

HOMELESS IN PARADISE

July 31-August 6, 2020

IN OUR OWN BACKYARD - Part 40



IF DOGS COULD TESTIFY IN COURT, WOULD PEANUT GET TO GO BACK HOME?

By Wanda Sue Parrott

*it's the kind of case
based on homeless people's rights
that sets precedents*

*should those who love pets
but can't afford their healthcare
lose ownership rights*

*could this case move on
past peanut's two broken legs
to the supreme court*

APPEALING her conviction - and winning - would be a godsend to Josephine "Josie" Guerrero, 73, Monterey, who's grieving the seizure of her poodle Peanut by the SPCA of Monterey County on February 14, and subsequent legal loss of him in court on July 9.

If you missed it on the news, findings of DA Case 894626, SPCA matter 20-6435, violation of P.C. 597.1 (a) Owner/Etc. Fail to Provide Animal Care, a misdemeanor, appeared July 14 in this excerpted report by Avery Johnson on KION TV.

(continued)

Monterey woman found guilty of not treating or surrendering dog with severely broken leg.

“A Monterey woman was found guilty of failing to care for her dog, Peanut, according to the Monterey County District Attorney's Office.

“Investigators said 74-year-old Josephine Guerrero did not surrender the dog so he could be treated for a severely broken leg. The leg later had to be amputated.

“On Feb. 14, Guerrero took Peanut to Veterinary Care Association All Pets, according to the DA's Office, because he (sic) leg was so badly broken that only the skin was holding it together. Guerrero could not pay for surgery, so VCA gave Peanut pain medication and called local charities to help pay for the surgery.

“The DA's Office said the charities were not willing to help Guerrero because they had already paid for Peanut to have surgery when he broke another leg four months earlier and paid for lifesaving treatment for Guerrero's other dog, bear (sic), when he jumped out of her car.

“After calling the charities, the DA's Office said VCA called the SPCA.

“An officer said Guerrero could surrender Peanut for free treatment, but she refused and took Peanut home. The officer later seized Peanut and brought him to the SPCA's veterinarian for surgery.”

The report's minor mistakes include Guerrero's age, 73, not 74. Also, Josie's "other" dog (Bear, not bear) wasn't Josie's property. Bella, whom she has owned for nearly a decade, is her other dog.

The final paragraph pertains to the first time Peanut broke a leg, not the second incident in February that led to the lawsuit.

Bear Versus Peanut

I interviewed Josie Guerrero about Bear. She said, around four years ago, a stranger in a parking lot had a white dog similar to her own toy poodles. “The woman said she couldn't keep her Bear and had to find a home for him. I went on an errand. When I returned, Bear was tied to my car. A note tied to his leash asked me to find a good home for him. She was gone. What was I to do? Just let him wander? I just couldn't do that, so... it was crowded with three dogs and me...”

Bear hadn't lived in the van very long when, unknown to Josie, he squeezed through a window, jumped out, and was hit by a car.

“I didn't even know he was gone,” she said. “His hip and leg were injured.”

Bear ended up at the SPCA, and Josie was the responsible party of record, at which time she was given the option of surrendering Bear in exchange for free medical care.

“I surrendered him so they could find him a good home,” Josie said. “He wasn't mine to begin with and I couldn't afford his treatment.”

But Peanut, she said, was a different story. “Bella and Peanut are my family.”

Pets As Family Members

“Peanut has been with me for around nine-and-a-half years. I inherited him at three months old,” Josie said. “His owner asked that I provide a good, safe home for him after I dog-sat him for a month. His owners said when he was old enough, they would take care of his shots and neutering. I agreed.”

KION's coverage infers Josie took Peanut home after his second broken-leg incident in February. She clarified the error.

"Last October, I took Peanut home after the SPCA proposed amputating his left leg. I took him to the VCA in Salinas. They helped me get funding of \$1,500 for surgery by Dr. Lind and post-op care from Maxi's Helping Paws. The paw healed by New Year."

During the first incident, Josie set Peanut on a diaper-changing station while she used the toilet. While she was indisposed, he jumped down, fracturing his front leg at the pawline.

Of the February 14 accident, she said, "Peanut really had to pee. He jumped from the van, his leg tangled in the leash, and his bone snapped. The break bled, but his leg was not dangling by the skin."

She sought immediate help. "The SPCA gave me one hour in which to come up with money," she said. "I needed more time. The SPCA called me a flight risk and seized Peanut! I've been a resident of Monterey County since 1955! They insisted he needed immediate medical care, then kept him in a cage for four days. I was not allowed to even see him."

Her voice trembled and tears welled in Josie's eyes as she recalled finally seeing Peanut.

On February 18, Alecia DuCharme, DVM, amputated Peanut's right front leg. She appeared at trial as a witness for the prosecution. A photo of Peanut was then shown in court.

"He looked so sad," Josie said. "At least I know he's still alive."

What's It All About?

On May 20, 2020, the SPCA issued a Notice of Lien (Costs Incurred) for the amount of \$2,898 to Josephine Guerrero; such expenses were waived in the final judgment.

On July 9, the Superior Court's Amended Minute Order summarizing the four-day trial included:

"The Court finds the Defendant Guilty as to Count 001, violation of 597.1(a)."

Waived also were \$70 in operations and facilities assessments based on "the court's finding of defendant's inability to pay."

Also, "Defendant accepts terms and conditions of probation."

Josie was informed of her 30-day right to appeal, which expires next week.

Her comment? "It's all about money."

(To be continued next week.)

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Photo of Peanut by Josephine Guerrero

Triple haiku by Wanda Sue Parrott

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About this Column: "Homeless in Paradise" is a free public service self-funded and produced by the author.

This column appears regularly in the *Cedar Street Times* at www.cedarstreettimes.com

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