

LAS CRUCES SUN-NEWS

Scott brothers getting dogs back

By Diana M. Alba Sun-News reporter

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LAS CRUCES -- Pit bulls seized more than two years ago from twin brothers Daron and Duryea Scott of El Paso will be returned to them over the next two weeks, said the Doña Ana County-Las Cruces animal shelter director last week.

Of the 18 dogs housed at the Animal Services Center of the Mesilla Valley, 10 are scheduled to be picked up by the Scotts on Tuesday, shelter director Beth Vesco-Mock said late Friday. They'll get the remaining animals a week later, she said.

Charges that the Scotts had used the animals for dog fighting were dropped last month, after the New Mexico Court of Appeals upheld a district court ruling that a search warrant had been obtained improperly. As a result, the evidence seized in the case remained suppressed in the case.

District Judge Lisa Schultz on Nov. 10 ordered that the state return the dogs within 30 days.

Apparently up until mid-afternoon Friday, when the dogs would be returned was still up in the air.

Deputy District Attorney Susan Riedel said a condition on the court order was that the animals be returned only when the Scotts could show they wouldn't be violating any ordinances by possessing the dogs. For instance, she said, the city of Las Cruces and Do-a Ana County restrict the total number of animals a person can have.

But Riedel said sheriff's department investigator Robyn Gojkovich, who's handling the release of the dogs, hadn't heard from the Scotts until Friday. She said the owner of seized property is responsible for claiming it, once a case is over.

"I think everybody is trying to work together to make sure these animals are properly cared for," she said. "Returning evidence that's a live animal is not as easy as returning evidence that's a bunch of papers."

Around 1 p.m. the same day, Jose Coronado of Las Cruces, attorney for Duryea Scott, said he wasn't certain how long it might take before the animals were transferred. He said the delay stemmed from "some issue with coordinating the right people to meet -- Robyn Gojkovich to meet with the Scotts."

In addition to the dogs, Coronado said investigators also must return documents taken from the Scotts' homes.

The animals were initially seized from four properties, two in El Paso and two in Chaparral, in August 2007. The Scotts have maintained the dogs were part of a show dog breeding operation.

Vesco-Mock said the 18 dogs, being housed one per cage because of their aggressiveness toward other dogs, have been taking up valuable shelter space. News that the animals are being returned is welcome, she said.

"It will do a lot; it will open up 18 runs for us to house more adoptable animals," she said. "It helps out greatly."

Authorities are keeping about a dozen dogs from the case at an undisclosed location.

The Scotts in August filed a lawsuit against county officials and prosecutors contending their civil rights were violated because a number of their dogs have been lost or mistakenly killed while in the custody of law enforcement, which is documented in a police report. In the complaint, they contend just 17 of the 57 dogs seized remain in the county's custody.

The lawsuit was filed in state court, but it has since been moved to federal court.

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