

WWM-CV23-6028216-S : SUPERIOR COURT
JENNIFER HUTCHINS, ACO : JUDICIAL DISTRICT OF WINDHAM
v. : AT PUTNAM, CONNECTICUT
LINDA PETTEE : MARCH 22, 2024

TRANSCRIPT OF PROCEEDINGS

EXCERPT

4:14:42 - 4:35:50

BEFORE THE HONORABLE ERIK LOHR, JUDGE

A P P E A R A N C E S :

Representing the Plaintiff:

ATTORNEY MICHAEL CAREY
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Representing the Defendant:

LINDA PETTEE
Self-Represented Party

FILED

APR 25 2024

SUPERIOR COURT
JUDICIAL DISTRICT OF WINDHAM

Recorded By:
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Danielson, Connecticut 06239

JDND issued to all parties & copy made to defendant on 4/25/2024. J. P. Sullivan, Jr.

1 THE CLERK: Case to be called, Jennifer Hutchins
2 -- I'm sorry I keep doing that -- v. Linda Pettee.

3 THE COURT: All right. Madam Court Monitor, the
4 following, including the calling of the case by the
5 clerk, I would like for a transcript to be generated
6 in connection with this and to be submitted for my
7 signature, in lieu of a written opinion.

8 THE COURT MONITOR: Yes, Your Honor.

9 THE COURT: All right. So, Attorney Carey, what
10 I have is a question for you. I was looking at the
11 the statute here, that statute being Connecticut
12 General Statute Section 22-329a and all of its
13 subsections. What I didn't see in there, at least
14 what didn't jump out at me, was a standard of proof.
15 Generally speaking, when that is the case, it is
16 preponderance of the evidence. But I just want to
17 make sure that this is not a higher standard, such as
18 clear and convincing evidence. I did not see that in
19 there. To your knowledge, is that there?

20 ATTY. CAREY: Not to my knowledge, Your Honor.

21 THE COURT: All right.

22 ATTY. CAREY: Never thought about it, but I'd --
23 not to my knowledge.

24 THE COURT: All right. And so I'm moving
25 forward with the assumption that the standard is
26 preponderance of the evidence, also known as more
27 likely than not. But the Court has also considered

1 this under the higher standard of clear and
2 convincing evidence, and the outcome would be no
3 different under either standard. The Court has no
4 doubt that Ms. Pettee loves her horses, her herd as
5 she refers to them, and that she considers them to
6 be, like many animal lovers, akin to family.

7 The Court has heard the testimony and received
8 several documents into evidence and considered and
9 weighed both, and finds the following facts by, as I
10 indicated, preponderance of the evidence. But the
11 outcome here would be no different under clear and
12 convincing evidence were that to be the evidentiary
13 standard applicable, though I do not believe it to be
14 anything greater than preponderance of the evidence.

15 The Court finds that the defendant had resided
16 in Rhode Island for many years with her animals
17 before coming to Connecticut with thirteen of them,
18 all horses, some minis, some not, on or about
19 November 13th of 2023 under imminent threat of
20 eviction, pursuant to a Rhode Island court judgment.
21 None of the horses were medically cleared for entry
22 into this state and their transport was effectuated
23 in great haste and in great part to avoid the
24 execution of that eviction judgment. And to be
25 clear, there were two judgments and so I'm not
26 differentiating between the judgment, I'm just going
27 to say, judgment or judgments, though I believe that

1 only one of them was the subject of the execution,
2 that one being the Escobar judgment.

3 Animal Control Officer, or ACO Jennifer
4 Hutchins, and ACO Angelina Green, responded to the
5 property where the thirteen horses were being kept,
6 along with a Connecticut State Police trooper and the
7 Department of Agriculture -- Connecticut Department
8 of Agriculture animal control person. This was in
9 response to a call that they received concerning
10 these horses.

11 The defendant was present either at the
12 inception of that response by ACO Hutchins and
13 others. She was present either at the beginning of
14 it or at some time -- definitely at some time during
15 that visit, and she was shown a warrant for the
16 seizure of the horses.

17 The Court finds that there was insufficient feed
18 on site at the time for the horses and that their
19 water at the time of the inspection was minimal. On
20 or about November 14th of 2023, the horses were
21 evaluated by photo sent by ACO Hutchins and via
22 report by ACO Hutchins to Dr. Kneser, that's K-n-e-s-
23 e-r, who is a Connecticut licensed veterinarian. And
24 based on that preliminary evaluation, Dr. Kneser
25 deemed that the horses were at risk, and they were
26 seized by ACO Hutchins pursuant to the warrant.

27 The following day, Dr. Kneser, based on the

1 pictures and her follow-up physical examination, she
2 physically evaluated the horses on November 15th; on
3 or about November 15th, she determined that several,
4 if not all of them were in poor health.

5 There presently are criminal charges pending
6 against the defendant in connection with the
7 condition of these thirteen horses, though, the Court
8 notes that there has been no conviction in that case
9 and those are mere allegations of criminal liability
10 at this point. Court is making an independent
11 determination as to the civil case to seize the
12 horses and takes no position and makes no findings
13 with respect to criminal liability, though the
14 defendant, Ms. Pettee, has been advised repeatedly
15 during these proceedings that she need not have given
16 testimony or presented evidence, if she believed that
17 it would incriminate her. In other words, she could
18 have invoked her Fifth Amendment rights at any time
19 in this proceeding, she did not do so, and she
20 elected to testify voluntarily.

21 Court finds that based on their condition at the
22 time of the seizure, the animals were in a state of
23 medical and physical neglect, physical neglect
24 meaning the food and water. And the temporary
25 custody seizure order that was issued -- I believe it
26 was signed by Judge Green -- was and is sustained
27 pursuant to Connecticut General Statutes 22-329a(d).

1 The animals were placed in NECCOG's care.
2 NECCOG is the plaintiff in this action, and NECCOG
3 standing for Northeastern Connecticut Counsel of
4 Governments. The animal -- animals were placed in
5 NECCOG's care, causing statutory expenses to accrue
6 at \$25 per animal, per day, commencing on November
7 14th of 2023, to the present. Therefore -- and this
8 is an approximate; I will be asking for the definite
9 sums later; this is just approximations now -- the
10 statutory expenses associated with the seizure of the
11 animals is to date roughly \$35,000.

12 In addition to that, there's nearly another
13 \$5,000 in vet and farrier fees that have accrued
14 while the animals have been in NECCOG's care. The
15 Court further finds that, based on the evidence
16 presented during the hearing, these thirteen horses
17 had not been seen by a veterinarian since at least
18 2019.

19 The defendant testified that her present income
20 is approximately \$35,000 a year. Per her own
21 estimates -- and I heard estimates on the feed bill
22 from her, today I heard \$2,000 a day -- a month
23 rather. Last time we were in court, my notes reflect
24 that she testified that it was \$3,000 a month for
25 feed for these animals, these thirteen animals. And
26 the Court does note that there were thirty-three
27 animals at the time that she was leaving -- at or

1 about the time that she was leaving Rhode Island,
2 based on her motion to stay the execution in Rhode
3 Island -- of the Rhode Island judgment, the Escobar
4 judgment, that she had thirty-three animals in her
5 care, only thirteen came into Connecticut with her.

6 It's unclear what happened to all the rest of
7 the animals. There's reports that some died as a
8 result of neglect. The Court does not make a finding
9 in that regard and notes that Ms. Pettee refutes that
10 allegation, hotly.

11 But with respect to the feed bills, taking the
12 lower number that Ms. Pettee put forth today, the
13 feed alone for these animals would cost upwards of
14 \$24,000 a year. If I went with the \$3,000 per month
15 number, it would be thirty-six, but the Court is
16 looking at the lower number, basically in the light
17 most favorable to Ms. Pettee.

18 The floater bills, per her estimate, about a
19 thousand dollars a month -- a year rather, a year,
20 the vet bills about \$2,000 a year, though the Court
21 notes that two animals had to be euthanized and these
22 horses, some of them are quite elderly for a horse
23 and so those expenses could occur - again, one of the
24 horses that was euthanized was a dangerous horse,
25 such that it put Ms. Pettee either in the hospital or
26 out of physical commission after it kicked her. And
27 I note that because Ms. Pettee is the one that

1 provides -- the primary care to these horses.

2 It appears that she would have to be working day
3 and night in order to afford the feed, vet and
4 floater bills annually. And also, to work toward the
5 boarding of these horses, which she has testified and
6 provided some measure of evidence that she has
7 boarding for the horses for free, but that it
8 wouldn't really be free; it would be she's working it
9 off. So she would have to be working for the
10 boarding and if she were to get the cheapest boarding
11 at the lowest of market rates, it would run somewhere
12 about \$18,000. That's in addition to the \$27,000 in
13 vet, floater, and feed bills.

14 And so if she were to lose that agreement that
15 she has, which is not a contract, it is simply a --
16 an agreement that she can keep her horses there until
17 someone says that she can't. If she were to lose
18 that, then her base-level at the very best estimate
19 on how much it would cost to house and feed and care
20 for these horses would run the better part of
21 \$45,000, which is what she believes that her maximum
22 -- close to her maximum income would be if she were
23 to get another job or make more money.

24 And so the Court finds that it would be
25 financially, not impossible, but financially, highly
26 unlikely that Ms. Pettee could afford to keep these
27 animals. That is in addition to the state of medical

1 and physical neglect in which they were found at the
2 inception of this case.

3 Court notes that over and above the amounts that
4 are necessary for the care, welfare, maintenance, and
5 feeding of these horses, Ms. Pettee does not pay her
6 own -- anything towards her own rent because she has
7 a significant other who pays that rent of a thousand
8 dollars a month.

9 What she does pay towards is her car payment,
10 and her car payment, she testified, is \$500 per
11 month, or \$6,000 per year. In addition, in
12 connection with the Escobar judgment and the other
13 judgment that was imposed on her by the Rhode Island
14 court in connection with the farm property on which
15 she had these animals, there presently is, and she is
16 subject to, a \$30,000 total in judgment liens in
17 connection with the evictions that were -- one of
18 which was the impetus of her hasty departure from
19 Rhode Island with these horses.

20 Based on all of the above, the Court will
21 accordingly order that title to the thirteen horses
22 presently in NECCOG's custody, immediately shall vest
23 in the custody of the plaintiff, NECCOG.

24 Furthermore, within fourteen days of today, the
25 plaintiff shall file a motion for approval of a final
26 bill with respect to costs, expenses, fees, statutory
27 fees, and otherwise, which shall be placed on the

1 short calendar in the event that the defendant wishes
2 to dispute all or a portion of the charges stated
3 therein.

4 And so it should be -- it need not be line item
5 by line item for every charge. But it should be
6 categorized out and given sufficient specificity such
7 that Ms. Pettee can determine what is attributable to
8 vet, what is attributable to floater, what is
9 attributable to feed, what is attributable to the
10 statutory expenses pursuant to 22-329a.

11 And so, to be clear, pursuant to Connecticut
12 General Statutes 22-329a(g), the Court finds that
13 these animals were neglected and on that basis is
14 vesting ownership of this grouping of thirteen horses
15 in NECCOG.

16 In addition, pursuant to Section 22-329a(h),
17 that is the -- as amended, cause that subsection was
18 amended by public acts in 2023, the Court will find
19 that the statutory \$25 per horse, per day rate is
20 applicable; hence, why the Court is ordering for that
21 to be a line item within the -- I'm calling it a bill
22 of costs, but it has more -- it will have more in it.
23 It will have -- and I'm just clarifying this,
24 Attorney Carey, for your purposes, it will have
25 attorney's fees, costs, statutory fines, or in this
26 case, it's not really a fine, that's not what the
27 statute calls it; the statute calls it statutory

1 expenses, and any other expenses, such as vet, feed,
2 any of the other expenses that are associated with
3 these horses.

4 I will hear from either side if there's anything
5 that I have not addressed. What I am not hearing is
6 argument with respect to my orders or with respect to
7 my ruling, but I would like to know if there is
8 anything that the parties believe that I have failed
9 to address in my ruling. Attorney Carey.

10 ATTY. CAREY: No, Your Honor. I would just say
11 that I believe the fine for large animals like horses
12 is \$30 -- not the fine, the expense is \$30 a day.

13 THE COURT: All right. Well, it -- was that the
14 public act amendment? Did it amend it up to thirty?
15 I thought --

16 ATTY. CAREY: Yes, Your Honor.

17 THE COURT: -- it was twenty-five. It did.

18 ATTY. CAREY: It's thirty, yeah.

19 THE COURT: Okay. All right. Then verify what
20 the amount is. If it is in fact thirty, that should
21 be listed within the -- I'm calling it the bill of
22 costs, but it's technically that, plus more. You
23 understand?

24 ATTY. CAREY: Yes, Your Honor.

25 THE COURT: And I'm not seeking to deviate from
26 the statute, especially as amended by our
27 legislature. So double check the statute and proceed

1 accordingly. Ms. Pettee --

2 ATTY. CAREY: I will, Your Honor. Thank you.

3 THE COURT: -- you need not speak. I'm not
4 asking you or directing you to speak, but I am giving
5 you an opportunity to speak. I understand that this
6 is an emotional time for you, but I'm giving you an
7 opportunity to state whether the Court has missed
8 something in its ruling. I am not hearing arguments
9 or disputes with my ruling; you understand the
10 difference? You're on mute, ma'am.

11 THE DEFENDANT: I think I understand.

12 THE COURT: All right.

13 THE DEFENDANT: I'm just --

14 THE COURT: And you understand -- go ahead.

15 THE DEFENDANT: I was just unsure because some
16 of them weren't -- their body scores were not bad,
17 and I didn't know if it's possible to have them --

18 THE COURT: It is not, ma'am. So, with -- and
19 ordinarily I would not go back and forth about a
20 ruling. But I will extend this just a little further
21 because the Court is very much cognizant of the fact
22 that you care deeply for these animals, that is not
23 in question here. However, even when an animal, or a
24 child for that matter, has adequate body scores shall
25 we say, but is, for instance, left alone or with
26 insufficient food or water or medical care, that
27 still constitutes neglect. And the question that the

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statute refers to is whether the animals were neglected; the Court has found that they were on a number of bases.

All right. Hearing no further issues with omissions from my ruling, that is all. Madam Monitor, please prepare that for my signature forthwith. And we are adjourned.

ATTY. CAREY: Thank you, Your Honor. I know this wasn't an easy decision.

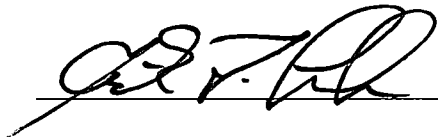
THE COURT: It was not.

ATTY. CAREY: Thank you, very much.

THE PLAINTIFF: Thank you, Your Honor.

* * *

By the Court:



Judge Erik T. Lohr

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C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Windham, at Putnam, Connecticut, before the Honorable Erik Lohr, Judge, on the 22nd day of March, 2024.

Dated this 24th day of April, 2024 in Danielson,
Connecticut.

Rachel Fargo
Rachel Fargo
Court Recording Monitor Trainee

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JENNIFER HUTCHINS, ACO : JUDICIAL DISTRICT OF WINDHAM
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E L E C T R O N I C
C E R T I F I C A T I O N

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