

# TRIAL RECORD

State v. Manny Rayfield  
Curr County Circuit Court Case No. 09-3031  
State of New Maine

## Charges:

Count 1 (Animal Fighting)

Counts 2 & 3 (Unlicensed practice of veterinary medicine as to Shred and White Fiend)

## List of Received Exhibits:

State's No. 1 (treadmill, bait cage, and two seized dogs, Shred and White Fiend)

Defense's No. 101 (Snowball pulling weights)

The jury has been selected and sworn. The attorneys have presented their opening statements. After a short recess, Court reconvened and the following events transpired:

CLERK: All rise.

JUDGE: Thank you. Please be seated. Is the State ready?

PROS. ATTY: Yes, Your Honor.

JUDGE: And is the defense ready?

DEF. ATTY: We are, Your Honor.

JUDGE: Counsel for the State, you may call your first witness.

PROS. ATTY: Thank you, Your Honor. We call Anna Manley.

CLERK: Please approach the witness stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

MANLEY: I do.

CLERK: Thank you. Please be seated--state your name, and spell your last name for the record.

MANLEY: Anna Manley, M-A-N-L-E-Y.

PROS. ATTY: Ms. Manley, where do you live?

MANLEY: I live at 3351 NW 1<sup>st</sup> Street, Fairplay, New Maine.

PROS. ATTY: And is your home located in Curr County?

MANLEY: Yes, right next door to the defendant over there [witness pointing to defendant], Mr. Rayfield.

PROS. ATTY: If I may ask, how old are you Ms. Manley?

MANLEY: Oh, not to worry... I'm a 71-year-old retired school teacher.

PROS. ATTY: Where did you teach?

MANLEY: I taught second grade at C.E. Mason for 35 years.

PROS. ATTY: How long have you known the defendant?

MANLEY: As long as he's been my neighbor, and that's been about 7 years now.

PROS. ATTY: What's your relationship with the defendant?

MANLEY: We just know each other as neighbors. I've never been to his house for dinner or anything like that... And he certainly doesn't attend my church.

DEF. ATTY: Objection. Non-responsive and irrelevant.

JUDGE: Sustained. The jury will ignore the witness's comments about attending church.

PROS. ATTY: Ms. Manley, in your seven years as the defendant's neighbor, have you ever had occasion to learn the defendant's occupation?

MANLEY: Oh, yes. Manny, I'm mean Mr. Rayfield, was always going on about his dogs. He said he was a "dog man" and that he bred pitbulls for a living. He told me that a guy can make a darn good living selling dogs with a tough bloodline. I never really understood what a "tough bloodline" meant until this whole thing with the police happened.

PROS. ATTY: When did you first learn from the defendant that he was breeding pitbull dogs for a living?

MANLEY: When he first moved into the house next to me, about 7 years back. He just came over to the fence one day shortly after the moving truck arrived, shook my hand, introduced himself and told me that he hoped I liked dogs, because he's got lots of 'em. He told me that he was running a kennel and dog breeding operation called "DEADGAME PITBULLS." Said he's even got that name registered with the Secretary of State's office and that he has a web page advertising his dogs.

PROS. ATTY: When was the last time the defendant discussed his DEADGAME PITBULLS business with you?

DEF. ATTY: Your Honor, I've been tolerant of this line of questioning for as long as I could be, but I'm at my limit and I must now object to all of Ms. Manley's testimony about what my client told her because it's all hearsay.

PROS. ATTY: Under Rule 801 of the Evidence Code, Your Honor, the defendant's own statements aren't hearsay.

JUDGE: The objection is overruled.

PROS. ATTY: Thank you Your Honor. Now, Ms. Manley, when was the last time the defendant discussed his business with you?

MANLEY: It's been a couple of years ago. You see, I'm a big football fan and right about the time that all that hoopla over that dogfighting football player Michael Vick hit the T.V., the defendant told me that "this whole Vick thing could drive him out of business."

PROS. ATTY: Did you ask the defendant what he meant by that?

MANLEY: Nope. Didn't make any sense to me at the time. But, I'll tell you what, once ESPN was loaded up with all those terrible stories of what Vick and his friends did, things sure did get a lot quieter over at Mr. Rayfield's place.

PROS. ATTY: What do you mean by that—quieter at the Rayfield place?

MANLEY: It used to be that almost every Saturday night, Manny would have a big party at his place, with lots of guys coming over with their dogs and whatnot. It got so loud that I could sometimes hear men yelling and dogs barking late at night over there.

PROS. ATTY: But that all stopped around the time that NFL star Michael Vick got arrested?

MANLEY: Yep, until August of this year [2009] that is. Seems that once Mr. Vick got back in with the NFL (I hate the Eagles by the way, I'm a Packers fan) and climbed square into bed with that Humane Society spokesman, things at the Rayfield place started to get a bit more animated on the weekends.

PROS. ATTY: "Animated." What do you mean by that?

MANLEY: Just that there were lots of men and their dogs coming over at night again and I started hearing the same sounds as I used to hear a couple of years back. Only now, with my new hearing aids, I could hear a lot more than before, with my old ones.

PROS. ATTY: And was it the noise of one of the defendant's Saturday night gatherings that prompted you to call the police and phone in a complaint against the defendant back on September 19 of 2009?

MANLEY: Yes. I used to be a sound sleeper, but in the last few years I've been taking this new medication for my diabetes and I just don't sleep that well. Finally, that night I called the police to complain about the noise, because I'd just had enough with the yelling, the dogs going at it and all that traffic—heck. I was hearing all of that with my hearing aids out. But the thing that scared me the most was that I even heard a gunshot that night, so I called the police. It's not like I didn't give Manny fair warning though. I mean, I yelled over at him and his friends to keep it down because I called the cops.

PROS. ATTY: What happened after you yelled to the defendant, telling him that you had called the cops?

MANLEY: Well, folks started leaving really fast, took their dogs and their vans and just got the heck on out of there. By the time the cops got there, the party was over.

PROS. ATTY: Have you spoken to the defendant since the police came to his house in response to your noise complaint back on September 19<sup>th</sup> of last year?

MANLEY: Nope. Manny's been really cold toward me since then. He won't even look over and wave at me anymore.

PROS. ATTY: No further questions, Your Honor.

JUDGE: Counselor, your witness.

DEF. ATTY: Ms. Manley, how old did you say you are?

MANLEY: 71.

DEF. ATTY: And you use hearing aids on a daily basis, isn't that right?

MANLEY: Yes, it is.

DEF. ATTY: But you didn't have your hearing aids in on the night of September 19, 2009 did you?

MANLEY: Well, of course I did until I went to bed.

DEF. ATTY: You didn't have your hearing aids in when you heard what you claim was a gunshot did you?

MANLEY: No I did not.

DEF. ATTY: Ms. Manley, have you ever heard a car backfire before?

MANLEY: Yes, yes I have.

DEF. ATTY: But you have never received any specialized training in the auditory discrimination allowing you to tell the difference between the sound of a gunshot and a car backfiring have you?

MANLEY: No, I have not.

DEF. ATTY: Ms. Manley, you can't be sure that the sound you heard on the night the police raided my client's home was a gunshot can you?

MANLEY: Well, it sure sounded like a gun to me.

DEF. ATTY: But you can't be 100% sure of that fact can you?

MANLEY: Are you 100% sure that your pants are zipped?

DEF. ATTY: Objection! Non-responsive.

MANLEY: Made you look, Counselor.

JUDGE: Ms. Manley, please show this process the respect it deserves by simply answering the questions.

MANLEY: Yes, Your Honor. No, I can't be 100% sure about that, but I can't be 100% sure about anything in life now can I?

DEF. ATTY: Thank you Ms. Manley—you've answered my question that you cannot be 100% sure that the sound you heard that night wasn't a car backfiring. Now, let's shift focus a bit: What is the name of the new diabetes medication that you're on, the one that makes it hard for you to sleep?

MANLEY: Diabetes-Be-Gone. It's newly approved by the FDA--and I hear that when the generic comes out, it will be called Keep Feet. Aren't those drug companies creative?

DEF. ATTY: Ms. Manley, when your doctor prescribed Diabetes-Be-Gone, didn't both she and your pharmacist warn you not to drive a car within 4 hours of taking this drug?

PROS. ATTY: Objection, hearsay.

DEF. ATTY: Not offered to prove the truth of the matter.

JUDGE: Overruled, you may answer the question Ms. Manley.

MANLEY: My pharmacist told me that it might make my vision blurry and that I shouldn't drive if my eyes were giving me trouble, but that's just good common sense.

DEF. ATTY: Ms. Manley, you follow your doctor's orders and take your medicines as prescribed don't you?

MANLEY: Of course.

DEF. ATTY: On the night the police raided my client's home - after you called in to complain about a loud party - you had taken Diabetes-Be-Gone, and you wouldn't have driven a car would you?

MANLEY: Yes.

PROS ATTY: Objection. Compound question.

DEF. ATTY: I'll rephrase. Ms. Manley, on the night the police raided my client's home - after you called to complain about a loud party - had you taken Diabetes-Be-Gone?

MANLEY: Yes.

DEF. ATTY: And on that same night, because that medication was impacting your vision, you would not have driven a car?

MANLEY: Not unless it was an emergency, no.

DEF. ATTY: One last question: Ms. Manley, did you keep a diary several years back of statements you say my client made to you?

MANLEY: Nope, but I recall what he said Counselor.

DEF. ATTY: No further questions.

JUDGE: Re-direct for the State?

PROS. ATTY: Yes, Your Honor, thank you. Ms. Manley just how is it that you can recall what the defendant told you about his business, and by that, I mean his breeding the "tough bloodline" as a means of a big income and the name, what was that name, oh yes..., DEADGAME PITBULLS?

MANLEY: Well, I just love animals and tend to remember all things I learn about animals. When I'm not watching football, I've got the Animal Planet channel on and I can tell you every dog's name that has been on the Dog Whisperer. I just love those dogs that Cesar saves on that show.

PROS. ATTY: Ms. Manley, this is an important proceeding and the defense appears to be trying to create the inference that you can't hear well or see too well either. Is that a fair way to characterize your abilities at this phase in your life?

DEF. ATTY: Objection--argumentative.

JUDGE: Sustained.

PROS. ATTY: Thank you Ms. Manley, no further questions.

JUDGE: Any re-cross, Counselor?

DEF. ATTY: No, Your Honor.

JUDGE: Ms. Manley, you may step down... Watch your step there dear. State, call your next witness.

PROS. ATTY: Thank you, Your Honor. The State calls Officer Mike Wells.

CLERK: Officer Wells, please come forward, raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

WELLS: I do.

CLERK: Thank you. Please be seated, state your name, and spell your last name for the record.

WELLS: My name is Michael Wells, spelled W-E-L-L-S, and I'm an officer with the Fairplay Police Department and I have been so employed for just under two years.

PROS. ATTY: Prior to joining the Fairplay Police Department, how were you employed?

WELLS: I was a mechanic for the Air Force, serving my country over in Afghanistan on a two-year, that turned into a four-year, tour. I fixed jet engines.

PROS. ATTY: Were you on duty on the night of September 19, 2009, at approximately 11:15 p.m.? And if so, were you dispatched to a noise complaint, including a report of shots fired, at or near 3351 NW 1<sup>st</sup> Street, City of Fairplay, County of Curr, State of New Maine?

DEF. ATTY: Objection, assumes facts not in evidence, namely the claim of gunshots when in fact that could have been a car backfiring.

JUDGE: Overruled.

WELLS: Yes sir, I was. My 9-1-1 dispatcher told me that she had just received a complaint of a loud party that included a gunshot at the Rayfield place, located at 3355 NW 1<sup>st</sup>, right next door to the complaining witness, Ms. Manley's house at 3351 NW 1<sup>st</sup>. I was out on a traffic stop at the time, but with the report of gunshots, I ended that contact with the speeder and headed right over to 1st Street. It probably took me about 9 minutes to get there (the dispatch GPS logs will have the exact times if you need them).

PROS. ATTY: What did you find when you arrived at this location?

WELLS: I was surprised to find just the defendant, seated over there at the counsel table [witness pointing to the defendant], and his 19-year-old son, Billy Rayfield—nobody else was around, except for the nine dogs. It was oddly quiet, especially in light of the nature of the initial complaint, as if the partygoers had been tipped off that we were coming.

PROS. ATTY: What was the first observation you made when you arrived?

WELLS: I saw Billy Rayfield, the defendant's son, smashing something that I later learned was a digital video camera.

PROS. ATTY: Did you ask Billy Rayfield why he was smashing the camera?

WELLS: I did. Billy Rayfield said that he was...

DEF. ATTY: Objection, hearsay.

PROS. ATTY: Again, Judge, not offered for the truth of the matter.

JUDGE: Overruled.

WELLS: Billy Rayfield said that he was frustrated with his new camera—that he'd been taping a party that his dad was hosting, but the camera wasn't working right, so he just decided to smash it because it was such a "worthless piece of junk."

PROS. ATTY: Did you retrieve the camera?

WELLS: Yes, since Billy Rayfield said it was a worthless piece of junk, I asked him if he minded if I took a look at it. Billy Rayfield said "sure, go ahead." However, the camera was a mess, and I couldn't get it to display any video whatsoever, so I tossed the camera in the trash.

PROS. ATTY: What was the defendant, Manny Rayfield, doing at this point?

WELLS: Well, by that point in time, meaning about 3 minutes after I arrived, Officer Reuben had arrived. Officer Reuben was chatting with Manny Rayfield in the garage. I could see through the window that Manny was working on a dog in there, but I couldn't see much more than that.

PROS. ATTY: And by "working on a dog" what do you mean?

WELLS: It looked like he, I mean the defendant, was trying to put a bandage on an injured dog, but I couldn't see that well, but that's all written up in Officer Reuben's report.

PROS. ATTY: Yes, we'll get to Officer Reuben's testimony shortly, but I need for you to explain to this jury what you saw that night.

WELLS: Right, yes sir.

PROS. ATTY: Let's jump back a minute to the camera. What did you do after you tossed the camera in the trash?

WELLS: I completed my interview of Billy Rayfield and took him to the station on an unrelated matter, leaving Officer Reuben with Manny Rayfield.

PROS. ATTY: Thank you officer Wells, no further questions.

JUDGE: Cross.

DEF. ATTY: Officer Wells, first off, thank you for your service in Afghanistan.

WELLS: It was my duty, sir.

DEF. ATTY: In the course of serving as a jet engine mechanic, or in your training as a police officer, have you receive any training in the forensic recovery of digital data?

WELLS: Yes, at the police academy, we learned about computer forensics and how the experts at the crime lab can find data that was supposedly deleted off of a computer.

DEF. ATTY: And yet when confronted with a digital video camera that was undisputedly being used to tape the events of that evening, and thus likely containing all of the evidence necessary to vindicate my client, you threw that very same digital video camera in the trash rather than taking it to the experts who could have recovered that data that would show my client to be innocent of all charges...

PROS. ATTY: Objection, Counsel is arguing the case and badgering the witness.

JUDGE: I agree.

DEF. ATTY: Thank you, Your Honor. Officer Wells, you failed to seize the video camera didn't you?

WELLS: Yes, that's true but I didn't think...

DEF. ATTY: Officer Wells, you never submitted that camera for processing by the crime lab did you?

WELLS: I did not, but it was broken.

DEF. ATTY: One last question, officer: Was my client's son fully cooperative with you that night?

WELLS: He didn't resist.



DEF. ATTY: No further questions.

JUDGE: State, re-direct?

PROS. ATTY: Officer Wells, you have no way of knowing what if anything was on that camera do you?

WELLS: I don't. In fact, given that Billy Rayfield told me it wasn't working and that it was a worthless piece of junk, I assumed there was nothing to recover from the memory, even if such a miracle could have been performed at the lab.

PROS. ATTY: Officer Wells, what's the average cost of a digital video camera these days?

WELLS: I've seen ads for some as cheap as \$300 and as high as \$1,200. Depends on the features. This one looked like a pretty expensive camera.

PROS. ATTY: No further questions.

DEF. ATTY: No questions, Your Honor.

JUDGE: State, your next witness please.

PROS. ATTY: The state calls Officer Ken Reuben.

CLERK: Officer Reuben, please come forward--raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

REUBEN: I do.

CLERK: Thank you. Please be seated, state your name, and spell your last name for the record.

REUBEN: My name is Kenneth Reuben, spelled R-E-U-B-E-N, and I'm a 15-year veteran with the Fairplay Police Department.

PROS. ATTY: Officer Reuben, in your capacity as police officer with 15 years of experience, how many criminal arrests have you made?

REUBEN: Oh boy, I don't know for sure, certainly hundreds if not a few thousand by now.

PROS. ATTY: And of those, let's say several hundred arrests, how many of the cases involved dogfighting crimes?

REUBEN: I can recall three cases where we busted dogfights in progress. In fact, now that I think about it, the entire police department has only had three dogfighting cases, and I've had my hand in all of them.

PROS. ATTY: Have you received any specialized training in the investigation of animal fighting cases?

REUBEN: Yes, I have - at a training sponsored by the Animal Legal Defense Fund back in 2006, out in Portland [state of New Maine]. We learned the basics of the underground dogfighting culture, the methods these offenders use to try and

avoid detection, the nomenclature of the dogfighting underground and ways to uncover these cases and bust these guys. The training lasted eight hours and was very memorable to me because of the bizarre thinking these offenders engage in. For example, these dogfighters claim they “love their dogs” and yet if their dog doesn’t fight and jumps out of the pit, they will not hesitate to execute the dog on the spot simply because they lost the fight by forfeit.

As part of this training, I learned that “dog men” -- that’s what the old-school dogfighters like to call themselves -- breed, train and fight exclusively pitbulls. No other dog has the bite-strength, the physical endurance and stamina to hold up in the pit. I also learned that the average dogfight runs hours long, with the longest recorded dogfight lasting over six hours. This is a savage business to be sure. These boys will train their dogs for months in advance of a big fight (they call this training protocol “the keep”), and the amount that the dog owner will put into the purse can exceed \$10,000 for a sanctioned fight. Of course if his dog wins, that means not only tons of money from the fight bet, but also lots of breeding fees should his winning dog survive the night.

I also learned that these “dog men” - as they fancy themselves - will not use the services of a veterinarian to treat their dogs at any phase in the process (be it breeding, birth, training injuries or treatment after the fight). If they use a vet, they know that the vet could report them to cops for fighting. So, these offenders learn to treat their own dogs without using a professional. Consequently, it’s common to find dogfighters in possession of not just training implements like treadmills, break sticks and bait cages, but also to find a host of common vet supplies – things like suture kits, hydrogen peroxide, IV rigs and fluids, antibiotics, local antiseptics like lidocaine, syringes and drugs used to manage shock, such as Azium, Prednisolone or Flumethasone. Given what these dogs go through during the fight—with the trauma and the dehydration—they often go into shock after a fight. I learned that managing dehydration and shock on a dog that’s been in a “sanctioned fight” can be more challenging than stitching a cut or a puncture. There have been cases where these boys have gone so far as to have blood transfusions ready to go, along with medical-grade oxygen tanks on site for fight nights...

Of course, the degree to which these boys will go to try and save a dog, I’ve learned in my training, is more a function of how much the dog can “earn” for its owner. These dogfighters that breed have a saying or creed that they live by: “Breed the best and bury the rest.”

PROS. ATTY: Okay, Officer Rueben, you said that you’ve had occasion to apply the training you’ve just described in three other cases, is that right?

REUBEN: Correct.

PROS. ATTY: What was your role in those three other cases?

REUBEN: I was the arresting officer in the first two cases and in the third case, I was called in after the arrest to process the crime scene. We got convictions in all three of these cases too!

PROS. ATTY: Your Honor, I request that this Court, based on Officer’s Reuben’s training and experience, recognize Officer Reuben as an expert witness on this issue of

organized dogfighting operations under Rule 702 of the Evidence Code.

JUDGE: Any objection from the defense?

DEF. ATTY: You bet, Judge. Officer Rueben's no more qualified to render an expert opinion here than is Ms. Manley based on her animal planet channel. At best, Officer Reuben is only entitled to offer a lay opinion under Rule 701 and we object.

JUDGE: Based on Officer Reuben's technical and specialized knowledge, which he has acquired through a specific training on animal fighting, coupled with his work in all three of Fairplay P.D.'s dogfighting investigations, I'm going to grant the State's request and recognize Officer Rueben as an expert under Rule 702. State you may proceed.

PROS. ATTY: Thank you, Judge. Now, Officer Rueben, lets move to the night of the defendant's arrest. Officer Wells testified that you arrived after him and that he, Officer Wells, saw you having a conversation with the defendant in the garage of 3355 NW 1<sup>st</sup>. What did you observe when you arrived on scene and spoke with the defendant?

REUBEN: I knocked on the side door to the defendant's garage, announcing myself. I know the defendant from prior contacts, and he yelled, "Come on in." I opened the door and walked in, finding the defendant kneeling down trying to inject one of his nine pitbulls with a syringe.

PROS. ATTY: Did you ask the defendant what he was doing with the syringe?

REUBEN: Yes, first I told him to drop the syringe and asked him if he had a gun or any other weapons on him. Then I read the defendant his Miranda rights, which he acknowledged and immediately waived--he said he had nothing to hide and that he wanted to talk with me. So, I asked Mr. Rayfield what he was doing with the syringe and the defendant said something to the effect of, "Oh, I'm just giving my dog a rabies shot, not a big deal." But I thought that was odd, given that the dog appeared stressed, he was panting and lethargic and all scarred up on his snout and front legs.

PROS. ATTY: How many dogs did you find at the defendant's place?

REUBEN: A total of nine, seven out back - all chained up and separated from each other - and two in the garage: the one the defendant was injecting (a male named "Shred") and a female named "White Fiend." The female was calm, but she had some stitches on her left front leg that looked wet and they seemed to be oozing a bit. Shred was on the floor, where the defendant had him down to give him a shot, while White Fiend was tethered to a workbench about 20 feet away from Shred.

PROS. ATTY: What else did you find in the garage, Officer Reuben?

REUBEN: Well, in plain view, just a couple of inches away from Shred and the defendant, I saw what appeared to be a plastic tool box or fishing tackle box—it was open and I could see that it was filled with medical supplies rather than tools or fishing tackle. I asked the defendant what he was doing with all those medical supplies and the defendant said that he was enrolling in vet school at New Maine University and had just started putting together his vet school field kit—and he

admitted that he's not a licensed vet in this state or any other state. I asked Mr. Rayfield if he had any vet records on any of his nine dogs and he said "No" and went on to say that he's been working on dogs all his life and can provide his own vet care. In fact, Mr. Rayfield went on to say that he put those sutures in White Fiend a couple of days back and that he was real proud of his handiwork on her.

PROS. ATTY: What explanation did the defendant offer for the need to suture White Fiend up in the first place?

REUBEN: He said that she got hung up in a fence while chasing a cat and ripped her leg up a few days back.

PROS. ATTY: Did you make any other observations?

REUBEN: Yes, I noted that the defendant had a treadmill rigged to run dogs, complete with what we call a "bait cage" that dogfighters use to inspire a dog to run hard for extended durations.

PROS. ATTY: Was there an animal in the bait cage?

REUBEN: Yes, a grey cat that my wife has since adopted—we named him Stanley. He's one lucky cat to have avoided a fate...

DEF. ATTY: OBJECTION!

JUDGE: Sustained. State, I suggest you move on...

PROS. ATTY: Thank you, Your Honor. Officer Reuben, without getting into any issues with the fate of the cat, did you photograph the treadmill and bait cage that you described and seized as part of this case?

REUBEN: Yes, I did and I can see that you have those photos in your hand there.

PROS. ATTY: With the Court's permission, I'm handing Officer Reuben what's been marked for identification as State's EXHIBIT 1. Are these the photos you took of the treadmill, the bait cage and the two dogs, Shred & White Fiend, that you seized from the defendant's garage and do these photos accurately depict the conditions and circumstances as you observed them on September 19, 2009?

REUBEN: Yes to both questions.

PROS. ATTY: We offer State's EXHIBIT 1.

DEF. ATTY: No objection.

JUDGE: State's EXHIBIT 1 is received.

PROS. ATTY: Officer Reuben, what did you do next?

REUBEN: After I took those photos, knowing that based on what I'd had the opportunity to observe - as I've just described for the jury - I had probable cause to believe that Mr. Rayfield was in possession of those dogs with the intent to engage in animal

fighting. I placed him under arrest, without incident, and put him in the back of my patrol car.

PROS. ATTY: What about the dogs—what did you do with the dogs?

REUBEN: I called Animal Control, and they came in and seized all nine of them.

PROS. ATTY: Did you handle any of the dogs?

REUBEN: Just Shred and White Fiend, while in the garage waiting for Animal Control--the Animal Control crew took care of the seven dogs out back.

PROS. ATTY: How'd it go between Shred and White Fiend?

REUBEN: Well, once I arrested the defendant and safely lodged him in the back of my cruiser, I went back inside the garage and put some water out over by White Fiend who was still tied to the workbench. Shred got up and walked over to the water bowl to get a drink as well, but Shred had to wait for White Fiend to go first. Otherwise, no problems.

PROS. ATTY: Officer Reuben, have you had a chance to read officer Wells' report containing Ms. Manley's statements?

REUBEN: Yes I have.

PROS. ATTY: Based on your review of Office Wells' report documenting Ms. Manley's statements, coupled with the training and experience which qualifies you as an expert witness on the issue of dogfighting investigations: When you factor in your own observations made during your interaction with the defendant on the night of his arrest, to a reasonable degree of certainty, have you formed an opinion as to the nature of the defendant's business called DEADGAME PITBULLS?

REUBEN: Yes I have.

PROS. ATTY: What is it?

DEF. ATTY: Objection. The witness is being asked to render an opinion on an ultimate fact.

PROS. ATTY: Your Honor, Rule 704 permits this form of opinion testimony.

JUDGE: I agree, Rule 704(a) applies here. The defense objection is overruled. Officer Reuben, you may answer the question.

REUBEN: In my expert opinion, the defendant is and has been breeding, training and fighting pitbulls under the assumed business name of DEADGAME PITBULLS in express violation of New Maine's criminal code, namely this State's prohibition of dogfighting.

PROS. ATTY: Thank you Officer Reuben. No further questions.

JUDGE: Cross?

DEF. ATTY: Thank you, Judge. Officer Reuben, have you ever even been to a dogfight?

REUBEN: I have not, but I have seen videotapes of fights.

DEF. ATTY: You never even offered to record your interview with my client did you?

REUBEN: The batteries on my digital recorder were dead.

DEF. ATTY: And you never attempted to verify with my client your report of his statements, did you?

REUBEN: No.

DEF. ATTY: In fact, isn't it true that my client was fully cooperative and even told you that he had nothing to hide?

REUBEN: That's accurate, that's what your client said to me.

DEF. ATTY: Now, Officer Reuben, as an expert in dogfighting, isn't it common for dogfighters to have wash tubs and scales at sanctioned fights?

REUBEN: Yes, that's correct.

DEF. ATTY: Why is that?

REUBEN: According to the commonly agreed upon rules for these fights, the dogs are matched up by weight classes and if a dog doesn't make weight, the owner forfeits the fight, losing all the money he put into the pot up front. So, the scales are used to conduct the pre-fight weigh-ins. As for the washtubs or the like, typically the rules of a sanctioned fight call for a pre-fight wash phase. See, it's not uncommon for folks to put some form of a toxin on their own dog's fur with the hope of contaminating the other dog when it bites the fur of the tainted dog. This is usually called a "rub." To combat this, the fighters have since drafted rules calling for a pre-fight wash, conducted by the opponent on your dog.

DEF. ATTY: You didn't find any scales or washtubs in my client's home did you?

REUBEN: I found a bathroom scale, but to be fair that's not really suitable for weighing dogs, so you are correct... And other than a shower in the bathroom, there were no washtubs on site.

DEF. ATTY: As for the scars on Shred's front leg and snout—those are old scars, right?

REUBEN: Yes, they appeared to be fully healed.

DEF. ATTY: So you have no way of knowing when or how Shred may have gotten those markings do you?

REUBEN: That's true.

DEF. ATTY: In fact, you have no way of knowing if those scars aren't from running through thistle bushes versus getting into a scrap with a dog over a tennis ball at the dog park, do you?

REBUEN: I suppose that's true.

DEF. ATTY: Do you feel that it's at least possible that you or your wife's affection for the cat you took from my client is coloring your testimony today?

PROS. ATTY: Objection. Counsel is inaccurately characterizing the record here. Officer Reuben didn't "take a cat" from the defendant. As this court knows, there was a pre-trial matter that resolved the ownership of all of the animals seized in this case.

JUDGE: Sustained. Counselor, rephrase your question.

DEF. ATTY: Officer Reuben, is it possible that your affection for the cat seized in this case might influence or color your ability to recall the events at issue here?

REUBEN: Nope, I don't believe that's the case, Counselor.

DEF. ATTY: You don't dispute that, at the time of his arrest, my client was enrolled in vet school?

REUBEN: I don't know for sure. That's what he said.

DEF. ATTY: One last thing Officer. During the State's opening, the prosecutor made a big deal out of my client's business name... Now you've been to my client's website where he advertises his dogs for sale haven't you?

REUBEN: Yes, I did check it.

DEF. ATTY: Isn't it true that in bold red flashing letters, my client warns any and all visitors to this site that... and let me quote this so I get it exactly right... that, quote "No Dogs Will be Sold for Illegal Purposes."

REUBEN: Yep, that self-serving banner is there.

DEF. ATTY: Officer Reuben, do you consider it self-serving to ensure compliance with the law?

PROS. ATTY: Objection.

DEF. ATTY: Withdrawn, I'm through here.

JUDGE: State, your next witness please.

PROS. ATTY: Thank you, Your Honor. The State calls Billy Rayfield.

CLERK: Mr. Billy Rayfield, please approach the witness stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

BILLY RAYFILED: I do.

CLERK: Thank you. Please be seated--state your name, and spell your last name for the record.

BILLY RAYFILED: My name is Billy Rayfield, spelled B-I-L-L-Y R-A-Y-F-I-E-L-D.

PROS. ATTY: Your Honor for purposes of creating a clear record and to avoid confusion as to the conduct of the defendant and his son, I request permission to refer to this witness by his first name.

DEF. ATTY: No objection.

JUDGE: Proceed.

PROS. ATTY: Billy, how old are you?

BILLY: I'm 20 years old now, 19 at the time they arrested my Dad.

PROS. ATTY: Where were you living when the defendant was arrested back in September of 2009?

BILLY: I was kind of between places. I'd been couch-surfing at some places, but that wasn't going too well for me, so I came back home to see if Paw would put me up for awhile.

PROS. ATTY: You call your father "Paw."

BILLY: Sometimes.

PROS. ATTY: Billy, prior to seeing your father on the 19<sup>th</sup> of September, how long had it been since you two had communicated in any fashion?

BILLY: Since my 18<sup>th</sup> birthday.

PROS. ATTY: Why is that?

BILLY: I moved out on my 18<sup>th</sup> birthday to be with my friends so I could party without my Paw looking into my private life.

PROS. ATTY: So, it had been over a year since you'd seen your father as of September 19, 2009?

BILLY: Yep.

PROS. ATTY: What time did you get there?

BILLY: Oh, I dropped in about 7, in time for dinner. Dad was cooking up a bunch of food, said he had "the boys" coming over later.

PROS. ATTY: Did you know who the defendant meant by "the boys"?

BILLY: Not really, I just figured his buddies were coming over to raise hell like they usually did on Saturday nights.

PROS. ATTY: Now, how does your father make a living?

BILLY: He sells dogs on the Internet.

PROS. ATTY: Have you ever seen your father train any of the dogs he sells?



BILLY: Not really, he's always been real private about the dogs and how he works with them and all. As a kid, I never really knew what he did with those dogs. I just know they made a lot noise and that I couldn't go out back and play with them.

PROS. ATTY: So, when you arrived at your father's place on the 19<sup>th</sup>, you were looking for a meal and a place to sleep, right?

BILLY: Well, just for a couple of days, sure.

PROS. ATTY: Did your father welcome you in?

BILLY: Not really. He just said, you can hang with me and the boys tonight, but I want you to shoot some video for me and he handed me this fancy new digital video camera.

PROS. ATTY: So did you agree to that?

BILLY: Yep, I did. I was hungry.

PROS. ATTY: What happened next?

BILLY: Well, dad's buddies started rolling in with their dogs and I soon realized that those boys were fixing to have some dogfights, cuz of all the chest beating and bragging they were doing.

PROS. ATTY: What where they saying?

DEF. ATTY: Objection.

JUDGE: Sustained.

PROS. ATTY: Let's just cut to the chase: did you videotape your father and his friends fighting dogs or not?

BILLY: Yep, I sure did. Shot a lot of footage of them dogs going at it for Paw, but then when I heard Ms. Manley yelling about the noise and the cops coming the entire party broke up... Folks just packed up and left.

PROS. ATTY: What did you do when the police arrived that night?

BILLY: Exactly what my Paw told me to do. I smashed the camera.

PROS. ATTY: And yet when Officer Wells questioned you about why you were smashing the camera, you lied to him didn't you?

BILLY: Yes, I did. I was scared for my Paw and didn't want him to get in trouble.

PROS. ATTY: So why come clean about that all now?

BILLY: Well you made me a good deal in my felony theft case for ratting out my Paw, so I had to take that deal.

PROS. ATTY: Let's be clear here for the Court. You had a felony arrest warrant for theft in the first degree. In exchange for your cooperation in this case, my office allowed you

to plead guilty to felony theft, but avoid serving any prison time—just 30 days in jail with credit for time served. Additionally, my office gave you immunity from all charges out of this case involving you father. Isn't that correct?

BILLY: Yep, that was the deal... Sorry Paw!

JUDGE: Mr. Rayfield, do not address the defendant from the witness stand.

BILLY: Sorry, Judge.

PROS. ATTY: Thank you Billy, no further questions.

JUDGE: Cross examination.

DEF. ATTY: Billy, you admit to lying to somebody in this case, right? I mean you either lied to the police the night of the raid or you're lying to this Court right now—isn't that true?

BILLY: Well, no. I lied to cover for my Paw but now I'm telling the truth.

DEF. ATTY: And to be clear, you are a convicted felon who has served jail time for felony theft, isn't that true?

BILLY: Yes sir, that's true.

DEF. ATTY: No further questions.

JUDGE: Thank you Billy, you're excused.

PROS. ATTY: Your Honor, at this time the State rests.

JUDGE: Counsel for the defense, you ready to go?

DEF. ATTY: Yes, Your Honor. The defense calls Pam Waghorn.

CLERK: Ms. Waghorn, please come forward, and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

WAGHORN: I do.

DEF. ATTY: For the record, please state your full name and spell your last.

CLERK: Thank you Counselor...

WAGHORN: My name is Pamela F. Waghorn, spelled W-A-G-H-O-R-N.

DEF. ATTY: Do you know the defendant, seated here to my right, Mr. Rayfield?

WAGHORN: Yes, I do. He and I have been dealing in dogs for years now.

DEF. ATTY: Ms. Waghorn, what do you do for a living?

WAGHORN: I'm a nurse by day, but my true passion is my pitbull rescue work. I run a pitbull rescue for dogs that the humane society will not take—because pitbulls have such a maligned and unfair reputation, I try and save as many as I can.

DEF. ATTY: So how is it that you and my client know each other?

WAGHORN: Oh, over the years now, the defendant has brought dogs to me. Very sweet dogs too--great with kids and other family pets.

DEF. ATTY: Have you any experience with animal fighting, particularly dogfighting?

WAGHORN: Yep, sadly, that's a lot of the reason why there are so many pitbulls in need of rescue.

DEF. ATTY: In your dealings with my client, have you ever seen any evidence to suggest that my client was engaged in anything illegal?

WAGHORN: I have not. In fact, he always seemed really concerned about finding good homes for his dogs—the ones that didn't make the cut.

DEF. ATTY: Wait, one second: what do you mean by "didn't make the cut"?

WAGHORN: Well, that's what Manny would say, he'd call me up and see if I had room for a dog that didn't make the cut, but I always assumed that he meant that a dog failed in agility training or the strength competitions, you know - like those weight-pulling tournaments and all.

DEF. ATTY: Okay, thank you. Now these weight-pulling tournaments... Have you ever been to one of these events?

WAGHORN: Oh, yes. I have been to many of these, especially if one of my dogs that I've adopted out is involved.

DEF. ATTY: If I may, Your Honor, I'm showing Ms. Waghorn what's been marked as Defense EXHIBIT 101. Miss Waghorn, will you please tell me what this photo's about?

WAGHORN: It's a photo of one my dogs, Snowball, pulling some weights in a match from last year. Snowball's a very strong dog.

DEF. ATTY: Your Honor, I offer Defense EXHIBIT 101.

PROS. ATTY: Objection as to relevance and lack of foundation given that this photo has no relation to the dogs in the defendant's business.

JUDGE: Overruled, Defense EXHIBIT 101 is received.

DEF. ATTY: Now, Ms. Waghorn, as a pitbull person who has known and worked with my client for many years - have you an opinion as to his character for truthfulness?

PROS. ATTY: Objection to attempting to rehabilitate a witness who hasn't even testified yet.

DEF. ATTY: The State put my client's statements in the record through Officer Reuben, so I'm entitled to address my client's credibility now.

JUDGE: I'll allow that. Ms. Waghorn, you may answer the question.

WAGHORN: Oh sure, in my opinion, Manny's a very honest man who would never hurt a fly.

DEF. ATTY: Thank you Ms. Waghorn. Nothing further.

JUDGE: State, do you want to cross this witness?

PROS. ATTY: Just briefly, Your Honor. Ms. Waghorn, you've never been to the defendant's home or observed his operations have you?

WAGHORN: No, I have not.

PROS. ATTY: So you have no way of knowing anything about the defendant's dog handling techniques or breeding practices do you?

WAGHORN: Yes, that's true.

PROS. ATTY: Surely though, as a person immersed in pitbull rescue work, you have some familiarity with dogfighting, true?

WAGHORN: Yes, absolutely. When I screen folks for possible adoption of a dog, I want to make sure I'm not sending one of my dogs to a fighter.

PROS. ATTY: Does a guy selling pitbulls under the name "DEADGAME PITBULLS" raise any red flags for you?

WAGHORN: What do you mean?

PROS. ATTY: Let me put it to you this way. Game is a slang term used by dogfighters to describe how hard a dog will fight, right?

WAGHORN: Yes, I've heard that over the years.

PROS. ATTY: So, would you allow a person otherwise unknown to you but breeding pits under the kennel name of "DEADGAME PITBULLS" to adopt one of your rescue dogs?

WAGHORN: I can't say for sure. I'd have to do a home visit first before I could say.

PROS. ATTY: And you've never been to the defendant's home.

DEF. ATTY: Objection: asked and answered.

JUDGE: Overruled.

WAGHORN: No, I haven't.

PROS. ATTY: Ms. Waghorn, why would somebody selling pitbulls for a profit be giving away perfectly healthy dogs to your operation—doesn't that seem like a very bad business practice to you?

WAGHORN: That would depend on the reason for placing the dog with me.

PROS. ATTY: Precisely, thank you Ms. Waghorn.

DEF. ATTY: Nothing further for you Ms. Waghorn, thank you.

JUDGE: Counselor, your next witness.

DEF. ATTY: The defense calls Wayne Webber  
CLERK: Mr. Webber, please come up to the witness stand. Raise your right hand: do you swear to tell the truth, the whole truth and nothing but the truth?

WEBBER: I do.

JUDGE: Counsel, please proceed.

DEF. ATTY: Mr. Webber, what do you do for a living?

WEBBER: I'm an expert in animal behavior. I train dogs and consult with clients who have dogs with behavioral issues.

PROS. ATTY: Judge, in light of the hour, the State will stipulate to Mr. Webber's credentials and agree that Mr. Webber is a duly qualified expert in canine behavior.

JUDGE: Thank you. Defense, please proceed.

DEF. ATTY: Mr. Webber, have you had a chance to examine and evaluate any of the dogs at issue in this case?

WEBBER: Yes, I spent just over 19 hours evaluating all of the dogs in this case. I do that by observing their individual behaviors and putting each dog through a series of screening tests and tasks to gauge their temperament.

DEF. ATTY: What did you find in your study of these dogs?

WEBBER: I found each of the dogs in this case to be well-suited for human companionship. None of these dogs displayed any propensity for becoming aggressive with me when I handled them.

DEF. ATTY: Mr. Webber, do you have any grandchildren?

WEBBER: Yes, two grandsons, Spike-he's 8 and Scout, he's 10.

DEF. ATTY: Based on your expert work in evaluating my client's dogs, would you have any reservations about letting your grandkids play with any of these dogs?

WEBBER: Absolutely not. These are great dogs and my grandsons would be perfectly safe with any one of these dogs.

DEF. ATTY: Thank you, Mr. Webber. Nothing further.

JUDGE: State?

PROS. ATTY: Mr. Webber, you evaluated these dogs without being supplied a copy of the police incident reports in this case, isn't that true?

WEBBER: Yes, I believe that's true. I only evaluated the dogs, not a case file.

PROS. ATTY: The defendant hired you to help his case, but he didn't share even his own statements to the police in this case, right?

WEBBER: You could put it that way.

PROS. ATTY: And the defendant certainly did not tell you about his son's characterization of this case did he?

WEBBER: I have no information on what Mr. Rayfield's son's involvement in this case may be.

PROS. ATTY: How much did the defendant pay you for your help with this case?

WEBBER: \$4,200

PROS. ATTY: While it's true that you're an expert in dog behavior, isn't equally true that you are NOT an expert in the clandestine world of dogfighting?

WEBBER: Correct.

PROS ATTY: Nothing further.

JUGDGE: Re-direct?

DEF. ATTY: No. Your Honor, my next witness, Ronnie Turner, phoned and informed my legal assistant that he has had a family emergency and is not able to honor the subpoena. However, the Prosecutor shares the court's interest in getting this case to the jury in a timely fashion, so the State has kindly agreed to stipulate to the fact that if called before this court, Mr. Turner would testify that: he has known my client for over five years; that he and my client met at a pitbull confirmation show and weight pulling event back in 2005, in Fremont, New Maine; that during the five years he's known my client, Mr. Turner has seen my client at least three times per year at similar events (pitbull confirmation shows and/or weight-pulling events); that my client has a reputation for breeding very strong dogs; that my client's dogs have been known to become aggressive toward other dogs at these events; and that Mr. Turner has never visited, examined or evaluated my client's operations, facility or business practices.

DEF. ATTY: And with that stipulation submitted and accepted by the Court into the record, we have no further witnesses. Your Honor, the defense rests.

JUDGE: All right, thank you Counsel. State: has the defense accurately articulated the stipulation?

PROS. ATTY: Yes, Your Honor, thank you.

JUDGE: Does the state intend to present any rebuttal?

PROS. ATTY: No, Your Honor.

JUDGE: Very well. The Court will take a short recess and then we'll hear closing arguments.

# STATE'S EXHIBIT 1

(three pages)



**Bait Cage**



**Treadmill**





**Shred**



**White Fiend**

# Defendant's Exhibit 101



**Snowball**