



Photo courtesy of Park County Sheriff's Office

A jury considered whether the condition of this horse seized from the Echo Valley Ranch in the Bailey area resulted from owner neglect or another factor such as toxic weeds. The jury found Randall Hatlee and Ronald Swift not guilty of misdemeanor animal cruelty in March.

Lawsuit alleges ranchers' Fourth Amendment rights were violated

by Michael Perrault
Flume Staff Writer

BAILEY — Two Bailey men cleared of animal cruelty charges by a jury in March have filed a civil lawsuit in federal court in Denver alleging their Fourth Amendment rights were violated last year by Park County Sheriff's Office deputies and a veterinarian.

Plaintiffs Randall Hatlee and Ronald Swift filed the lawsuit Sept. 10, claiming that the "unreasonable seizure" of their horses by deputies "severely injured them emotionally and caused them severe humiliation and embarrassment," said Lakewood attorney Brice Tondre, who is representing Hatlee and Swift.

The Fourth Amendment prohibits unreasonable searches and seizures and requires that any warrant be judicially sanctioned and supported by probable cause.

After reviewing the complaint, Park County Under-sheriff Monte Gore said the sheriff's office conducted a professional law enforcement investigation in this case for severe animal neglect.

"I'm proud of the hard work performed by our code enforcement officers," Gore said. "Probable cause was found, and the case went to court. We were all disappointed with the outcome of this case; however, we will always 'do the right thing.' We will never shirk our responsibilities because of the threat of a lawsuit."

The lawsuit stems from an incident in February 2012 in which Routt County Sheriff's Deputy Dawn Smith called Park County Sgt. Bobbi Priest-

ly and reported that while conducting a follow-up investigation at the Echo Valley Ranch, she saw seven horses that were unusually thin.

Priestly informed Deputy Cindy Hardey about a report from Routt County, and Hardey arranged to do a welfare check on the horses at the ranch.

Several Park County deputies reported that seven horses at Echo Valley Ranch were thin, possibly mistreated and suffering from neglect.

Hatlee told The Flume Sept. 30 that he had cared for horses for a half century and had never been accused of any type of animal cruelty or mistreatment.

Hatlee and Swift had consulted with veterinarians at the time of the incident to determine why the horses were losing weight.

"I've never seen anything that made a horse lose weight this quick and not be able to put weight back on," Swift said in March, citing a mystery condition that affected the horses.

Echo Valley Ranch is on Park County Road 70, east of Bailey.

Six of the horses were seized, and Hatlee and Swift were issued summonses charging them with animal cruelty.

The lawsuit states that both the warrant and the summonses from the Park County Sheriff's Office were without probable cause to believe that the crime of animal cruelty had been committed.

The lawsuit alleges that the sheriff's office "succumbed to the political pressure" from a group of animal rights activists and sought and received

the warrant to seize the six horses.

In March, Hatlee and Swift were found not guilty on four counts each of charges of misdemeanor animal cruelty by a six-person jury in county court in Fairplay.

There was testimony in the case that toxic weed might be the cause of the horses' problems.

Defendants listed in the lawsuit include Sheriff Fred Wegener, Gore, Priestly, Hardey and veterinarian Ashleigh Olds Dedrich.

The lawsuit states that Hardey's affidavit supporting her request for a warrant failed to inform the judge who issued the warrant that there was an agreement in place to leave the horses in the care and custody of Hatlee and Swift for a month to allow them to show the horses were not neglected.

Hardey's affidavit also failed to inform the judge that two veterinarians with the Colorado Department of Agriculture said the agreement was reasonable and the horses were not in danger where they were housed, according to the lawsuit.

"The judge who presided over the prosecution of the defendants found that the omissions were material, made in bad faith and would have led to refusal to issue a warrant if disclosed," the lawsuit stated.

The lawsuit seeks punitive damages for "reckless and callous indifference to plaintiffs' federally protected rights," attorneys fees and other costs.

Fish hatcheries may get reprieve

by Marcia Martinek
Herald Editor

It appears that the Leadville National Fish Hatchery and all other hatcheries are getting a reprieve from closure, at least for 2014.

The Fishing Wire noted Sept. 20 that the Fish and Wildlife Service had kept its plans under wraps, but when its intentions were revealed by inside sources and news agencies, several members of Congress intervened to block its efforts.

This pressure appears to have halted the effort by the agency to shutter its national fish hatcheries.

This information seems to be confirmed in a memo to regional directors issued by Dan Ashe, director of the

U.S. Fish and Wildlife Service, on Sept. 25, saying the agency cannot move forward with its plans for 2014.

Each region is now expected to manage the National Fish Hatchery System within its 2014 budget with no reduction in force and no facility closures.

Ashe said the NFHS Strategic Hatchery and Workforce Planning Report will be released publicly soon, and FWS will be pursuing its preferred course in the context of the 2015 budget.

Information regarding hatchery closings has included the Leadville National Fish Hatchery among those slated for closure, although there has been no official confirmation of this by FWS.

Bachand finishes first place in Enduro Circuit

by Anthony Himes
Mail Staff Writer

Dirt bike racer Garrett Bachand continued his winning ways Sept. 28 and Oct. 6, sealing first place in the Rocky Mountain Enduro Circuit and third place in the Webe Harescambles Series.

In the first day of the 2-day Webe and RMEC combined races in Espanola, N.M., Bachand won the Open B and took second place in Overall B. With the win, Bachand clinched first place in the Overall B class in the RMEC series, meaning he will not

have to compete in Texas for the final two rounds of the series.

In the last race of the Webe series Sept. 29, Bachand won the Open B class and finished fifth in the Overall B. He reached his goal in the Webe series by finishing third overall on the year, according to Bachand.

Bachand raced in the sixth round of the Colorado Off-Road Championship Series Oct. 6. He won the Open B and the Overall B. With the win, he continues to run in first place in the CORCS with two rounds to go.



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