

IN THE DISTRICT COURT FOR WORTH COUNTY

IN THE MATTER OF A CRIMINAL
INVESTIGATION

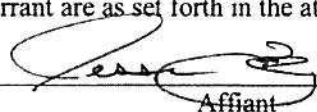
Case No. SWSW 000363

APPLICATION FOR SEARCH WARRANT
IOWA CODE SECTION 808.3

DULY SWORN UNDER OATH, I, Deputy Jesse Luther, am your affiant and provide the following information:

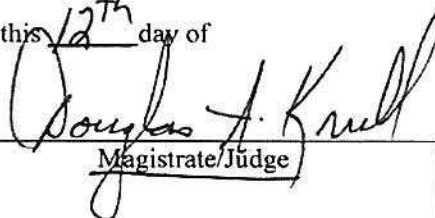
1. I am a certified Deputy Sheriff with the Worth County Sheriff's Office.
2. I have good reason to believe that certain property is being used in such a manner to render it subject to a search warrant because:
 - ☒ The property has been used and/or is being possessed with the intent to be used as the means of committing a public offense or concealed to prevent an offense from being discovered.
 - ☒ The property is relevant and material as evidence in a criminal prosecution.
3. The property is located at: 1071 Highway 9, Manly Iowa.
 - A. The property is approximately 8.87 acres and includes the residence, surrounding area, curtilage, vehicles and other structures/outbuildings including but not limited to: a pole barn, lean-tos, sheds/utility buildings, kennels, cribs and granary or granaries.
 - B. The property is commonly known to be owned, possessed and occupied by Barbara Kavars.
4. I have probable cause to believe that evidence of animal neglect, in violation of Iowa Code § 717B.2, exists on the above-described property as set forth in **Attachment A**.
5. Facts and circumstances lead me to believe probable cause exists for this search based on my training and experience.
 - A. **Experience:** I am a certified peace officer in the State of Iowa and have been a certified peace officer in the State of Iowa for 14 years. I have been a deputy sheriff with the Worth County Sheriff's Office for twelve years. I have a total of 14 years of law enforcement experience. I am a graduate of the Iowa Law Enforcement Academy, class of 202, April 2005. At ILEA, we received training in investigation, criminal law, animal crimes, applicable to this case, and many other subjects. I've also received extra training in mental health and interview and interrogations.
 - B. **First-Hand Knowledge:** The basis for my belief that probable cause exists to search are facts personally known to me as set forth in **Attachment B**.

The facts establishing the grounds for issuance of a search warrant are as set forth in the attachments which are made part of this affidavit.


Affiant

Subscribed and sworn to me by Deputy Jesse Luther before me this 12th day of

November, 2018.


Magistrate/Judge

Plaintiff's

PENGAD 800-631-6989

EXHIBIT

8

ATTACHMENT A
SEARCH WARRANT APPLICATION
DETAILED DESCRIPTION OF EVIDENCE/PROPERTY TO BE SEIZED

Your affiant conducted an investigation and believes probable cause exists to search for and seize the following evidence of animal neglect, in violation of Iowa Code § 717B.2:

1. All living, deceased, and unborn cats on the property, and all remains of deceased cats, both above and below ground;
2. Cages, pens, bedding, or other items used as enclosures or for the housing of cats, and any and all animal containers;
3. Any and all food, food receptacles, and containers used to feed or provide water to cats;
4. Medical records pertaining to cats;
5. Medications, substances, and supplies related to the housing, care, feeding, and treatment of cats;
6. Any and all tools, instruments, or other items used to move, transport, or bury cats;
7. Records pertaining to cats, including but not limited to breed registrations, handwritten ledgers, bills of sale, veterinary bills, receipts, pedigrees, vaccination certificates, and handwritten or typed correspondence relating to cats;
8. Records pertaining to the transportation of cats both to and from the aforementioned property;
9. Records pertaining to the operation of an animal-related business on the property, including but not limited to financial records, corporate documents, tax records, government registration, inspection by regulatory entities, communications with or invoices from suppliers, customer lists, marketing materials, communications with customers or potential customers, or records reflecting the purchase or sale of cats;
10. Any and all cat ownership records or other indicia of ownership;
11. Keys that provide access to locked areas or sections wherein cats are boarded, kept or otherwise housed;
12. Any devices used to store evidence of the above-referenced crime in electronic form, including but not limited to computers, computer discs, hard drives (internal or external), thumb drives, compact discs, memory cards, cameras, recording devices, and cell phones;
13. Any and all physical or trace evidence tending to support the commission of the above-referenced crime;
14. Any items used to conceal or prevent the discovery of the foregoing.

ATTACHMENT B
SEARCH WARRANT APPLICATION
LAW ENFORCEMENT NARRATIVE

The following form the basis for your affiant's belief that probable cause exists to search the aforementioned property:

1. On November 12, 2018, I entered the subject property following the issuance of a valid search warrant in connection with an investigation regarding Samoyed dog animal neglect. Upon initial entry into the residence on the property, I was immediately struck by the powerful and overwhelming smell of ammonia from cat urine.
2. I continued entry into the small, modular home that appeared to be a two-bedroom dwelling. Inside, I located and personally observed three adult cats. The cats were clustered near a window in the living room. A white cat, unknown gender, had mucus coming from its eyes. This cat appeared emaciated, lethargic and did not respond to me. A second cat, multi-colored and unknown gender, appeared lethargic and unable or unwilling to move. This cat also appeared emaciated. I also observed a third cat, also multi-colored and unknown gender. This cat was thin and appeared slightly more responsive than the other two cats.
3. There was no food accessible to the cats. I located one-still sealed bag of cat food on the stairs leading to the basement.
4. I located one large litter box located within a second cardboard box that was overflowing with cat feces. The feces were overflowing into the cardboard box because the actual litter box was so full of feces. This was located in the basement. I also located three buckets of used cat litter. I searched for but did not locate any containers or bags of new cat litter.
5. On the living room floor I personally observed ten pads commonly referred to as "pee pads." These were completely covered with feces and urine. As there were also dogs in the home, I am unsure regarding the source of the waste.

ENDORSEMENT ON SEARCH WARRANT APPLICATION

1. In issuing the search warrant, the undersigned relied upon the sworn testimony of the following person(s) together with the statement and information contained in the application and any attachments thereto:

Name

Address

Deputy Jesse Luther

Worth County Sheriff's Office, Northwood, Iowa

2. Abstract of testimony: (Information received in addition to that set forth in the application and

attachments thereto,) plus the following:

Deputy Jesse Luther testified exactly as set forth in the Application and Attachments "A" and "B."

3. ☒ The undersigned has not relied on information supplied by a confidential informant to the peace officer(s).
4. ☐ A portion of the grounds for issuance of this search warrant is based upon a confidential informant who provided information to _____.

(If informant used:)

- ☐ I find from sworn testimony and/or the affiant's affidavit that the informant has given reliable information on previous occasions.
- ☐ I find from sworn testimony and/or the affiant's affidavit that the informant's information is reliable because: _____.

(Select ONE :)

5. ☒ The information is found to justify probable cause and I therefore issue the warrant.
- ☐ The information is not found to justify probable cause and I therefore do not issue the warrant.



Magistrate/Judge

IN THE IOWA DISTRICT COURT FOR WORTH COUNTY

IN THE MATTER OF A CRIMINAL
INVESTIGATION

Case No. SWSW000363

SEARCH WARRANT
IOWA CODE SECTION 808.4

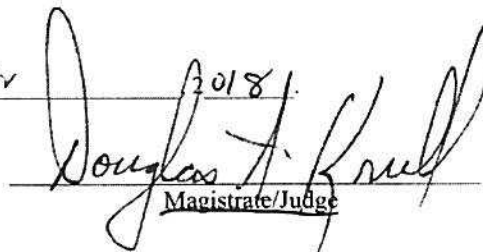
TO ANY PEACE OFFICER IN THE STATE OF IOWA:

1. Proof has been made before me, as provided by law, on this date that property (a) is or has been possessed with the intent to be used as a means of committing a public offense or (b) is relevant and material as evidence in a criminal prosecution.
2. **Description.** Proof has been made to me that the property is described as live property in the form of cats and related equipment, supplies, documentation associated with their care and lack thereof as set forth in Attachment A.
3. **Location.** Proof has been made to me that the property is located at: 1071 Highway 9, Manly, Iowa, known to be owned by Barbara Kavars. Any and all occupants of the property.
4. **Person in Possession.** Proof has been made to me that the property is in the possession of Barbara Kavars.
5. You are hereby commanded, without prior notice or authority, to search the above-described premises for the items described in Attachment A and, if such items are found, to seize the same, leaving a copy of this warrant and a receipt for the items seized, and to prepare a written inventory of such items that shall be returned with this warrant to the Court after execution thereon.

You are further authorized to take the following actions with the assistance of the ASPCA and any appropriate designees:

- A. Videotape and photograph the exterior and interior of the targeted premises;
- B. Process the target premises for fingerprints and to analyze, test and in any way scientifically process the target premises, any animals found therein and all items seized for any and all forensic evidence;
- C. Conduct thorough and complete examinations, testing, treatment and/or necropsies that an Iowa-licensed veterinarian should deem necessary for the thorough and complete diagnosis and treatment of any cat seized pursuant to this warrant;
- D. Provide housing and care for any cats seized pursuant to this warrant.

Dated this 12th day of November 2018


Magistrate/Judge

ATTACHMENT A
SEARCH WARRANT ~~APPLICATION~~
DETAILED DESCRIPTION OF EVIDENCE/PROPERTY TO BE SEIZED

Your affiant conducted an investigation and believes probable cause exists to search for and seize the following evidence of animal neglect, in violation of Iowa Code § 717B.2:

1. All living, deceased, and unborn cats on the property, and all remains of deceased cats, both above and below ground;
2. Cages, pens, bedding, or other items used as enclosures or for the housing of cats, and any and all animal containers;
3. Any and all food, food receptacles, and containers used to feed or provide water to cats;
4. Medical records pertaining to cats;
5. Medications, substances, and supplies related to the housing, care, feeding, and treatment of cats;
6. Any and all tools, instruments, or other items used to move, transport, or bury cats;
7. Records pertaining to cats, including but not limited to breed registrations, handwritten ledgers, bills of sale, veterinary bills, receipts, pedigrees, vaccination certificates, and handwritten or typed correspondence relating to cats;
8. Records pertaining to the transportation of cats both to and from the aforementioned property;
9. Records pertaining to the operation of an animal-related business on the property, including but not limited to financial records, corporate documents, tax records, government registration, inspection by regulatory entities, communications with or invoices from suppliers, customer lists, marketing materials, communications with customers or potential customers, or records reflecting the purchase or sale of cats;
10. Any and all cat ownership records or other indicia of ownership;
11. Keys that provide access to locked areas or sections wherein cats are boarded, kept or otherwise housed;
12. Any devices used to store evidence of the above-referenced crime in electronic form, including but not limited to computers, computer discs, hard drives (internal or external), thumb drives, compact discs, memory cards, cameras, recording devices, and cell phones;
13. Any and all physical or trace evidence tending to support the commission of the above-referenced crime;
14. Any items used to conceal or prevent the discovery of the foregoing.

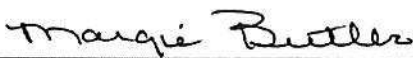
RETURN OF SERVICE**(IOWA CODE CHAPTER 808)****STATE OF IOWA****COUNTY OF WORTH**

SWSW000363

RETURN TO SEARCH WARRANT

Being duly sworn, I, the undersigned, say that I have executed the attached search warrant and the following, to the best of my knowledge, is a complete inventory of the property seized pursuant to the warrant:

☒ **SEE ATTACHED LIST**Dated the 27th day of November, 2018.

Officer's SignatureSubscribed and sworn to before me this 27th day of November, 2018.

Judge/Magistrate,
Clerk or Deputy Clerk of Court, or Notary Public

NOTICE

ANIMAL ID/TYPE	BREED	COLOR	M/F UNK	COMMENTS
Dog: 2038-1 A73	SAMOYED	WHITE	M	
Dog: 2038-1 B321	SAMOYED	WHITE	UNK	
Dog: 2038-1 B322	SAMOYED	WHITE	UNK	
Dog: 2038-1 B323	SAMOYED	WHITE	UNK	
Dog: 2038-1 B324	SAMOYED	WHITE	UNK	
Dog: 2038-1 B325	SAMOYED	WHITE	UNK	
Dog: 2038-1 C9	SAMOYED	WHITE	UNK	
Dog: 2038-1 C10	SAMOYED	WHITE	UNK	
Dog: 2038-1 C11	SAMOYED	WHITE	UNK	
Dog: 2038-1 C12	SAMOYED			
Dog: 2038-1 C13	SAMOYED			
Dog: 2038-1 C14	SAMOYED			
Dog: 2038-1 C15	SAMOYED			
Dog: 2038-1 C12	SAMOYED	DILUTE CALICO	F	
Dog: 2038-1 C13	SAMOYED	LONG HAIR CALICO	F	
Dog: 2038-1 C14	SAMOYED	WHITE DOMESTIC SHORTHAIR	F	
Dog: 2038-1 C15	SAMOYED	CALICO WHITE	F	
Dog: 2038-1 C16	SAMOYED			