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\$1-million lawsuit filed in animal cruelty case

By April Charlton/Senior Staff Writer

The husband of an Edna Valley woman formerly at the center of one of the county's largest-ever animal cruelty cases has sued San Luis Obispo County and top-ranking officials for almost \$1.04 million claiming his constitutional rights were violated.

The federal lawsuit filed Oct. 31 by Harold Walsh, Cynthia Walsh's husband, claims the county, Dr. Eric Anderson, Sheriff Pat Hedges and Undersheriff Steve Bolts violated his rights when his home was raided Dec. 14, 2005.

Cynthia Walsh was arrested during the raid, where County Division of Animal Services officers and Anderson, Animal Services manager, seized 121 animals — mostly small, purebred dogs — from the couple's home.

Cynthia was charged with six felony counts of animal cruelty, two misdemeanor counts of failing to properly care for animals and one count of owning more than four animals without a permit.

A jury found her guilty of one lesser misdemeanor count of animal cruelty, one misdemeanor count of failing to properly care for animals and one misdemeanor count of owning more than four animals without a permit.

The jury failed to reach a verdict on the remaining counts, and the District Attorney's office didn't retry the case after she agreed to plead no contest to a reduced charge of misdemeanor animal cruelty.

The lawsuit filed by Harold Walsh claims Animal Services illegally seized the 121 animals, which were "community property," and failed to return them after his wife's trial ended, according to his attorney Adam Fairbairn.

Harold was at work during the 2005 raid and never arrested or charged with a crime.

"There was no reason not to return the animals," Fairbairn said. "Harold brought home a paycheck every week, and Cindy took money and went to buy dogs. That purchase (using Harold's money) makes the animals community property, whether they like it or not."

Fairbairn claims by the time Harold returned home from work at 4 p.m. Dec. 14, 2005, "everything had disappeared."

"That's not the way it works (under the law)," Fairbairn said, adding Harold has a right to due process, which includes being noticed of a pending seizure and having his day in court prior to seizure.

Fairbairn said none of that happened and that officers also "forced Harold to open a safe" containing part of his extensive gun collection, which he had to remove from the property. He also claims ammunition magazines seized from Harold's collection haven't been returned.

"You can't just seize property; they had no right to do that," he added. "This was a willful abrogation of Harold Walsh's rights oppression. I just don't get it. It's time for this type stuff to stop."

The search warrant allowing officers to raid the Walsh home was granted based on allegations that Cynthia was in possession of a stolen poodle, which was never located on the property, Fairbairn said.

"This isn't about me; it has nothing to do with me," Cynthia said about the lawsuit. "It's about what they did to my husband. They violated his civil rights."

The lawsuit alleges actions by Anderson, the Sheriff's Department and the county violated Harold Walsh's constitutional right to freedom of speech, to bear arms, be free from unlawful seizure of property and due process of law, including the right to be free from unjustified search and seizure by police.

"This was one of the most disturbing cases our Animal Services Division has handled and I have confidence in our Animal Services staff management of the case," Sheriff Hedges said.

Anderson declined to comment on the lawsuit and referred all questions to County Counsel, which hadn't returned calls by midafternoon today.

Rob Bryn, Sheriff's Department public information officer, said the department is still in possession of Harold's ammunition magazines.

"My understanding is that they're not legal and that's why they're holding them," Bryn said.

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