

County attorney: Proof against animal abuser lacking

Greenland woman allowed to keep pets

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GREENLAND — Prosecutors were unable to charge a habitual animal abuser with a felony because of a lack of proof, County Attorney Jim Reams said Thursday.

The criminal history for Carol Pugh, 53, of 685 Portsmouth Ave., Greenland, could not be substantiated in one instance, he said, because Portsmouth District Court staff could not provide a certified copy of one of her animal cruelty convictions.

"We were told it was too old and could not be located," said Reams.

A second one of Pugh's animal cruelty convictions could not be used in consideration for charging a third as a felony, because it was a violation-level offense which by statute is not a crime, said Reams. By law, the cruelty charge can be brought as a felony if there are two previous convictions.

Reams also responded to earlier criticism by Steven Sprowl, manager of the N.H. SPCA Field Services Division, who said the county attorney's office should have ensured Pugh's animals were taken from her custody.

"No one, including the N.H. SPCA, made an attempt to remove the animals in the three months between the investigation and when the case was transferred to my office," said Reams. "So there is very little likelihood that a judge would remove the animals 15 months after the incident. Any request at this late date would be treated as unreasonable by the judge."

Greenland police told the Herald following Pugh's arrest that her animals were not removed then because she was innocent until proven guilty.

Sprowl said the N.H. SPCA was "not involved in the investigation from the beginning."

"I received a complaint from two witnesses a few days after the incident and also received a call from the officer investigating the incident as I had instructed the witnesses to file a complaint with the local Greenland Police Department," he said. "Since several days had passed since the dog was beaten, and the officer was not able to observe any injuries on the dog, the dog was not seized. If the dog's beating had been reported immediately that day to the local police, they could have removed the dog into protective custody under the criminal code and had a vet examine the dog for injuries. Several days later would have required them to get a search warrant for the dog's seizure."

Sprowl said the N.H. SPCA was not involved in any other case involving Pugh, adding, "We just can't go onto someone's property and remove their dogs for no reason."

"Perhaps if the case had come to court before 15 months had elapsed, the judge would have not considered the removal of the animals 'unreasonable,'" he said. "I respect the Rockingham County prosecutors office and have worked well with attorney Reams and his staff in the past, and I understand their problem with not having a certified copy of her criminal record available."

Pugh pleaded guilty Monday in Rockingham Superior Court to a misdemeanor count of cruelty to an animal.

The conviction resulted from her May 17, 2008, arrest for "repeatedly" striking her Bernese mountain dog in the face and kicking it in the ribs while it cowered and yelped. As she hit the dog, according to police reports, Pugh was "swearing and screaming." A witness said she asked Pugh to stop, at which point Pugh kicked the dog in the ribs, the reports state.

Greenland police charged her with a felony because she was previously found guilty of animal cruelty for beating a horse named Honey in the neck with her fist eight times on April 29, 1997. She was convicted of her second animal cruelty charge for holding "a grey and white dog" against a building and striking it four times in the chest, also on April 29, 1997.

Pugh was sentenced to a year in jail and prohibited from owning animals, but the jail time and animal prohibition are suspended, providing she adhere to the following conditions for two years:

- n Her "meaningful participation and successful completion" of an anger management course.

- n Completion of an N.H. Society for the Prevention of Cruelty to Animals course on "the proper handling and training of domestic animals."

- n Proof of compliance within 30 days prior to the expiration of the suspension period.

Pugh was also fined \$500.

"We can only hope that the dogs she has in her custody at this time are better taken care of," said Sprowl, "and that she gets the counseling she needs to stop beating on her dogs."