

HOMELESS IN PARADISE

August 7-13, 2020

IN OUR OWN BACKYARD - Part 41

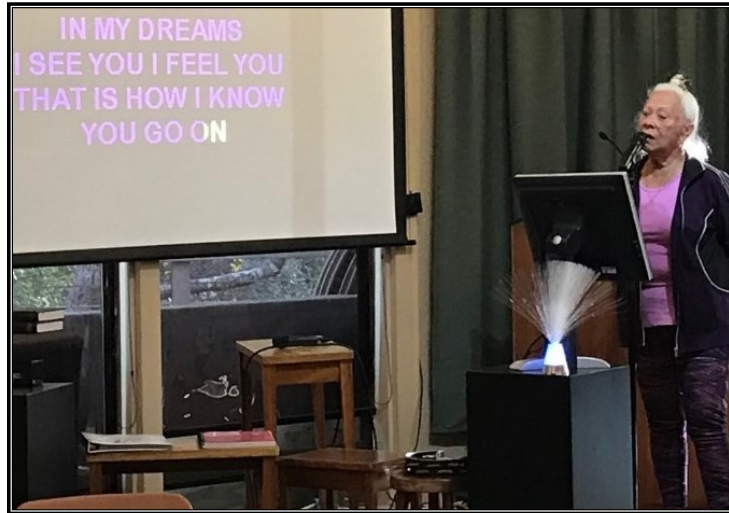


Photo of Josie Guerrero by Rev. Elaine Gehrman, Unitarian Universalist Church of the Monterey Peninsula.

*“josie” guerrero
sings heartfelt karaoke
to the dog she lost
her poodle was seized
last February 14th
she’s not seen him since
peanut broke his leg
it’s now been amputated
she’s filed an appeal*

HOMELESS MONTEREY WOMAN APPEALS SPCA’S SEIZURE OF HER SERVICE DOG

By Wanda Sue Parrott

CONTINUING last week’s column, “If dogs could testify in court, would Peanut win his legal case?”:

Josephine “Josie” Guerrero of Monterey appeared in Superior Court in Salinas Thursday to start the appeal process for her July 9 misdemeanor conviction for animal neglect, a criminal record that could prevent her from finding housing as well as work as a licensed security guard.

If the homeless 73-year-old dog-lover wins, criminal charges will be dropped and Peanut should be returned to the doggie mom with whom he had lived for nearly a decade.

The SPCA seized Peanut Feb. 14, amputated his right front leg four days later, and didn’t tell Josie. She read of it in a MC Weekly column by Mary Duan.

“I felt like somebody just shot me,” said Josie. “It was all about money.”

Peanut's Post-Seizure Hearing

Josie protested Peanut's seizure by the SPCA, so a hearing was held four days after he was seized . May I see him? She asked. They said no.

According to the SPCA's Post-Seizure Hearing report of Feb. 18, 2020, Humane Officer Alyxis Guerra, SPCA witnesses, and Josie Guerrero appeared before SPCA'S hearing officer Cynthia Burnham, whose Order After Hearing found the seizure of all animals listed is "Justified: that the animals are in need of immediate medical intervention and treatment as a result of severe neglect, demonstrated by: testimony from Humane Officer Alyxis Guerra, including photos of injuries and owner's testimony regarding inability to provide immediate medical intervention and treatment."

Josie said, "After the hearing, Officer Guerra told me Peanut had surgery that day, but nobody told me about amputation. When I later read that Peanut's right front leg was amputated the same day of the hearing, my heart just stopped. It was just like I'd lost my child."

The Decision This Appeal Might Overturn.

The 4-day hearing by Hon. Robert A. Burlison started with the prosecution's presentation of SPCA charges that Guerrero violated Penal Code Section 597.1(a) "Failure to Provide Animal Care."

Salinas attorney John Klopfenstein defended Josie, pro bono, and also filed her appeal, but won't further represent her. Since she cannot afford to hire an attorney, a public defender will be appointed to represent her.

If all goes as she hopes, rebuttal remarks about issues she wishes to address will include:

"After I took Peanut to the SPCA on Feb. 14, right after his accident, I was given only an hour in which to raise funds for providing the immediate medical care they said Peanut needed. It wasn't time enough."

This statement was documented in the 7-page "Crimes Against Animals Report" dated March 2, 2020 by Humane Investigations Case Officer #20, Alyssa Guerra, Case 20-6438:

On lines 13-15 of page 3, Officer Guerra says, ". . . I stepped out of the room and asked a receptionist what other options they had for Guerrero and if amputation would be cheaper. The receptionist said amputation would be more and this is the cheapest option they have."

The officer subsequently advised Josie Guerrero "the cheapest option is from \$900 to approximately \$1300."

On lines 23-25, Officer Guerra states: ". . . I told Guerrero we could not wait long due to the dog being in pain, and we will give her until 1430 hours, which is an hour, to call people and pay for the fees, or we will be seizing the animal."

She said Deputy District Attorney, Althea Omdahl, reiterated over and over that two of Josie's three dogs broke three legs; animal rescue groups paid for the treatments.

"The third dog, Bear, wasn't even mine," Josie said. "A stranger tied him to my car. He jumped out a window onto the freeway and injured his hip. I surrendered Bear so his medical care would be free and the SPCA could find him a good, loving home."

Bear was, like Peanut and Bella, a white toy poodle mix, but there the similarity ends.

Concern For Service Dogs' Rights

"My dogs, Bella and Peanut, are both service dogs, which means that Peanut, even with only three legs, could be worth \$2,000 - \$3,000," Josie said. "I believe the way the SPCA tried to get money from me, then seized Peanut, is called extortion. I was devastated."

Pet Specialists of Monterey, Patient's Chart dated Feb. 17, 2020, states: "Peanut is a verified real psychological health assistance dog."

Josie says, "They're my family. Bella, for instance, can sense when I have a migraine coming on. I depend on them for my emotional stability. I love them, as do many homeless persons who have no families except pets. I would never hurt them."

Eric M. Johnson, M.D., Community Hospital of the Monterey Peninsula, testified in this letter of May 13, 2020, about his medical psychiatric care of Josie Guerrero for at least a decade:

"During the time frame, she has never demonstrated aggressiveness or hostility towards anyone or anything. She has always thought of her dogs as essential to her function and support. It would seem greatly out of context for her to have purposely abused one of her animals.

"She is homeless, but is quite responsible, living out of her car."

Josie Guerrero says, "A service dog like Peanut is a working dog. It should have rights.

"When you take away a person's service dog, you're dealing with that person's life.

"There should be a new law that defines the Penal Code's meaning of 'immediate attention' for service dogs because, if something is wrong, it should be taken care of immediately.

"Our civil rights shouldn't be taken away from us. We should be able to see our dogs. There should be a law that helps a person without financing to be able to take care of the monetary expenses.

"I might enroll in law school so I can write such a law. I'll call it Peanut's Law!"

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About this Column: "Homeless in Paradise" is a free public service self-funded and produced by the author. During the Covid-19 pandemic, this column appears regularly on the last week of each month in the Cedar Street Times at www.cedarstreettimes.com (and as periodic FLASH columns like this one).

It also appears on Facebook, in Next Door and on private email lists. If interested in being added to the list, submit your request to the contact info below.)

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