date:

I, Brenda Cone, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that Paulette M. Tidwell, w/f, DOB 08/05/1956, SSN [REDACTED] address 1421 County Road 354, Millersville, Missouri, committed one or more criminal offenses.

2. The facts supporting this belief are as follows:

1. On April 11, 2012, I was contacted by a concerned citizen, who indicated that she and her husband had been looking on the internet at listings of upcoming auctions in the Cape Girardeau County, Missouri area at www.auctionzip.com, and had seen the listing for an auction to be held at 1421 County Road 354, Millersville, Missouri. She said that in the description of items to be auctioned, several dogs were listed, and she wanted to know if it was legal for the auction company to auction dogs. I told her I was uncertain if dogs could legally be auctioned, and would check the listing on the internet and talk to a Missouri Department of Agriculture investigator.

2. I went to the Auction Zip website and located the auction listing she had referred to. In the description of items to be auctioned, I noticed a heading for animals, and under that heading, was the following list of items:

Trained Amish pony with cart and harness
3 saddles
2 Dachshund dogs
1 Papillion dog
1 Chihuahua dog
1 Cavalier King Charles Spaniel dog
1 Poodle dog
1 Beagle dog
1 Macaw bird and cage
3 10' x 10' kennels
2 Dog pens 4' x 6' and 6' x 10'
8 10' x 5.5' gate panels for dog pens

3. On April 12, 2012, I contacted Missouri Department of Agriculture Animal Health Officer Amanda Gilmore, and provided her with the auction information. I asked her if it was legal to auction the animals. She said she would do some checking and get back with me. Within the following few days, I learned that several individuals in the Cape Girardeau area, had also learned about the auctioning of the animals, and were gathering donations to purchase the animals at the auction. They had also made arrangements with the Humane Society of Southeast Missouri in Cape Girardeau, to house the animals after their purchase, and had made arrangements with veterinarians from LaCroix Pet Hospital in Cape Girardeau, to examine and treat the animals for any illnesses, ailments and injuries.

4. On April 21, 2012, the day of the auction, I contacted Humane Society of Southeast Missouri Director Requi Salter, who informed me that she and Rochelle Steffen, the private citizen that was planning to purchase the animals, were at the residence waiting for the auction. She said she had been told by the auction company that the dogs would not be auctioned. I informed her of my conversation with Missouri Department of Agriculture Animal Health Officer Amanda Gilmore, and that I had not heard back from her regarding whether the auctioning of the animals was legal. I told Requi Salter that I would try to get in touch with Amanda Gilmore.

5. I immediately contacted Amanda Gilmore and she told me she had learned that an auction company had to be licensed to auction dogs and cats, and that this auction company, Chug's Auction Service was not licensed to do so. She said she had contacted the auction company and told them they could not auction the dogs. I informed her of the planned purchase by the private individuals, and that Requi Salter and Rochelle Steffen were at the residence. Amanda Gilmore said she would be responding to the residence.

6. Later that evening, I learned that an arrangement had been made between the owner of the animals, Paulette Tidwell and the purchaser, Rochelle Steffen to purchase nine dogs, as a private sale that was separate from the auction. Paulette Tidwell also gave Rochelle Steffen a cat. Another private individual, Dana King, purchased a Macaw and a Cockatiel from Paulette Tidwell as a private sale as well.

7. Rochelle Steffen turned over the dogs and cat to the Humane Society of Southeast Missouri. Requi Salter had all nine dogs examined by a veterinarian at LaCroix Pet Hospital on April 23, 2012. The veterinarian said that all nine of the dogs, ranging in ages from nine months to nine years old, had been neglected. The level of dental disease in the animals was extreme and indicative of very poor nutrition, and Requi Salter said the level of dental disease in the dogs was the worst she has ever seen in her twenty years with the Humane Society of Southeast Missouri. Dental cleanings were performed on all of the dogs and several of them had to have numerous teeth removed because of the severity of their dental disease. All of the dogs tested positive for hookworms, four of them tested positive for whipworms, and two of the dogs tested positive for heartworms. They all had abundant fleas and ticks and several had matted hair with feces in it.

8. Amanda Gilmore and Requi Salter told me there were several additional animals that were kept on the property by Paulette Tidwell, including several dogs, equine and birds. Amanda Gilmore and Requi Salter said some of the dogs were housed in a cinder block building with no ventilation and no access to outside. Amanda Gilmore said the level of ammonia inside the building caused her eyes and nose to burn. She said none of the animals in the building had any water provided to them. Additional animals were observed on the property by Amanda Gilmore and Requi Salter including a male Yorkshire terrier, three female Yorkshire terriers, a male Pomeranian, a female Papillion, a mule, a donkey, a horse, a cat, two exotic birds, and a rooster. They said a pony was being housed in a dog kennel with limited room to move. She noted that other animals may have been out of sight in the house. Amanda Gilmore said that each of the animals she saw that are still on the premises, show signs of neglect.

9. After learning about the condition of the animals that remained at the Tidwell residence, I contacted Cape Girardeau County Prosecuting Attorney Morley Swingle, and arranged a meeting with him on April 24, 2012, and requested the presence of Amanda Gilmore and Requi Salter at the meeting. They both provided Morley Swingle with the previous information and he suggested a search warrant be served at the residence. The search warrant was obtained that same day and was signed by Judge Scott Lipke.

10. On April 30, 2012, at approximately 0815 hours, I executed the search warrant at the Paulette Tidwell residence, located at 1421 County Road 354, Millersville, Missouri. When Cape Girardeau County Sheriff's Department Deputy Zachary Dillard and I arrived at the residence, we observed several dogs loose on the property. We attempted to make contact with Paulette Tidwell by knocking on every door of the residence, but received no response. Shortly after our arrival, Paulette Tidwell's son, Jacob Tidwell, who lives across the street, contacted us and I told him we had a search warrant for his mother's residence. He said he would attempt to contact her and later her boyfriend on their cellular telephones, but never got an answer from either.

11. After determining that no one was home, or if they were, they refused to answer the door, Missouri Department of Agriculture Veterinarian Joseph Baker and Animal Health Officer Amanda Gilmore, Humane Society of Missouri Investigators Darin Shell, Scott Jaycox, Patience Scanlon and Holly Brand joined us at the residence. Humane Society of Southeast Missouri Director Requi Salter arrived a short time later. We began our search of the grounds and observed several dogs, a rooster and several equine.

12. At approximately 0845 hours, I again knocked on the back door of the residence and Paulette Tidwell finally came to the door. I advised her of her Miranda rights and read the search warrant to her. I also provided her with a copy of the search warrant.

13. Doctor Baker examined several of the animals on the property and inside the residence. He determined that all of the animals on the property should be seized because of poor physical health, or unsafe or unhealthy environments. All of the equine that were seized were in a pasture that was littered with sharp pieces of metal, chain link fence panels and low barbed wire fence. All of their hooves were very overgrown and the front

hooves of a donkey were so overgrown, that they curled up and back, which made it difficult for her to walk. Several of the dogs he examined were covered in large ticks, fleas and flea feces, and several had matted hair.

14. The following animals were seized from the premises by me, and turned over to the Humane Society of Missouri for veterinary evaluations, treatment and housing until a disposition hearing is held:

- red, male rooster (seized from a dog kennel in the back yard, five gallon bucket in the kennel contained a small amount of dark, dirty water that was unreachable by the rooster)
- Siamese, spayed female cat (seized from inside the residence)
- two, yellow chicks (chickens) (seized from cage in animal room inside the residence, no food or water, excessive feces in cage bottom)
- brown and black, female donkey (seized from pasture, hooves overgrown, front hooves so overgrown they curled up)
- brown and white paint, female donkey (seized from pasture, hooves overgrown)
- brown and white, female pony (seized from pasture, hooves overgrown, this pony had been purchased at the auction by Tara Gipson)
- dark brown, female quarter horse (seized from pasture, hooves overgrown)
- red, male Pomeranian (seized from yard, fleas and matted hair with feces, Jacob Tidwell said he co-owned with Paulette Tidwell)
- two, grey and white, female kittens (seized from cinder block building)
- two, grey and white, male kittens (seized from cinder block building)
- brown brindle, male hound mix (seized from yard, slightly underweight, numerous attached ticks and flea feces, Jacob Tidwell said he owned)
- tan, male Chesapeake Bay Retriever (seized from yard, numerous attached ticks and fleas, Jacob Tidwell said he owned)
- brown and white, female St. Bernard (seized from yard, numerous attached ticks and dirty, matted hair, Jacob Tidwell said he owned)
- dark palomino, female pony (seized from pasture, hooves overgrown)

- black and tan, female Yorkshire terrier (seized from animal room inside residence, matted hair and fleas)
- red and white, female Papillion mix (seized from animal room inside residence, underweight and fleas)
- black and tan, female Yorkshire terrier (seized from animal room inside residence, matted hair and fleas)
- black and tan, female Yorkshire terrier (seized from animal room inside residence, underweight, matted hair and fleas)
- black and tan, male Australian terrier (seized from animal room inside residence, underweight and fleas)
- two, grey and yellow, male cockatiels (seized from cage in animal room inside residence, dirty water, cage bottom covered with feces and bird seed)
- blue and gold, unknown sex Macaw (seized from cage in animal room inside residence, dirty water, cage bottom covered in feces and bird seed)
- blue and gold, female Macaw (seized from cage in animal room inside residence, dirty water, cage bottom covered in feces and bird seed)

15. The room in the residence where all of the inside animals were seized from, except for the Siamese cat, had a concrete floor that was stained with animal urine and feces and had a very strong odor of both. The dogs in this room had water and access to an outside fenced in area in front of the residence through a dog door. The rest of the residence smelled strongly of animal urine and feces, and was very disheveled and dirty with items cluttered throughout the house.

16. All the animals and their living conditions were photographed and some videoing was done by the Humane Society of Missouri. Amanda Gilmore also obtained some photos. All of the animals seized were inventoried by the Humane Society of Missouri and by me. A copy of both of the inventories were given to Paulette Tidwell.

17. Paulette Tidwell informed us that one of the ponies had been sold to Tara Gipson at the auction, and that the auction company said she could not take it home until a Coggins test was performed on the pony. Paulette Tidwell said a veterinarian was scheduled to come to the residence that day at 2:00 p.m. to take a blood sample for the test. I informed her that Doctor Baker said all of the animals were to be seized from the property, including the pony, and that she needed to cancel the veterinarian visit, which she later said she did.

18. I asked Paulette Tidwell if she had any veterinary records for her animals that could accompany them to the Humane Society of Missouri facility, so they would not have to

be re-vaccinated if they had already been vaccinated by her veterinarian. Paulette Tidwell told me the last time her animals had vaccinations was three years ago. I asked her if she had taken any of her animals to the veterinarian for any reason since their vaccinations, and she said she had not taken any of her animals to the veterinarian within the past three years for any reason. She said she had been going through a divorce and did not know if she would be able to keep her animals because of the divorce, and did not want to spend the money on veterinary bills if she was not going to be able to keep the animals.

19. Jacob Tidwell stayed at the residence during the inventory and seizure of the animals, and asked me if the female Chihuahua he was holding at the time was going to be seized. I told him that it would be seized because Doctor Baker told me that all of the animals should be seized from the property. He told me that the Chihuahua was his dog and it came over to his mother's house with him when he walked over after we first arrived at the residence. I told him I saw the Chihuahua at the residence when I first arrived, along with the Pomeranian, Chesapeake Bay Retriever, St. Bernard and hound mix, prior to his arrival. He argued with me and said the Chihuahua came from his house with him.

20. I walked away from Jacob Tidwell to assist with loading of the equine, and when I returned to the residence, I saw Jacob Tidwell walking down the driveway toward the street, talking on his cellular phone with the Chihuahua walking in front of him. I yelled at him from a distance to get his attention, and he kept walking and talking on his cellular phone. As I got closer to him, I continued to yell at him and he turned around to face me and continued talking on the phone. At this point, he was walking backward toward the road with his Chihuahua continuing to walk towards the road. I told Jacob Tidwell to stop and hang up his phone, and he continued to walk backwards away from me and talk on the phone. I repeatedly told him to stop and to get off the phone and he failed to comply, so I grabbed his phone and he started to pull away from me and he finally stopped walking as I took the phone from him. I wanted Jacob Tidwell to stop walking toward the road, because his Chihuahua was evidence that I needed to seize from the property, and I knew if it left the property, I could not seize it.

21. After getting Jacob Tidwell's phone from him, I noticed that the Chihuahua had left the property and had gone to Jacob Tidwell's house across the street. I informed Jacob Tidwell that I would allow him to keep the Chihuahua if he would retrieve it from his house, and meet me in the road for me to examine if it had any fleas and ticks, which he did. The dog appeared well kept, as he said it was an inside dog, and did not have any fleas or ticks.

22. Jacob Tidwell told me that the Chesapeake Bay Retriever, St. Bernard and hound mix belonged to him, and that he and his mother co-owned the Pomeranian. He also told me that the animals do not stay at his mother's house and that they stay at his house. I told him all of his animals were at Paulette Tidwell's residence when I arrived that morning, and I had just been told by Amanda Gilmore and Requi Salter they were also there the day of the auction. I told him that the animals were examined by Doctor Baker

and me, and they were covered in ticks and some had fleas and flea feces on them. He again said his dogs stayed at his house and wanted to know how he could get them back. I told him he would have to come to the disposition hearing to tell the judge his part of the story to get his dogs back.

23. After the animals were photographed, seized and inventoried, they were loaded into vehicles and trailers belonging to the Humane Society of Missouri, who are to keep them on my behalf until the disposition hearing. All of the animals were to be transported to their facilities in St. Louis, where they will be examined, evaluated and treated, if necessary by a veterinarian and staff.

24. I later received veterinarian reports from the Humane Society of Missouri, and again, the majority of the dogs and cats had fleas and ticks, several had matted hair and several of the dogs had severe dental disease. They were not tested for internal parasites, so it is not known at this point if any of them had heartworms, whipworms, or hookworms. One of the kittens had to be euthanized on May 10, 2012, by a Humane Society of Missouri Veterinarian because of unrecoverable medical conditions including ringworm, severe diarrhea and rapid weight loss. The horse, ponies and donkeys were examined and all of their hooves needed to be trimmed and the female donkey, who's hooves were curled, had severe degeneration of the coffin bone in both front feet, secondary to founder.

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3. *For the issuance of a warrant in a misdemeanor case, also complete the following:*

- (a) I believe that the defendant will not appear in court in response to a criminal summons because _____; or
- (b) I believe that the defendant poses
- (1) a danger to a crime victim because _____; or
- (2) a danger to the community or to any other person because _____

BRENDA CONE
Print Name

Brenda Cone
Signature