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Forrest City, Arkansas

WEDNESDAY

# Animal Control Officer cleared of all charges

## Judge bases decision on testimony from mayor, Humane Society member

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Forrest City Animal Control Director Roy Hamilton was cleared of all charges this morning in connection with allegations that he failed to care for animals housed at the Forrest City Animal Shelter earlier this year.

Poinsett County District Judge Ron Hunter found Hamilton not guilty of charges of cruelty to animals and impounding animals following a trial held at the St. Francis County Courthouse. Hunter heard the trial after St. Francis County District Judge Steve Routon recused from the case. Hunter told the courtroom, which included several members of the Forrest City City Council and several members of the Forrest City Area Humane Society, that he made his decision based strongly on the testimony of Forrest City Mayor Gordon McCoy and Humane Society member Pat Hollowell.

McCoy was the first witness to testify for prosecutor Michael Ladd, who handled the case after St. Francis County Prosecutor Chris Morledge recused. Under questioning, McCoy said Hamilton was not the animal control director when, on Jan. 12, FCAHS members alleged that a dog at the shelter went several hours without food or water. According to McCoy, the director at the time of the incident was Justin Harjo, who was named director in November of last year.

"I'm obviously concerned with the allegations in this matter, but I have to find the defendant not guilty of the Jan. 12 incident based on the mayor's

comments that a Mr. Harjo was the director at the time," said Hunter. "I don't know that we can have any more credible a witness than the mayor as to who the director was, and there was no other evidence to disprove that. And the fact that Mrs. (Gay) Schwartz testified that Mr. Harjo and several other men were at the shelter when she first arrived, leaves me with no choice but to find Mr. Hamilton not guilty."

Hunter then told the courtroom that although he finds any crimes against those who can't defend themselves "loathsome," he could not find Hamilton guilty in regard to allegations surrounding the weekend of April 3 through April 5, that the animals were not cared for based on Hollowell's testimony that Hamilton was sick when she last saw him on April 3. She testified that she told Hamilton that she would come to the shelter the next day to care for the dogs. Hunter also commented positively on photos of the shelter provided by the prosecution.

"The defendant was clearly sick that day, according to Mrs. Hollowell's testimony, and didn't work that Saturday because he was sick. When I first saw that there were going to be photos involved in this case, I dreaded it because I didn't know what I was going to be seeing. From the photos I saw, it looks like you have a pretty good shelter here, and in the photos from that Saturday, I can see — I'm a country boy and for a lack of a better phrase — a pile of feces in one of the kennels, but I can also

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of those charges as well because he obviously doesn't work seven days a week, 24 hours a day, even if he is on-call."

Hamilton's attorney, Dion Wilson, said he was happy with the outcome of the trial and is hopeful things can now move forward.

"I'm just happy that this ordeal is over for Mr. Hamilton and his family. I hope he can now just get back to doing his job. I know Mr. Hamilton to be a good person, having worked with him not only through this, but also with the ball program this summer. I've seen how he works with people, and I just can't imagine him mistreating anyone. The same goes for the

During his testimony, McCoy said the city's policy was to provide clean water and food to animals. He also testified that he went to the shelter on Jan. 12 with Humane Society member Kim Hudspeth after he was made aware of possible problems at the facility.

Schwartz then testified. She said that on Jan. 12 she went to the shelter at around 9:45 a.m., and saw Harjo and several community service workers standing outside. She said that when she went into the facility, she noticed a kennel that held a shepherd mix dog, which had no bowls for food or water. She said the smell was overwhelming. She said that she then went to city hall in an effort to speak with Hamilton and McCoy, but was unable to. She testified that Hamilton and McCoy were in a directors' meeting. She said when she returned to the shelter after 11 a.m. she found McCoy and Harjo, along with others, cleaning the facility, but that the kennel in question still had no

was seen in the shelter and appeared to not have been fed or watered and that there was no bowl in the cage. She said at that point she fed and watered the dog after taking several pictures of the conditions.

The photos were admitted as evidence, and Wilson objected, saying he had not been given an opportunity to review the photos. Hunter overruled Wilson's objection, and a second set of photos was also admitted in connection with the April 4 date when Schwartz testified that she went to the facility around 3:30 p.m. where she found that the animals had not been cared for. Schwartz said she checked a security system log and no one had been at the facility since the day before.

Under cross examination by Wilson, Schwartz said she was at the shelter for a total of three to four hours Jan. 12 and didn't know whether the dog had received food or water during the period of time

dogs had not been fed. Hudspeth testified that Hamilton had told her that his work hours were from 7 a.m. to 4 p.m.

Hollowell's testimony centered around the April 3 allegations, and she testified that she normally didn't see Hamilton in the morning. She said that she recalled seeing him that afternoon and said that when she last saw him he was sick.

"There was a bug going around out there at that time, and Jonathan (White, assistant animal control officer) was out that day, and when I saw Roy that afternoon he didn't feel well. His eyes were puffy, and it was obvious that he was sick. I even offered to come in for him the next day. He didn't really respond, but he didn't tell me no, and I didn't end up going in that weekend," said Hollowell.

Hamilton was arrested in May by the St. Francis County Sheriff's Department on the misdemeanor charges. He did not testify in his defense this morning.