

STATE OF MAINE  
Androscoggin, SS

DISTRICT COURT  
DISTRICT: Lewiston  
DOCKET NO: CV-19-447

STATE OF MAINE Animal Welfare Program

VS.

IN THE MATTER OF:

Order to Appear and Show Cause  
17 M.R.S. § 1021 (5-A)

Kathleen O'Connell of 222 Ridge Road, Wales, Androscoggin County, Maine

The Plaintiff has applied to the court for an order for the possession of:

82 cats and kittens, live, dead and unborn to them. (Please see attached animal inventory form.)

This application for a possession order concerning the above-named animals shall be set for hearing.

Accordingly, it is hereby ordered that Ms. Kathleen O'Connell appear in Maine District Court on

11/19/19 at 9:00 am/pm

to show cause why the above described animals should not be turned over to Plaintiff or should be returned to the possession of Ms. Kathleen O'Connell of 222 Ridge Road, Wales, Androscoggin County, Maine. It is further ordered that notice of this order shall be provided by serving an attested copy of this application and order upon Ms. Kathleen O'Connell.

Dated: 11/18/19

Leah Anne Sutton  
JUDGE, MAINE DISTRICT COURT

A TRUE COPY  
ATTEST: [Signature]  
CLERK OF COURTS



STATE OF MAINE  
ANDROSCOGGIN, SS

DISTRICT COURT  
DISTRICT: Lewiston  
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STATE OF MAINE Animal Welfare Program

VS.

IN THE MATTER OF:

Application for Possession Order  
17 M.R.S. Section 1021 (5-A)

Kathleen O'Connell of 222 Ridge Road in Wales, Androscoggin County, Maine.

For the possession of:

82 cats and kittens, live, dead and unborn to them. (Please see attached animal inventory form.)

1. Your applicant is a District Humane Agent for the State of Maine Animal Welfare Program, Department of Agriculture duly appointed pursuant to 7 M.R.S. § 3906-B.
2. This application is made to 17 M.R.S. § 1021.
3. Attached hereto and incorporated herein is an affidavit by your applicant setting forth the facts which establish that the animal was either abandoned and/or cruelly treated by their owner and/or the animals were maimed, disabled, diseased, dehydrated, malnourished or injured.
4. A copy of this application and its attachments, along with an order to appear and show cause why these animals should not be taken and turned over to the Maine Animal Welfare Program or other suitable person or disposed of humanely shall be served upon Ms. Kathleen O'Connell as required by 17 M.R.S. § 1021(2)

WHEREFORE, your applicant prays:

1. That the State of Maine Animal Welfare Program have a lien on the animals for the expenses reasonably incurred in so providing for the animals including but not limited to expenses for transportation, food, shelter, veterinary care and other expenses of disposing of animals taken into custody, pursuant to 17 M.R.S. § 1021(6).
2. That the Court order Ms. Kathleen O'Connell to appear for a hearing to show cause why the above listed animal should not be taken and turned over to the Maine Animal Welfare Program or other suitable person or disposed of humanely.

3. That after due notice and hearing this Court order the animal to be forfeited and permanently placed in custody of the Maine Animal Welfare Program or order that the animal be disposed of humanely if, given reasonable time and care, the animal's recovery is doubtful.
4. That your applicant be granted such other and further relief as the nature of the case warrants.

Dated 8 Nov 2019

  
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Angela Rogers

District Humane Agent, Androscoggin County

Animal Welfare Program

1. My name is Angela Rogers and I am a District Humane Agent for the Animal Welfare Program for the State of Maine Department of Agriculture, Conservation and Forestry.
2. I am also a licensed Veterinary Technician and have been licensed with the State of Maine since 2009
3. I attained my Bachelor's Degree in Animal and Veterinary Science with a minor in Equine Studies from the University of Maine in 2006.
4. Upon graduation I have worked in both small and large animal veterinary clinics as a Veterinary Technician from 2006 to 2011.
5. I have completed all 3 Levels of the National Cruelty Investigation School offered by the University of Missouri Law School in conjunction with the Humane Society of the United States.
6. I have completed Level 1 of the Equine Investigations Academy offered by Code 3 Associates, Inc in conjunction with the University of Missouri Law School.
7. In May 2012 I completed Phases I and II of the Pre-Service Law Enforcement Program at the Maine Criminal Justice Academy.
8. One of my duties as a District Humane Agent for the Animal Welfare Program is to respond to reports of alleged abuse and/or neglect of animals within the State of Maine.
9. On 5 November 2019 at approximately 0945hrs I executed a search warrant in conjunction with the Androscoggin County Sheriff's Office and the Town of Wales Animal Control Officer Wendell Strout on the property owned or occupied by Mr. Thomas O'Connell and Ms. Kathleen O'Connell located at 222 Ridge Road in Wales, Androscoggin County, Maine. The search warrant had been granted to search and seize evidence of the crime of Cruelty to Animals (17 M.R.S. § 1031) including but not limited to any live, dead or unborn animals which have been found to be deprived of necessary sustenance, necessary medical care and/or humanely clean conditions. During the search 82 cats and kittens were found to be treated cruelly under Title 17 M.R.S. § 1031 E, as they were either deprived of necessary sustenance, necessary medical care and/or humanely clean conditions.
10. As we approached the farmhouse style residence Mr. O'Connell emerged from the attached barn and became irate when he was told why we were there and that we had a search warrant. After a moment of being argumentative and combative with the Deputies and ACO Strout I asked Mr. O'Connell if Ms. O'Connell was awake, and if she wasn't that he should wake her up before we entered the residence. Mr. O'Connell stated that she stays up all night, so she is most likely sleeping and retreated inside the house. A few moments later he emerged again and said that she would be down. He continued to argue with the Deputies until Ms. O'Connell emerged from the same door of the barn. She asked what 'this is all about' and was told that we had a search warrant to enter the property. After being argumentative I asked Ms. O'Connell if the front door was unlocked. She stated no. I asked if she could unlock the door for us and she stated, 'I'm trying to figure out what I'm going to do here'. Eventually Ms. O'Connell unlocked the front door and we entered the residence.
11. The front door opened to a small foyer with a closed door directly in front. Behind this door was a staircase that led up to a small room. The staircase was littered with cat food bags, plastic totes, cardboard boxes, a dresser, pieces of cardboard, books, a cat litter bucket and other items. It led to a small room that was almost inaccessible due to the amount of items piled inside. These items included blankets, boxes, papers, a treadmill, plastic totes, wooden furniture, cans and other items. There was duct tape around one of the windowsills and the wallpaper had begun peeling off. I was unable to fully open a closet door to the back right of the

room due to the amount of items piled in front of it. I made my way back downstairs and closed the door behind me.

12. To the right of the front entry door was a small room that was piled and cluttered with items leaving a walking space to the door at the back right of the room. There were at least eight empty cat food bags, two empty bags of cat litter, boxes from canned cat food, two walkers, wooden stands, a wooden desk, buckets, pans, plastic bags, cardboard, two plastic Hannaford bags filled and tied with soiled cat litter, and other items. Clothes hung from lines from the ceiling/beams. I visualized at least three cats in this room laying on the desk and four more laying underneath plastic bags and trash on the floor. A metal stand with an open door was beside the desk and had one cat sitting inside on a shelf with plastic bags, bottles and other items. A cat also sat on top of this stand. Both cats were squinting with their left eyes and had discharge from their eyes. The wooden walls of this room as well as the wooden desk were severely scratched. Hairballs, cat food and cat litter lined the corners of the floor.
13. Another room to the right was a bathroom with cat hair and litter around the floor. It contained a litter box with multiple piles of feces. The sink and counter were cluttered with plastic cups, pet food scoops, dishes, soap, plastic containers and other items. A path around the toilet contained Listerine bottles, plastic cups, a bucket filled with liquid and a bleach bottle inside, a cat food bag with trash inside, plastic bags, empty bottles, dirty dishes, and other items. A note was taped beside the mirror above the sink that said, 'Please do not feed dry cat food in here'. I did not observe any cats or kittens in this room.
14. A room to the left of the front entrance contained a woodstove near the middle of the room. A folding table was situated underneath the front window and held a flashlight, papers, a cardboard box, a lint roller and some other items. Beside the table and around the room were stacks of boxes containing papers, a couple fire extinguishers, and other items. There was an old stove that held a flashlight, books, cups, clothing and other items. By the wall near another set of windows was a recliner. Behind the recliner were more filled cardboard boxes, papers and a litter box with feces inside. A large amount of cat litter surrounded the litter box, as well as multiple plastic bottles of water and other papers. There was a sink and wooden counter that were mounded with binders, papers, boxes, pill bottles and other items. A wooden stand held an old printer and stacks of papers and a pile of boxes, paper towels and other items were mounded in front. Two black and white kittens were in front of and underneath the woodstove. Behind the woodstove were two small dishes containing dry cat food. Both kittens had obvious eye and nasal discharge. The floor in this room was littered with hairballs, dirt, pieces of trash, cat litter and cat food. Approximately half of the ceiling sheetrock was missing, exposing the wooden slats and beams underneath it. Multiple fly strips hung from the ceiling containing flies. The windows were covered either fully or partially with blankets or plastic and the wall paper had been peeled off the walls.
15. A room adjacent to this contained a cart with a large cardboard Amazon box with at least seven Hannaford plastic bags of dirty cat litter. A wooden table held multiple totes full of items. An orange and white cat sat on top of the table that had hair missing from both ears, a squinting left eye, some sort of bandage/wrap around its neck and leg and obvious wounds to the left side of its neck and back. This cat was later collected and identified on the Animal Seizure Identification Log as C9. Underneath the table were empty cat food bags, a spray bottle and some other items. The floor was covered in large hairballs, cat litter and dirt.
16. A door to the left of this room opened into a larger, living room type area with a grey rug in the middle of the room. Two kittens were playing on top of a cat litter bag. The entire circumference of the room was cluttered and contained full boxes and totes, buckets, chairs and other furniture, a bed with a box spring and comforter, six Hannaford bags of dirty cat litter tied up, a

mop and bucket, a small woodstove and other items. A calico colored cat sat next to the woodstove and watched us walk through. The floor, boxes, totes and furniture were covered in hairballs, dirt and cat litter. Torn shades were drawn on a couple of the windows and another one was caked with brown smears.

17. Around the corner of the room it opened into another room that appeared to be a large kitchen. A small wooden table held an empty cat carrier. At least one leg of the table had been shredded by scratching. A wooden stand to the left was overflowing with cat food, cat litter and chicken feed bags that had been piled on top. Multiple small glass, plastic dishes and a pet fountain were on the floor and contained water. A large wooden island in front of the sink contained a butcher block of knives, multiple empty cat food cans, a small plastic Tupperware dish half full with what appeared to be water and a lantern. There were shelves within the island that contained some dishes, an empty plastic bucket, hairballs, along with some other items. A dishwasher had been pulled halfway out from the island and was soiled and stained with cat hair and dirt. The large stove was covered with pots and pans and caked with cat hair and cat litter. A small woodstove was to one side of the room. Next to the woodstove was a cat litter box that had been used multiple times and the wooden flooring surrounding the box was stained and scattered with cat litter. The floor in this room was also covered in hair, trash, cat food cans and cat litter. A small black and white kitten sat in the middle of the floor with eye discharge so severe it could barely open its eyes.
18. A room adjacent to this appeared to be a sunporch type area. Again, the entire perimeter of the room was piled and mounded with items allowing for a walking area through the center of the room. These items included full cardboard boxes, full plastic totes, at least four Hannaford bags of dirty cat litter, empty cat food cans, a folded wheelchair, cat litter buckets full of items, a hula hoop, baskets, tv trays, wire shelves, a red tool chest and other items. One of the cardboard boxes contained a small wooden stand with a pile of cat feces on top. Areas along the floor had liquid stains. There were two litter boxes on the floor to the far side of the room and a cat sitting on the window ledge. The boxes were soiled, and litter was scattered around the boxes with a pile of feces on the floor. The window sills and windows were stained and soiled brown making it difficult to see out them, if at all. The wall paper in this room had also been peeled off. The floor was covered in hair, cat litter and dirt.
19. The next room contained a stairway as well as stacks of cardboard boxes contained books and papers that went clear to the ceiling and halfway out into the room. Plastic totes, a small wooden book case full of books and a folded walker were covered in cat hair, dirt and cat litter. The cardboard boxes had been shredded, torn and soiled. The wooden pieces of furniture were scratched and widdled down. There were at least five cats in this room that I visualized climbing among the tower and mound of items. There were two cat litter boxes in this room that had been used multiple times with cat litter surrounding the outside of the box. A small plastic Tupperware dish contained water on the floor in front of the litter box. Plastic over the window had been torn, shredded and pulled off the window. The entire floor was covered in dirt, cat hair and cat litter. The stairway leading upstairs also was covered with cat hair, cat litter and dirt and the banisters had been scratched.
20. There were two rooms at the top of the stairs. Both were filled and piled with items and almost inaccessible, not even a walking path had been left open. One room contained a large bureau, bed, clothing, blankets, stools, a clock, totes and other items. Everything was covered in hair and dirt. There was a small bathroom to the back of this room with cat feces, hair and trash all along the floor. There was a tub that was soiled with brown stains and streaks and contained cat feces inside it. The other room was filled with magazines, books, bags and clothes.

21. Back downstairs there was another foyer to the other side of the living room type area. This room also contained a staircase, as well as nine cat litter boxes lined up along the floor. There were two piles of feces on the floor as well as liquid staining to the hardwood floor and the entire floor contained cat litter and cat hair. The stairway leading upstairs was also covered in cat hair and the banister had been severely scratched and widdled. At the top of the stairs in the hallway were various empty mugs and dishes, a large wooden bench with nine 14.4lb bags of dry cat food, four soiled cat litter boxes, three Hannaford bags of dirty cat litter tied, a plastic tote of items and a cat litter bucket. The floor was covered in cat hair, cat litter and dirt.
22. Two bedrooms were at the top of the stairs. One did not contain any cats or kittens. The other bedroom type area upstairs contained a space heater and a tub full of items. The floor was cluttered with a plant pot, two chests, two wooden stools, a plastic tote full of items with tissues and books on top and a round ceramic type plant pot filled with cat litter. Inside a cardboard laundry detergent box with a towel over the top was an adult grey cat that could barely open its eyes due to discharge and four approximate two-day old kittens. There was a ceramic plate with a chunk of canned cat food, a ceramic bowl of water and a plastic Tupperware bowl of dry cat food on the floor.
23. Another room contained a recliner and other furniture around the room. There were kittens of various ages playing on and under the recliner as well as an adult cat that I could visualize.
24. Another room contained a bed and box spring with approximately five adult cats that I could visualize from the doorway. There was also a bureau, a plastic tote full of items, two empty bowls on the floor, and three soiled litter boxes. The floor and other items were soiled with cat feces, cat hair and dirt. The window sills were stained and scratched.
25. Another room contained exposed ceiling rafters and piled items. There were three cats that I visualized within this room that were able to jump up in between the ceiling that we were unable to catch due to the amount of items in this area and our own safety. However, another cat that had a bandage around its neck was caught and identified as C74.
26. The basement to the residence contained various items. I only visualized one cat while walking through this area.
27. Once documentation inside the residence was complete I went to the large detached barn to the right of the residence. Inside the barn there were approximately a dozen bowls down in the middle of the barn. I visualized one calico colored cat to the right and two orange and white cats to the left. The rest of the barn contained old farm items. Livetraps were set during the seizure to contain these cats. Three cats were caught and later identified on the Animal Seizure Identification Log as C77-C79.
28. A large barn across the street did not appear to contain any animals, only farm equipment.
29. A chicken coop to the back of the residence contained approximately thirty guinea fowl/keets and ten chickens. The coop was adequately clean, there was feed in the feeders but there was no water available to the poultry. During the course of the seizure the animals were provided water and let out of the coop to free roam. To the right of the coop were seven Hannaford plastic bags of dirty cat litter in a heap.
30. The large attached barn to the residence was filled and piled with various items including lawn mowers, shovels, tools, buckets, cardboard boxes, cat litter buckets, empty cat food bags, tools, furniture, and other items. In front of the back door to the barn were approximately 15-20 plastic Hannaford bags full of dirty cat litter that had been tied. Cat litter had been thrown on top of the bags as well as surrounding the bags. I visualized two grey kittens and an adult cat within this area. I was able to catch one of the kittens, but we were not able to catch the other two.

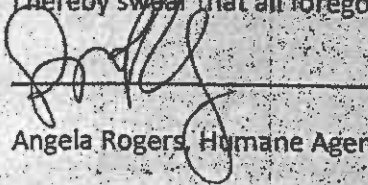
31. Once documentation and the walkthrough of the property was complete we started containing the animals for transport. We were able to catch and seize 82 cats and kittens. They were all given ID numbers and listed on the Animal Seizure Identification Log. Ms. O'Connell was given copies of the Search Warrant, a Notice of Seizure and the Animal Seizure Identification Logs (7 pages total). I asked Ms. O'Connell if she would like to surrender any of the animals that were being seized. She stated that she has no idea what we are taking. I stated that they are all listed on the forms I had just handed her. Ms. O'Connell stated that she has no idea what cat is what and questioned if we identified them accurately. Once the animals were loaded we left the residence at approximately 1455hrs.
32. The cats and kittens were transported to a licensed animal shelter for housing and medical evaluation/treatment by a Veterinarian. The following is a brief summary of findings:
  - a. Body Weight
    - i. 27 out of 82 were very thin with a body condition score of 2/9, where 5 is ideal and 9 obese
    - ii. 31 out of 82 were thin with a body condition score of 3/9
    - iii. 7 out of 82 were moderately thin with a body condition score of 4/9
    - iv. 14 out of 82 were ideal body condition with a body condition score of 5/9
    - v. 1 out of 82 was slightly overweight with a body condition score of 6/9
    - vi. 1 out of 82 was obese with a body condition score of 9/9
    - vii. 1 was unable to be examined due to feral nature
  - b. Eyes
    - i. 72 out of 82 presented with medical eye findings including mild-marked clear ocular discharge, mucoid discharge, eye clouding, corneal cloudiness, third eyelid up, enlarged pupils, ulceration, corneal scarring, thick purulent discharge, severe purulent discharge with possible enucleation needed and eye crusting.
  - c. Nose
    - i. 69 out of 82 presented with nasal medical findings including congestion, mild-severe clear nasal discharge, thick yellow discharge, copious purulent bilateral nasal discharge and nasal ulceration.
  - d. Mouth
    - i. 61 out of 82 presented with oral medical findings including mild-severe gingivitis, calculus, gingival recession, missing teeth, ulceration, halitosis, severe periodontal disease, resorptive lesions, broken canines, painful mouth, severe purulent discharge, crusting around mouth and bleeding.
  - e. Ears
    - i. 70 out of 82 presented with mild-severe debris, severe ear mites, odor, possible polyps, discharge, severe foul-smelling debris, misshapen pinna possibly from old trauma and collapsed/scar tissue of pinna.
  - f. Skin
    - i. 2 out of 82 presented with wraps on their neck and torso (C9 and C74). C9's bandage was curled around his neck and cutting into underlying tissue creating an infected wound. Both sides of the face had scratches and wounds in varying stages of healing. Bandage was removed, and wounds underneath were infected and oozing fluid. The wounds were cleaned and left open to drain and dry out. C74's bandage was removed with healing wounds on neck, no infection was present.
  - g. Other Findings



- i. Fleas, multiple wounds, scabbing along body, head tilting, dandruff, hair matting, increased skin tugor, heart murmurs, open mouth breathing, tremors, limb deformity and possible lice.

33. In conclusion, these animals that were seized from 222 Ridge Road in Wales, Androscoggin County, Maine under the care and/or ownership of Ms. Kathleen O'Connell were found to be in desperate need of necessary medical care, necessary sustenance and/or humanely clean conditions. The 82 cats and kittens were seized pursuant to a search warrant because they were being treated cruelly as defined by Title 17 M.R.S. § 1031, having been deprived of necessary sustenance, necessary medical attention, proper shelter and/or humanely clean conditions. Because these animals were all being treated cruelly under Title 17 M.R.S. § 1031, the Animal Welfare Program is seeking permanent possession of the animals under Title 17 M.R.S. § 1021, so that they can be provided necessary sustenance, necessary medical care, proper shelter, protection from the weather, and humanely clean conditions.

I hereby swear that all foregoing information is true and accurate to the best of my knowledge.




Angela Rogers, Humane Agent, Androscoggin County  
State of Maine, Animal Welfare Program

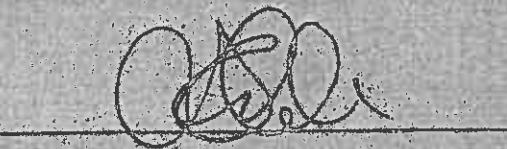
STATE OF MAINE,

Androscoggin, SS

Subscribed and sworn to by Angela M Rogers before me this 8 day of November 2018



Kathleen Sutton  
Judge, Maine District  
Court



Judge, Maine District Court

Alan Ober, JMD  
Notary Public  
My Commission Expires  
5/30/2016