

Brothers accused of dog fighting operation allege violation of rights

By Diana M. Alba/Sun-News reporter

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LAS CRUCES - Two men who were investigated for allegedly running a dog fighting operation in Chaparral filed a lawsuit last week in state court, contending that, among other allegations, their civil rights were violated by authorities who lost or mistakenly euthanized a number of their dogs.

Twin brothers Daron and Duryea Scott of El Paso also allege their property was illegally seized and destroyed and that investigators falsified and tampered with evidence, according to the New Mexico Courts Web site. The Scotts, who have maintained that their dogs were part of a show-dog breeding operation, filed separate complaints in Santa Fe and are representing themselves in court.

According to Daron Scott's complaint, just 17 of the 57 pit bulls seized in August 2007 from four properties rented or owned by the brothers remain in the county's custody.

A case report filed by investigators and cited by the Scotts indicated that some dogs died after catching parvo and some were mistakenly euthanized, while staff at the city-county animal shelter - where all the dogs were initially held - didn't know what happened to others of the missing animals. At least one female dog became pregnant while in the custody of law enforcement and later died because of complications from the pregnancy.

Daron Scott in an interview said the last time he was given a chance to see the dogs was in October 2008. He said he was shown 27 pit bulls. But some of them "weren't even our dogs."

Asked about the dogs, shelter director Beth Vesco-Mock said the facility has 29 dogs from the Scotts' case. Vesco-Mock said she doesn't know about the circumstances surrounding the missing dogs, because she took over the shelter operations in the spring of 2008. Since her hiring, Vesco-Mock said, none of the Scotts' dogs in her care has died.

The report indicated that 22 of the dogs were transferred from the animal shelter to another facility in October 2007, at the request of sheriff's investigator Robyn Gojkovich, who claimed the shelter was "interfering." At one point she threatened to charge former shelter director Alan Davis with evidence tampering because of a plan to adopt out some of the dogs, and she later secured a grand jury subpoena to investigate the shelter's involvement with the missing pit bulls.

In June, Curtis Childress, animal control supervisor for the county, said the county still has dogs from the Scott case at the second location along with animals from other investigations, though he didn't have an exact count.

In an interview, Daron Scott said he was treated unfairly because, when he was indicted in February 2008, several of the dogs used to support the charges were already dead or missing. Plus, he said, charges against him included dogs that were taken from his El Paso home.

In addition to the lost animals, Daron Scott's lawsuit contends that the seizure of the dogs and other evidence at one of the Scotts rented properties, off Luna Azul Drive in Chaparral, was improper because Gojkovich entered the property with permission of another tenant, not the Scotts, and this took place before a search warrant was obtained. He cites the times of day indicated on Gojkovich's incident report that show she asked permission to enter the property about 3 1/2 hours before the warrant was issued.

According to the complaint, Daron Scott is seeking damages in the amount of \$10,000 per pit bull that was lost or died while in the care of the county. In addition, he's asking for \$45,000 for each of the 18 years of employment he likely would have had left if he'd remained a special needs teacher at the Gadsden Independent School District. The district fired Scott in 2008, following a personnel hearing at which Gojkovich testified. In addition, he's seeking punitive damages and \$25,000 to pay for attorney fees in the criminal proceeding.

According the courts Web site, the complaints name a number of Do-a Ana County officials and employees as defendants, including the county commission and animal control personnel. Also listed are two directors of the Do-a

Ana County Humane Society, a nonprofit group that once ran the shelter on behalf of the city of Las Cruces and the county, Attorney General Gary King, 3rd Judicial District Attorney Susana Martinez and El Paso police officers, who were involved in the initial investigation.

Do-a Ana County spokesman Jess Williams said the county doesn't comment on pending litigation.

County Clerk Lynn Ellins said the county was served the complaints - about 60 documents, one for each named defendant - on Monday but has yet to formally record them.

A copy of Duryea Scott's complaint could not be obtained Friday.

The criminal allegations against the Scotts are currently at the New Mexico Court of Appeals level. An appeals court judge has issued a preliminary ruling that concurs with a district court decision that the sheriff's department search warrant for the Scotts' properties was improperly obtained via telephone. It's likely the case will wind up back at the district court level, but without the evidence obtained using the search warrant.

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