

APPLICATION FOR SEARCH WARRANT

TOWN COURT)
TOWN OF [REDACTED])
STATE OF NEW YORK)

[REDACTED] being duly sworn, deposes and says:

1.) I am the applicant for this search warrant. I am a sworn police officer employed by the New York State Police as an Investigator, assigned to the [REDACTED] at the [REDACTED], N.Y. sub-station.

I do hereby state that there is reasonable cause to believe that there is a violation of Article 26 Section 351. of the Agriculture & Markets Law under subdivision 2.b. - "Training an animal for fighting" and subdivision 3.b. "Owning, possessing or keeping of any animal under circumstances evincing an intent that such animal engage in animal fighting" being committed by xxxxxxxx DOB xxxxx---at his residence located at xxxxxxxxxx, N.Y. The property being located on the North side of xxxxx, across from xxxxx Ave. Further described as a two story wood frame green colored house. The west side of the property includes an area approx. 50' by 50', surrounded by a wooden fence, approx. 6ft in height, which cannot be seen through as the boards are placed together.

2.) The facts supporting my statement above and for special authority set out below on information and belief are:

a) Deposition of xxxxx, DOB xxxxx, of xxxxxxxx Ave., xxxx N.Y. on 11/13/92.

xxxxxxx stated that on [REDACTED] she noticed that there were about six pit bulls, all chained to dog houses, on xxxxxx Ave., which is across from her residence.

[REDACTED] also stated that on [REDACTED] she observed at the xxxxx property a brown and white pit bull hanging by its teeth from a rope which was tied to a tree in xxxxxx yard, xxxxxxxx was standing next to the dog as it was hanging--for about ten minutes. On [REDACTED] she saw a brown and white dog hang from a rope by its teeth for 15 minutes in xxxxxxxx yard. On [REDACTED] she saw a dog hang by its teeth at the xxxxxx property for 30 minutes. On [REDACTED] there were about ten MEN present with Mr. [REDACTED] while he made a dog hang by its teeth.

The Deposition of xxxxxxxx is attached hereto and made a part thereof.

b) Deposition of xxxxxxxx DOB xxxxxxx of xxxxxxxx, N.Y., dated [REDACTED]

xxxxxx stated that on Saturday, [REDACTED] he saw at least three different dogs hanging from a rope which was tied to a tree at xxxxx. One dog was multi-colored, (brindle), one was a rust color and he could not recall the color of the third dog.. Mr.xxxxx further stated that he saw a black male subject

drive up to the property in a dark colored Ford Mustang and take one of the dogs. A heavy set white male subject also showed up in a tan Oldsmobile, he looked at the dogs and left.

The Deposition of xxxxxxx is attached hereto and made a part thereof.

c) Affidavit of State Police Investigator [REDACTED] assigned to the New York State Police Station, [REDACTED] N.Y. dated [REDACTED]

Inv. [REDACTED] stated that on [REDACTED] and in an undercover capacity, he phoned xxxxx at his residence at xxxx (which is a phone number listed for xxxxxx in the GAME DOG TIMES, Winter, 1991, and Summer 1992 issues where xxxxxx is listing pit bull dogs for sale). Inv. [REDACTED] stated to xxxxx that he was looking for a dog with a "hard mouth". xxxxxx replied that all of his dogs are "game bred", out of Champions like "Chinaman".

On [REDACTED] Inv. [REDACTED] met with xxxxxx and followed him to his residence on xxxxxxxx Ave., [REDACTED] Inv. [REDACTED] advised that xxxxxx took him into his "yard", which was an area surrounded by a wooden fence, approx. 6-7ft. in height. and in the yard there were three pit bulls chained to dog houses. Baudoux pointed to one of the dogs and said, "I rolled her once". XXXXXXXXX took one of the pit bulls out of the yard, to a tree, where a spring type rope was tied and made this dog grab and hang on the rope by its teeth.

On [REDACTED], Inv. [REDACTED] recontacted xxxxx telephonically at 518 xxxxxxxx. At this time, xxxxxxx stated that his "buddy" has a dog that's "ready to go", further stating, "he doesn't need schooling or anything, he's ready to rock and roll", but further explaining that right now the dog is in "Philly".

On [REDACTED] Inv. [REDACTED] again called xxxxxx telephonically and xxxxx advised that his buddy's dog, "Scudds Missile", was sold. XXXX further informed Inv. [REDACTED] that he knows of a dog in North Carolina for sale that's been "chopping some dogs up".

On [REDACTED], Inv. [REDACTED] called XXXXXXXXXXX telephonically and advised him that he was still looking for a good fighter. XXXXXXXXX advised that the only thing he can get right now is the dog in North Carolina or his dog, "Wild Bill", is still for sale. The Affidavit of Inv. [REDACTED] is attached hereto and made a part thereof.

d) Between [REDACTED] and [REDACTED] approx. 26 pit bulls were shipped from xxxxxxxx to Ed [REDACTED] and Tom [REDACTED] in [REDACTED]. Both [REDACTED] and [REDACTED] have arrest and conviction records for dogfighting.

e) On his application for a purebred license dated [REDACTED] XXXXX lists one of his dogs as "Wildside & Baudoux "Myrna". "Wildside", is "Wildside Kennels", owned by the same Ed [REDACTED] in North Carolina.

Copies of xxxxxx purebred license dated [REDACTED] is is attached hereto and made a part thereof.

f) Affidavit of Dr. [REDACTED], Ph.D of the Humane society of the United States dated [REDACTED]

Dr. [REDACTED] stated that his doctorate is in the field of animal behavior, obtained in 1975 from Washington University in St. Louis Missouri. For many years, his primary area of specialization has been canine aggression and the behavior of fighting breeds. Since 1984, he has been closely involved in the investigation of animal fighting ventures.

Dr. [REDACTED] stated that the designation of American Pit Bulls as "champions" most often means that they have won three dog fights. XXXXXX advertisements and phone conversations to Inv. [REDACTED] make reference to the fact that the animals which he is offering for sale are "bred from champions".

The "champion" most frequently listed on pedigrees advertised by xxxxxx is [REDACTED] Champion, "Chinaman", a well known fighting dog. The breeder of the animal, Tom [REDACTED] of [REDACTED], plead guilty to dog fighting in [REDACTED].

Further, the term, "game bred" used in telephone conversations and ads, by XXXXXXXX, refers exclusively to the animal's willingness to fight with other dogs. Similarly, the term, "proven", refers to the animals prior experience in the fighting pit.

Dr. [REDACTED] also referred to the fact that neighbors have observed dogs being trained on xxxxxxxx property by allowing them to hang for 10-15 minutes or more, and stated that fighting dogs must be physically conditioned to develop grip strength needed for success in dogfighting.

The Affidavit of Dr. [REDACTED] is attached hereto and made a part thereof.

3. The applicant therefore requests that the court issue a search warrant directing the New York State Police, with proper and necessary assistance to search herein the described premises and curtilages thereof, together with any person or vehicle found thereat, and to seize as evidence animals used or raised for fighting purposes or otherwise mistreated, all animal fighting and training equipment (treadmills, breaking sticks, and weight scales), phone records, computer equipment and other data storage devices, photographs, negatives, undeveloped film, animal medical records, animal fighting publications, mail, trophies, medications, hypodermic needles, dog breeding records, address and phone books and other property in order that the evidence may be procured to be used in the prosecution of a violation of the laws of the State of New York.

Subscribed and Sworn to before me
this _____ day of January, [REDACTED]

The Honorable
Town Justice, Town of [REDACTED]