



JACKSON COUNTY STATE'S ATTORNEY
Michael C. Carr, State's Attorney

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 (618) 687-7200 • FAX (618) 687-7215

FINAL

INTERIM

To: Cindy Nelson / Carbondale Police Department

Subject/Offender: 202000087CPD

Victim: _____

Offense: Depict Animal Cruelty

Date Received: 01/14/2020

Police Dep. Case: 202000087CPD

We have elected not to file criminal charges against the above named for the reasons indicated below.

- Insufficient evidence that crime occurred. More investigation needed. (see remarks).
- Charge brought is not widely accepted by public; little chance of conviction.
- Physical evidence lacking or untested (e.g. drugs, etc.).
- Charges supported entirely by confession or admission; no corroborative evidence.
- More investigation needed. (see remarks).
- Key witness/victim unwilling to testify or unavailable.
- Key witness/victim issues (e.g. prior convictions, was an accomplice, financial interest, delay reporting crime, etc.) or conviction unlikely.
- Accused has reasonably effective defense (e.g. consent, self-defense, alibi, insanity, etc.).
- Accused imprisoned by another jurisdiction and/or prosecuted elsewhere.
- Accused has, or will, cooperate with law enforcement officials in other investigations.
- A motion to suppress key evidence will probably succeed.
- Other. (see remarks).

REMARKS: This was an unfortunate situation which ended with the injured animal receiving the treatment needed to insure its health. The purported suspect is 7 years old. His parents, as well as his siblings, indicated that he was known to attempt to braid the hair of the household dogs with rubber bands in the past. While he denied doing so on this occasion, it seems clear that this was not a malicious action on anyone's part, but the unfortunate result of a young child who was not capable of understanding the results of his actions.

The parents voluntarily surrendered not only the Shih Tzu to the Humane Shelter when they noticed it needed veterinary treatment which they could not afford, but their other two dogs as well. During the three days the Shih Tzu was at the Humane Society, the manager noted that it was able to eat, drink and open its mouth. She reported that this was witnessed by herself as well as other staff members. During this time, the rubber band was not noticed. Upon grooming the dog, they discovered the source of the animal's discomfort and transferred the dog to St. Francis CARE to be seen by a veterinarian.

We have determined that this was not a deliberate criminal act of animal cruelty perpetrated by a 7 year old child or anyone else in the family household. As such, neither criminal nor juvenile charges will be filed.

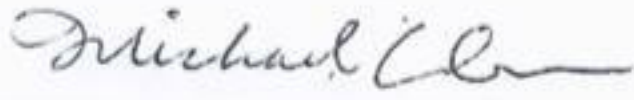
MICHAEL C. CARR
State's Attorney



NEIL HOLLEY
Assistant State's Attorney

Date: January 24, 2020

Copies to: MCC, Declination file



¹ Requires approval of State's Attorney