CASE NUMBER: TX06130-VS

SUBJECT NAME: Leroy Baker Jr.
LIC/REG/CASE NO.: TX06130-VS
VIOLATION SECTION NO.: 
DESCRIPTION OF PHOTOGRAPH: Two equine commercially shipped to Dallas Crowne slaughter plant by Leroy Baker on 11/7/05. One equine is dead and the other is non ambulatory and was subsequently euthanized.

PHOTOGRAPHER'S SIGNATURE: [Signature]
DATE: 8-28-06
SYNOPSIS

Subjects(s)
Information:

Subject 1: Leroy Baker Jr. is a slaughter horse buyer\(^1\) and the owner/operator of Sugarcreek Livestock Market located in Sugarcreek, Ohio. He has been in business for approximately 20 years.

Subject 2: Ted Costelloe is a truck driver.

Subject 3: Jeff Mong is a truck driver.

Previous
History:

Subject 1 - A review of the IES Tracking System shows Leroy Baker Jr. has been named as a subject in nine previous IES cases within the last five years, as follows: TX04178-VS, TX04209, TX04246-VS, TX05035-VS, TX05036-VS, TX05050-VS, TX05170-VS, TX05082-VS & TX05236-VS, & TX06024. All the above cases involved the interstate movement of equine to slaughter

Subject 2 - A review of the IES Tracking system revealed no previous violations for Ted Costelloe.

Subject 3 - A review of the IES Tracking System revealed no previous violations for Jeff Mong.

Violation
Events:

On November 7, 2006 Leroy Baker Jr. commercially shipped and truck driver Ted Costelloe transported 42 equine from Sugarcreek Livestock Auction in Ohio to Dallas Crown slaughter plant in Kaufman, TX for the purpose of slaughter. Upon arrival at Dallas Crown, one equine was dead inside the conveyance and another equine was non ambulatory and ultimately had to be euthanized. Also five stallions in the conveyance were not segregated from the other equine as required. Finally Leroy Baker incorrectly recorded on the VS 10-13 Form that five stallions on the load were geldings.

On or about November 9, 2005 Leroy Baker Jr. commercially shipped and truck driver Jeff Mong transported 30 equine from Sugarcreek Livestock Auction in Ohio to Beltex slaughter plant in Ft. Worth, TX for the purpose of slaughter. Messrs. Baker and Mong failed to fully complete the Owner/Shipper Fitness to Travel Certificate (VS 10-13). Specifically the Date and Time Horses Loaded on Conveyance and the Vehicle License No./Registration were not recorded. Also no signature was affixed certifying the horses had access to food, water and rest for 6 consecutive hours immediately before loading into conveyance. Finally Leroy Baker failed to maintain a copy of the VS 10-13 in his records for one year as required.

\(^1\) Mr. Baker is a commercial slaughter horse buyer who ships in commerce more than 20 slaughter equine per year.
AFFIDAVIT

I, Leslie Chandler, being duly sworn on oath make the following statement:

Voluntarily to Morris Smith who has identified himself to me as an Investigator with the United States Department of Agriculture, Animal & Plant Health Inspection Service, Investigative & Enforcement Services.

I am employed by the USDA as an Animal Health Technician. My work address is 903 San Jacinto Blvd. Austin, Texas. The telephone number is 512-916-5555. I have worked for the USDA, APHIS, VS as an AHT for 5 years. Included within my duties are inspecting horses for compliance with the Horse Transportation Standards (9 CFR, Part 88) and interstate movement (9 CFR, part 75) which arrive at Dallas Crown Slaughter plant located in Kaufman, TX.

On 11/7/05 I arrived at Dallas Crown Slaughter Plant and became aware that Leroy Baker had shipped a load of 42 horses to slaughter. The horses were delivered to the plant by truck driver Ted Castillo, an employee of Leroy Baker.

One horse on the shipment was dead on the conveyance when it arrived at the plant. The subject horse in question was a bay Thoroughbred mare identified with a sale barn back tag number 31HAI665. The dead horse was lying on its side in the bottom front section in the conveyance. Also a separate horse was down in the trailer beside the dead horse. That horse was identified with back tag #USBQ5924. It could not get up and had to be euthanized at the plant. A Dallas Crown employee killed the horse on the trailer with bolt gun. It appeared that while the horse that died was down in the trailer, and before it died, it had been kicking the other down horse because it had scrapes on its’ side and stomach as if it had been kicked repeatedly.

Subscribed and sworn to before me at Ft. Worth, Texas on this 29th day of March, 2006.

SIGNATURE OF AFFIANT

Subscribed and sworn to before me at Ft. Worth, Texas on this 29th day of March, 2006.