

SEARCH WARRANT ORDER

IN THE CIRCUIT COURT, IN AND FOR VOLUSIA COUNTY, FLORIDA

IN THE NAME OF THE STATE OF FLORIDA

TO:

ADAM LEATH, DIRECTOR OF THE VOLUSIA COUNTY ANIMAL CONTROL IN VOLUSIA COUNTY, FLORIDA, Volusia County Sheriff's Office and/or any one or more of his duly sworn Officers, and/or R.J. Larizza, State Attorney for the Seventh Judicial Circuit of the State of Florida, and/or any one or more of his duly sworn investigators.

WHEREAS complaint on oath in writing, supported by affidavit, having been made on the 13th day of January, 2020, and sworn before Adam Leath, a law enforcement officer.

AND WHEREAS, said facts made known to me have caused me to certify and find that there is probable cause to believe that certain laws have been or are being violated in or on certain premises and the curtilage thereof, or that evidence of the violation of certain laws is being kept in or on certain premises or curtilage thereof, in Volusia County, Florida being known and described as follows:

1899 Mercers Fernery Rd Deland, FL (Property Appraiser Short Parcel ID # 693601000050).

Color of the Structure: Brick Single Story Residence, Red in Color, with gray shingle roof.

Main entrance to the residence, referred to as the "Game Room" faces north and is brown in color. The driveway is located on the North side of the residence and leads from the South Side of Mercers Fernery Rd. The entranceway to the property is surrounded by a wooden privacy fence with the numbers 1899 and a sign that reads "Journeys End Visitors by Appointment Only" affixed to the exterior surface.

Traveling west on W International Speedway Blvd from the intersection of W International Speedway and N US-17/N Woodland Blvd. Turn right onto N Spring Garden Ave travel north about 1.2 miles, then turn left onto Mercers Fernery Rd, Travel West about 0.7 miles, ending at 1899 Mercers Fernery Road.

and being the premises of

Florence Thuot, DBA Journey's End Animal Sanctuary

and there is now being kept in or on said premises and curtilage certain

Animals (Dogs, cats, chickens, sheep, goat, horse, and pig) housed throughout the residence and within enclosures within the curtilage. These structures referred to as the "Building D-Cat House, Building A- Mary's Motel, Journey's Room, Building B, Building C, Building E, Building F, and Building G.

which is being kept and used in violation of the Laws of the State of Florida, to wit: the Laws prohibiting

Florida State Statutes 828.12 Cruelty to AnimalsS BEING VIOLATED

AND WHEREAS the facts establishing the grounds for this application are set forth in the affidavit.

NOW THEREFORE, you or either of you, with such lawful assistance as may be necessary, are hereby commanded, in the daytime or in the nighttime, or on Sunday, to enter and search the aforesaid premises together with the yard and/or curtilage thereof, including any vehicles located within the yard and/or curtilage thereof and any persons on the premises or curtilage thereof reasonably believed to be engaged or connected with said illegal activity for the evidence/items described in this search warrant, and if the same of any part thereof be found, you are hereby authorized to seize and secure same, giving proper receipt therefore and delivering a completed copy of this warrant to the person in charge of the premises, or in the absence of any such person, leaving a completed copy where the property is found, and making a return of your doings under this warrant within ten(10) days of the date hereof, and you are further directed to bring said property so found and also the bodies of the person or persons in possession thereof before the Court having jurisdiction of this offense to be disposed of according to law.

WITNESS my hand and seal this 13th day of January, 2020

Electronically signed by James Clayton

B7A31A7C6982D93B21B4794C25509915A8773E3C980BF86A027F78B6B3554892

J U D G E

AFFIDAVIT FOR SEARCH WARRANT

IN THE CIRCUIT COURT, IN AND FOR VOLUSIA COUNTY, FLORIDA,

State of Florida)

County of Volusia)

Whereas I, Alicia Dease, swear and affirm that the following is correct and true.

That affiant has reason to believe that those certain premises located in Volusia County, Florida, described as follows, to-wit:

1899 Mercers Fernery Rd Deland, FL (Property Appraiser Short Parcel ID # 693601000050).

Color of the Structure: Brick Single Story Residence, Red in Color, with gray shingle roof.

Main entrance to the residence, referred to as the “Game Room” faces north and is brown in color. The driveway is located on the North side of the residence and leads from the South Side of Mercers Fernery Rd. The entranceway to the property is surrounded by a wooden privacy fence with the numbers 1899 and a sign that reads “Journeys End Visitors by Appointment Only” affixed to the exterior surface.

Traveling west on W International Speedway Blvd from the intersection of W International Speedway and N US-17/N Woodland Blvd. Turn right onto N Spring Garden Ave travel north about 1.2 miles, then turn left onto Mercers Fernery Rd, Travel West about 0.7 miles, ending at 1899 Mercers Fernery Road.

being the premises occupied by or under the control of

Florence Thuot, DBA Journey's End Animal Sanctuary

and there is now being kept on said premises certain

Animals (Dogs, cats, chickens, sheep, goat, horse, and pig) housed throughout the residence and within enclosures within the curtilage. These structures referred to as the “Building D-Cat House, Building A- Mary’s Motel, Journey’s Room, Building B, Building C, Building E, Building F, and Building G.

which is being kept and used in violation of the Laws of the State of Florida, to wit: the Laws prohibiting

Florida State Statutes 828.12 Cruelty to AnimalsS BEING VIOLATED

That the facts tending to establish the grounds for this application and the probable cause of affiant believing that such facts exists are as follows:

1. Your affiant, Field Supervisor Alicia Dease, has been employed with the County of Volusia since March 11, 2003. She has been a Certified Animal Control Officer through the Florida Animal Control Association since 2003. She has received specialized training on the identification of animal neglect and cruelty, rescuing animals from cruelty and disasters, investigating and prosecuting bloodsports, animal crime scenes and evidence collection, and veterinary forensics through the American Society for the Prevention of Cruelty to Animals.

1. On July 5, 2019, Volusia County Animal Services went to the property of 1899 Mercers Fernery Rd. During this inspection, animals were observed to have untreated/improperly managed medical conditions. Dogs and cats were not vaccinated or licensed in accordance to Florida Statute 828.30 and Chapter 14 of Volusia County Ordinance. Excessive feces and urine were observed in animal housing areas. Cleaning and sanitation practices were not effective in maintaining a clean and healthful environment for the animals. Ten animals were observed to be in immediate need of veterinary care due to their poor health.
3. On July 27, 2019, your affiant responded to 1899 Mercers Fernery Rd to follow up on the health and welfare of the animals. Florence Thuot had brought some of the animals to a veterinarian but still had not provided care to two of the animals. Thuot became combative when questioned about the status of these animals and called the Volusia County Sheriff's Office to respond and remove Volusia County Animal Services from the property.
4. On August 5, 2019, Volusia County Animal Services received an affidavit and 14 photographs from a volunteer at Journey's End Animal Sanctuary Inc. by the name of Simon Davies. According to Davies, he had volunteered at the facility on Mercers Fernery Road for more than two years. In his affidavit, he described incidents from July 2018 through April 2019. He reported the death of multiple animals. In one incident on October 2, 2018, he observed a cat in extremely poor condition. He described the cat as having visible blood on its lower extremities and not moving. He informed Florence Thuot of his concerns and was told the cat would receive treatment. Davies reported seeing the cat dead in the exact same location the following day and was told to bury it behind a barn on the property. In his statement, Davies observed on November 23, 2018 a German Shepherd dog with a large open wound unable to walk and laying on the floor. He stated that the dog remained in that location for at least three months before it was later euthanized. In another incident on April 18, 2019, he found a deceased cat inside the air conditioning system of the "Cat House." The photographs provided with his statement depict excessive urine and feces piled within animal housing areas.
5. On August 5, 2019, an independent inspection of the property was conducted by Dr. Rachel Barton of Tallahassee Animal Services at the request of Volusia County. As outlined in her forensic veterinary report, Dr. Barton identified several instances whereby animals were not receiving treatment and were in poor condition. There were more animals on the property than the number of people needed to provide the basic care for the animals. She observed animals in severe pain and suffering. The animals' environment was described as heavily cluttered and unsanitary. Dr. Barton described emaciated animals and those with severe respiratory disease. Dr. Barton described specific animals that had chronic, untreated medical conditions, including a dog named Daisy. Daisy was paralyzed in the rear legs and had a chronic infection on her back end.
6. On October 2, 2019, your affiant received an affidavit from an employee of Journey's End Animal Sanctuary Inc. by the name of Richard Sanders. According to Sanders, he resided at the property of 1899 Mercers Fernery. Sanders reported that a dog named "Daisy" was paralyzed and had open wounds on the dog's back end. He also described seeing excessive feces on her wounds. Sanders also reported a paralyzed cat that was in poor condition, dragging its hind legs through piles of feces on the floor. In his affidavit, Sanders reported filth and feces covering the floors of animals housing areas. Sanders reported also finding a deceased cat in the "Cat House" which had been there for a period of time. On October 2, 2019, Sanders observed a cat laying motionless on the floor of the "Cat House" that

appeared to be thin and in poor condition.

7. On October 6, 2019, your affiant received an affidavit from a volunteer at Journey's End Animal Sanctuary Inc. by the name of Shannon Sargent. According to Sargent, he was a board member and volunteer of Journey's End Animal Sanctuary Inc. According to Sargent, he observed animals housed in unsanitary conditions with feces and urine piled in animal housing areas at the sanctuary. He observed dogs fighting and killing one another and dogs killing loose cats within the home. Animals that sustained injuries during fights were not provided with treatment by a veterinarian. Sargent also stated in this affidavit that he observed dogs falling into a pool and drowning at 1899 Mercers Fernery Rd. Sargent reported seeing deceased cats in the "Cat House" with no one knowing how long they had been there. These deceased cats were found in various states of decay. Sargent reported that the animals were often not provided with adequate water.
8. On November 5, 2019, your affiant received an affidavit from a volunteer of Journey's End Animal Sanctuary Inc. by the name of Jennifer Severance. According to Severance, she volunteered from 2015 through July 2018 at the property located at 1899 Mercers Fernery Rd. According to Severance, she brought a cat named "Oreo" to the Sanctuary for lifelong care. Severance informed Florence Thout that the cat needed thyroid medication, and provided the medication to Thout. When Severance went to 1899 Mercers Fernery Rd. two weeks after "Oreo" was brought to the sanctuary, she found the cat motionless behind a toilet inside the house. Severance brought her concerns to sanctuary staff and was told that the cat had not received any medication since it was brought to the property. Severance was later told by Florence Thout that the cat was euthanized.
9. On November 12, 2019, an independent inspection of the property was conducted by Dr. Rachel Barton of Tallahassee Animal Services at the request of Volusia County. As outlined in her forensic veterinary report, Dr. Barton described the living conditions as unsanitary and dangerous to animal and human health. Dr. Barton stated that Journey's End Animal Sanctuary Inc. lacks proper veterinary oversight and input to ensure the animals receive proper care. According to Dr. Barton, Journey's End Animal Sanctuary Inc. has dangerously exceeded its capacity for care, resulting in undue animal pain and suffering. She reported that the basic needs of the animals in the care of the sanctuary are not being met. Dr. Barton described the conditions where animals were housed as heavily cluttered and unsanitary. Dr. Barton described numerous animals with very low body condition scores and emaciated. Cats were observed to have severe upper respiratory infections and diarrhea. Dr. Barton identified 19 animals that needed to be removed from the property due to their poor health and behavioral concerns.
10. On December 26, 2019, your affiant received an affidavit from an employee of Journey's End Animal Sanctuary Inc. by the name of Ruby Madeya. Madeya informed your affiant that she had been employed with Journey's End Animal Sanctuary Inc. from December 14th – December 22nd, 2019. Medeya described numerous animals kept in unsanitary conditions and covered in feces and urine. Medeya stated that animals are not receiving appropriate care or medication.
11. On January 3rd, 2020, your affiant received an affidavit from an employee of Journey's End Animal Sanctuary Inc. by the name of Anna Gonzalez. Gonzalez was employed by Journey's End Animal Sanctuary Inc. from January 1st- January 3rd, 2020. According to Gonzalez, multiple dogs were living in their own filth. Animals are housed in unsanitary conditions. Gonzalez described a dog named Daisy who is paralyzed and sits within its own feces. Gonzalez also described a paralyzed cat that drags its back legs through feces covered floors. Gonzalez also stated that many of

the animals are in need of veterinary care and do not receive treatment. The residence, according to Gonzalez, is unsafe and falling down in several places.

WHEREFORE, affiant makes this affidavit and prays the issuance of a search warrant in due form of law for the search of the above-described premises and the curtilage thereof including any vehicles located within the curtilage and any persons therein reasonably believed to be engaged or connected with said illegal activity for the said property, heretofore described, and for the seizure and safe keeping thereof, subject to the order of a Court having jurisdiction thereof, by the duly constituted officers of the law.

Electronically signed by Alicia Dease

D7D001300884BDB8D2214AEEB3C2DAFF7876AD892FDABB333574920B43A19E5A

A F F I A N T

Personally appeared before me Alicia Dease, a law enforcement officer known to me, who has sworn to and subscribed before me on this 13th day of January, 2020.

Electronically signed by Adam Leath

5D15FB35E739695D5FE9C60120E1DFC26FDBDDE13831010C2E513F3794360E92

NOTARY LAW ENFORCEMENT OFFICER