

1 R. SCOTT OWENS,  
Placer County District Attorney  
2 State Bar No. 146406  
10810 Justice Center Drive, Suite 240  
3 Roseville, CA 95678-6231

4 Tel: (916) 543-8000  
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8 SUPERIOR COURT OF PLACER COUNTY

9 STATE OF CALIFORNIA

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11 IN RE:

12  
13 The matter of James and Kim Dahlin  
14

Search Warrant  
63-018645

NOTICE OF DECLINE  
TO PROSECUTION

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16 TO; The Honorable Alan Pineschi, the Presiding Judge of the Placer County  
17 Court; The Humane Society of the Sierra Foothill and their council Bruce Wagmen, and  
18 Jess C. Bedore attorney for James and Kim Dahlin. Please take notice that the District  
19 Attorney's Office declines to prosecute a criminal case based on the follow information.  
20 This notice is intended to advise the court and parties of the Peoples intent regarding the  
21 above referenced search warrant, and the property seized during the execution of that  
22 search warrant.  
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24 The Placer County District Attorney's Office has reviewed the above referenced  
25 search warrant and investigation involving the Dahlins. In this case, the search warrant  
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1 Honorable Alan Pineschi signed the search warrant. At the time the search warrant was  
2 submitted to the Court, affidavits from two veterinarian technicians working at North  
3 Fork Veterinary Hospital were submitted in support of probable cause for the warrant.  
4 The two veterinarian technicians signed their affidavits on November 25, 2016. The  
5 Placer County District Attorney's Office never reviewed the warrant prior to its  
6 submission to the court or execution.

7         As a result of further investigation, the warrant presented to the court purposely  
8 omitted the opinion of the veterinarian who had recently cared for the dogs in question.  
9 This statement was in possession of the affiant but was not mentioned in the search  
10 warrant declaration. More specifically, on November 23, 2017, Dr. Sheriff informed the  
11 Investigator that he found that the dogs were always of good body weight, and he did not  
12 suspect animal cruelty. Dr. Sheriff declined to provide the investigator with the medical  
13 records for the dogs owned by the Dahlins, absent a search warrant. In a follow-up  
14 interview with District Attorney Investigator Carl Webb, Dr. Sheriff explained that the  
15 animals were always in good health, they did not smell, and he had performed dental  
16 work on some of the dogs in the past.  
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18         This information was communicated with the Humane Society Officer, yet she  
19 failed to include the information in her declaration in support of her application for a  
20 search warrant. It is our belief that had the court been provided with that opinion, the  
21 court would not have issued the warrant. It is our further belief that as a result of this  
22 conduct that any evidence collected from the service of the warrant will be suppressed  
23 pursuant to Franks v. Delaware (1978) 438 U.S. 154, 171-172 [57 L. Ed. 2d 667, 98 S.  
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1 Ct. 2674] ( 438 U.S. at pp. 155–156 and *People v. Eubanks* (2011) 53 Cal.4th 110, 136  
2 [134 Cal. Rptr. 3d 795, 266 P.3d 301].

3 After learning about the information provided by Dr. Sheriff, serious doubts arose  
4 regarding the investigation and reports. After reviewing the investigation provided by the  
5 Human Society, the Placer County District Attorney’s Office does not feel that the crime  
6 of animal cruelty could be proven beyond a reasonable doubt as to the Dahlins. That  
7 conclusion was made based upon the statements of Dr. Sheriff, witness statements, the  
8 time of day the warrant was executed, the photos taken at the time the search warrant was  
9 executed, and the extent of veterinary care needed once the dogs were seized. The photos  
10 from the execution of the search warrant show that the Dahlins provided the dogs with  
11 food, water, shelter, and medicine. In addition, the Dahlins had space heaters available to  
12 provide additional warmth to the rooms where the dogs were housed. While a number of  
13 the cages were dirty, witnesses said they had not cleaned the cages that morning and Mr.  
14 Dahlin told investigators that they clean the cages daily. In many of the photos, the cages  
15 were separated so that the dogs had a place to sleep separate from where they defecated  
16 and urinated. Finally, after the dogs were seized, the Veterinarian who examined the dogs  
17 documented that all the dogs were of good weight and had no external parasites or fleas.  
18 In addition, of the 57 dogs seized, less than half of the dogs needed dental work and less  
19 than half of the dogs required a full exam. To date, the District Attorney’s Office has no  
20 knowledge of any abnormal findings from the lab work that was done on the dogs seized  
21 as a result of the search warrant executed at the Dahlin’s property.  
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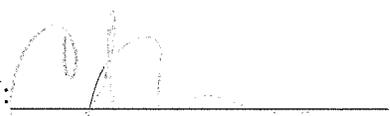
24 Based on the above, our office believes that any evidence collected in the  
25 execution of the search warrant would be excluded based on the intentional omission of  
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1 relevant evidence that should have been provided to the court. Even if the evidence was  
2 not excluded, it is not clear whether the 57 puppies were appropriately seized.  
3 Accordingly for the above reasons our office is declining to take any further action in the  
4 case.

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6 Dated: January 24, 2017.

7 Respectfully submitted,

8 R. SCOTT OWENS,  
9 DISTRICT ATTORNEY

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11 BY:   
12 Jeffrey Wilson,  
13 ASSISTANT DISTRICT ATTORNEY  
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