

LYNN Andrews is a breeder of exotic birds who keeps breeding birds and other pets in her home in Florida, where she is licensed and regulated by the Florida Fish and Wildlife Conservation Commission.

Lynn left for the weekend of September 9, 2006 to attend a two-day bird fair, after arranging for a friend, Cheryl Sawyer, to feed and water her birds, service their cages and check on newly hatched chicks in the nests.

Lynn's teenage son, who stayed with his older brother for the weekend while Lynn was away, was also to come to feed and water the other animals.

On September 10, 2006, while Lynn was away from home, acting on a "tip" from a hostile neighbor who has filed many unsubstantiated complaints against Lynn in the past, Pinellas County Sheriff's Deputy Amy White went to Lynn's home to investigate a barking dog complaint.

Deputy Sheriff White, finding nobody to answer her knocks at the front door, went through gates and entered the home through a back door which she claimed was ajar.

Upon entering the home Deputy Sheriff Amy White saw Lynn's birds, and she called Animal Control.

Deputy Sheriff Amy White was apparently not aware that the Florida Fish and Wildlife Conservation Commission has jurisdiction over exotic birds and licenses exotic bird breeders and made no attempts to notify the Florida Fish and Wildlife Conservation Commission to investigate to see if Lynn's birds were properly cared for.

Although an officer from Animal Control Officer attended, they took no action.

Undeterred, Deputy Sheriff Amy White, who apparently has no knowledge of breeding of birds, then called the Pinellas County SPCA, to come to seize all of Lynn's animals, including the birds, two dogs, a rabbit and a turtle, on the claim that they were neglected and in distress.

Most interesting was the failure to investigate any of the conditions, including an allegation that the dogs were chained by Lynn and did not have adequate water available, when the dogs were chained up at the insistence of Deputy Sheriff Amy White.

The seizure of all of Lynn's animals was unnecessary as was later determined by Judge Dorothy Vaccaro after a full trial.

The SPCA called out the media to publicise the raid on Lynn's home and to photograph and video the removal of her animals.

Their comments included outlandish statements of neglect and of a neighbor's allegation that she did not know of the birds when that neighbor had been in the house with her children to see the birds.

Lynn's friend, Cheryl Sawyer, arrived on Sunday morning as planned, to check on the eggs and hatchlings and to check on food and water.

She arrived during the raid, was handcuffed and arrested for animal cruelty.

The SPCA's confiscation of all of Lynn's breeding and pet birds and other animals was without reasonable cause or justification.

The SPCA claimed the son, birds, and other animals were in distress and needed to be rescued from Lynn, without really investigating the matter and also discounting breeding expert Frederick Smith, regional director of the AFA, who viewed the

confiscated birds.

The SPCA filed a petition in court for custody and control of the birds and animals. Lynn and Cheryl opposed the SPCA's petition and Lynn hired attorney R. Michael Robinson to represent her in the forfeiture civil action filed by the SPCA and the criminal charges for which she was arrested.

The cost of defence far exceeded the monetary value of her birds.

During four days of hearings, spanning a period of almost three months, on the SPCA's petition it became clear that Cheryl Sawyer had nothing to do with the case, other than being the person asked to feed, water and check on Lynn's birds while she was away.

Judge Dorothy Vaccaro dismissed the civil case brought by the SPCA against Cheryl Sawyer after the SPCA had introduced its evidence.

Mr Robinson, Lynn's attorney, called two expert witnesses, Frederick Smith, and Dr. Margaret Wissman, an avian veterinarian.

Dr. Wissman stated that, based upon the testimony, more than 50 photographs and veterinarian records Lynn's birds were properly cared for by Lynn while they were in her home and had not been neglected or abused as alleged.

Testimony was presented to show that some of the birds were injured during the raid and transport to the SPCA facility and that other birds later became ill while in the custody of the SPCA due to their care.

During the raid, cages and nest boxes were overturned, fertile eggs were destroyed, and baby birds suffocated in their overturned nest boxes.

Testimony was presented that SPCA personnel had virtually no knowledge of the proper care and maintenance of exotic birds, that they fed the birds unsuitable food, that they were unfamiliar with bird diseases, and that they used improper cleaning methods for the birds, eg they used bleach to disinfect their bird holding area and fumes from the bleach damaged the birds' sensitive respiratory systems.

On December 13, 2006, Judge Dorothy Vaccaro ruled on the Petition to Grant Ownership of Confiscated Animals on each and every animal, (101 birds, two dogs, two turtles, and rabbit) in Lynn's favor and dismissed the SPCA's petition and denied the SPCA's request that Lynn never be allowed to ever own animals again, and ordered the birds and other animals returned to Lynn.

The judge ruled that Lynn was not neglectful, and that Lynn was entitled to have her birds and dogs.

The Pinellas County SPCA, despite losing on every count in their petition is attempting to charge Lynn \$6000 for the care of her animals which they held hostage while they tried to prosecute her.

This is a tactic commonly used by prosecutors against animal owners in an effort to force the animal owner into compliance with the demands of the prosecution.

The Pinellas County SPCA seems to think that even though it was found to have wrongly seized the animals, and has lost its petition to take permanent legal custody of the animals, they are entitled to have Lynn pay their inflated charges for the care of the animals and for veterinarian care for attempting to prove the animals were neglected which was ruled by the court as insufficient.

The criminal charges against Lynn Andrews and Cheryl Sawyer were dropped.