

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPT. WEST DIVISION 1

HON. LAWRENCE J. MIRA, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

PLAINTIFF,)

VS.)

TOM VALTER,)

DEFENDANT.)

NO. SA025054

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS
WEDNESDAY, JUNE 11, 1997

APPEARANCES:

FOR THE PEOPLE:

ELLEN J. ARAGON
DEPUTY DISTRICT ATTORNEY

FOR THE DEFENDANT:

MICHAEL H. ARTAN
ATTORNEY AT LAW

ORIGINAL

LUANN MCKENZIE, CSR 5567
OFFICIAL REPORTER PRO TEMPORE

1 MALIBU, CALIFORNIA; WEDNESDAY, JUNE 11, 1997; P.M. SESSION
2 DEPT. WEST DIVISION 1 HON. LAWRENCE J. MIRA, JUDGE
3 APPEARANCES:

4 THE DEFENDANT WITH HIS COUNSEL, MICHAEL H. ARTAN,
5 ATTORNEY AT LAW; ELLEN J. ARAGON, DEPUTY DISTRICT
6 ATTORNEY OF LOS ANGELES COUNTY, REPRESENTING THE
7 PEOPLE OF THE STATE OF CALIFORNIA.

8 (LUANN MCKENZIE, OFFICIAL REPORTER PRO TEMPORE.)
9

10 TOM VALTER,
11 CALLED AS A WITNESS ON HIS OWN BEHALF, HAVING BEEN FIRST
12 DULY SWORN, WAS EXAMINED AND TESTIFIED AS FOLLOWS:

13

14 DIRECT EXAMINATION

15 BY MR. ARTAN:

16 (PRIOR PROCEEDINGS REPORTED BUT NOT TRANSCRIBED.)

17 Q SO WHEN IN FACT DID ZOOLOG COME TO CT FARMS?

18 A I BELIEVE IT WAS THE 1ST OF APRIL IN 1995.

19 SOMEWHERE AROUND THERE. VERY SOON AFTER THE WORLD CUP.

20 Q NOW, WERE YOU PRESENT WHEN THE HORSE ARRIVED?

21 A YES.

22 Q WHAT WAS YOUR REACTION WHEN YOU SAW THE HORSE?

23 A I WAS A LITTLE TAKEN BACK BY HIS CONDITION.

24 MAYBE NOT LITTLE. I WAS VERY, VERY SURPRISED BY THE WAY HE

25 LOOKED, AND BECAUSE HE WAS NOT THE HORSE I REMEMBERED

26 SELLING TO PEGGY AND KATIE. SO I WAS VERY DISAPPOINTED IN

27 THE CONDITION THE HORSE ARRIVED.

28 Q DID YOU GET UPSET?

1 A I DON'T THINK I GOT ANY MORE UPSET THAN I AM
2 UPSET RIGHT NOW. I TOOK A COUPLE DAYS OFF, WHICH I DON'T
3 THINK I CAN DO.

4 Q YOU CAN'T DO THAT RIGHT NOW.
5 DID YOU CRY OVER IT?

6 A YES.

7 Q NOW, AFTER TAKING A COUPLE OF DAYS OFF YOU
8 CAME BACK TO CT FARMS AND --
9 DO YOU NEED A MINUTE?

10 A NO. I'M ALL RIGHT. I'M OKAY.

11 Q AFTER TAKING A COUPLE OF DAYS OFF AND
12 RETURNING TO CT FARMS, WHAT DID YOU DO INSOFAR AS ZOOLOG
13 WAS CONCERNED?

14 A WELL, I WANTED TO SEE HOW HIS TRAINING, HIS
15 CONDITION AND HIS RIDABILITY IS, SO I JUST RODE THE HORSE;
16 PUT THE SADDLE ON HIM, PUT A BRIDLE ON HIM. I HAD THE
17 HORSE FOUR YEARS, SO I JUST HOPPED ON AND I THOUGHT I'M
18 GOING TO RIDE HIM, AND I WAS VERY -- AGAIN, I WAS VERY
19 DISAPPOINTED AND VERY SURPRISED.

20 Q WELL, LET ME BACK UP. LET'S SPECIFICALLY TALK
21 ABOUT WHY YOU WERE SO SURPRISED AND TAKEN ABACK WHEN THE
22 HORSE FIRST ARRIVED.

23 WHAT WAS THE CONDITION OF THE HORSE WHEN YOU
24 FIRST SAW IT?

25 A WELL, THE HORSE DIDN'T HAVE ANY MUSCLE TONE.
26 THE HORSE WAS A LITTLE BIT ON THE SKINNY SIDE FROM THE TIME
27 I REMEMBER SEEING HIM. HE HAD A LONG COAT, WHICH WAS NOT
28 TYPICAL OF ZOOLOG. HE WAS UNCLIPPED. HIS MANE WAS LONG.

1 HIS TAIL WAS TANGLED UP. HIS FEET LOOKED LIKE THEY WERE
2 NOT 'DONE FOR -- AT LEAST A COUPLE SHOEINGS SKIPPED, AND HIS
3 MAINTENANCE OF HIS FEET. AND THAT'S ABOUT AS BAD AS YOU
4 CAN LOOK.

5 Q AND INSOFAR AS YOUR INITIAL REVIEW OF WHAT
6 ZOOLOG'S CONDITION WAS, WHAT DID YOU DETERMINE AT THE
7 OUTSET?

8 A HE WAS IN A BAD CONDITION.

9 Q AND WHEN YOU SAY "A BAD CONDITION," WHAT DOES
10 THAT MEAN?

11 A IT MEANT HE HASN'T BEEN TAKEN CARE OF.

12 Q AND INSOFAR AS THE HORSE BEING RIDABLE, WHAT
13 WAS THE SITUATION AT THE OUTSET?

14 A WHEN I PUT THE SADDLE ON THE HORSE AND TRIED
15 TO RIDE HIM, HE WAS TOTALLY UNRIDABLE. HE WAS NOT
16 RESPONSIVE TO LEGS, TO THE BIT, ON THE LEFT SIDE, ON THE
17 RIGHT SIDE, FORWARD, BACKWARDS.

18 IT DIDN'T MAKE ANY DIFFERENCE WHAT I DID. THE
19 HORSE WAS TOTALLY NONRESPONSIVE. HE WOULD RESIST TO A
20 POINT WHERE HE WOULD REAR UP, AND IF I ASKED HIM NOT TO
21 REAR UP HE WOULD TAKE OFF AND RUN AWAY AND I COULDN'T STOP
22 HIM. HE WAS VERY -- HE WAS A TOTALLY DIFFERENT HORSE THAN
23 I REMEMBERED.

24 Q OKAY. NOW, ONCE YOU WERE PRESENTED WITH THAT
25 SITUATION, WHAT WAS THE FIRST THING YOU DECIDED TO DO IN
26 TERMS OF TRYING TO REHABILITATE THE HORSE?

27 A I THOUGHT THE HORSE WAS IN A MUCH LESSER
28 CONDITION THAN I WAS LED TO BE BELIEVED, AND I DON'T KNOW

1 IF IT WAS THE FAULT OF THE OWNERS, PEGGY AND KATIE, BECAUSE
2 I BELIEVED THE HORSE WAS IN SEVERAL PLACES BEFORE HE WAS
3 SENT TO ME, FOR ONE REASON OR OTHER -- MAYBE TRIED TO BE
4 RESCHOOLED, THEN PUT BACK IN A CONDITION -- AND I KNOW HE
5 WAS IN A BREEDING FARM DOING SOME BREEDING.

6 SO I REALIZED HE REALLY WASN'T IN A CONDITION
7 TO START WORK AT ALL. SO I STARTED WORKING HIM SLOWLY ON
8 THE LUNGE LINE MYSELF, AND THEN I PUT THAT JOB ONTO ROBIN.
9 AND I JUST TOOK THE HORSE OUT MAYBE ONCE OR TWICE A WEEK
10 AND TRIED TO RIDE HIM AGAIN PERIODICALLY, AND THAT DIDN'T
11 WORK. THE RIDING STILL DIDN'T WORK, EVEN AFTER HE STARTED
12 TO GET ON THE LUNGE LINE AND IN A LITTLE BIT BETTER
13 CONDITION.

14 AND I TRIED THAT FOR A GOOD PART OF A MONTH,
15 AT LEAST THROUGHOUT THE MONTH OF APRIL, AND IT JUST -- HE
16 WAS NOT RESPONDING THE WAY I THOUGHT HE SHOULD RESPOND.

17 Q WHAT DID YOU DO NEXT?

18 A WHAT I HAD DONE IS I CALLED THE CONEJO VALLEY
19 VETERINARY CLINIC, AND I ASKED THEM TO DO SOME BLOOD WORK
20 BECAUSE -- AND I BELIEVE WE DID ALL THE WORMINGS AND THE
21 SHOTS AND EVERYTHING ELSE AND DID SOME BLOOD THYROID TESTS
22 TO FIND OUT IF THERE'S MAYBE SOME KIND OF A PROBLEM WITH
23 HIS THYROID BECAUSE THE WAY HIS HAIR LOOKS, THE WAY HIS
24 PHYSICAL CONDITION WAS. AND HOW OBSTINATE AND DULL HE WAS
25 IN HIS BEHAVIOR WAS JUST -- I COULDN'T EXPLAIN IT, SO I
26 WANTED TO HAVE SOME MORE ANSWERS.

27 AND I KNOW A LOT OF STALLIONS, WHEN THEY GET
28 OLDER, THEY WOULD HAVE -- ESPECIALLY WARM-BLOOD HORSES,

1 THEY WOULD HAVE THYROID PROBLEMS. THAT MEANS THE HAIR GETS
2 COARSE AND THEY LOSE WEIGHT AND THEY START TO BE NOT
3 LISTENING. THEY'RE SORT OF OUT OF THEIR BODY.

4 Q OKAY. NOW, WE'VE ALREADY HAD TESTIMONY THAT A
5 THYROID PANEL WAS DONE AT CONEJO VALLEY. WHAT WAS THE
6 RESULT, TO YOUR KNOWLEDGE?

7 A THE TEST WAS NEGATIVE.

8 Q SO WHAT DID YOU DO AT THAT POINT?

9 A AT THAT POINT I DIDN'T KNOW WHAT ELSE TO DO,
10 SO I TOOK ZOOLOG AND PUT HIM ON THE PASTURE IN HIDDEN
11 VALLEY FOR ABOUT A MONTH, THINKING MAYBE IF HE JUST IS
12 TURNED OUT WITH OTHER HORSES IN VIEW, SINCE HE'S A
13 STALLION, A BREEDING STALLION, HE WOULD RUN AROUND, BECAUSE
14 I KNEW IT WAS ONE OF THE FEW PLACES THEY HAD LARGE GRASS
15 PASTURES, AND I THOUGHT, "OH, HE'S GOING TO THINK HE'S A
16 BABY AGAIN, AND HE'S GOING TO BE LIKE HE WAS IN HOLLAND,"
17 TURNED OUT AND THEN PUT BACK IN THE STALL IN THE EVENING,
18 AND THAT WOULD PERK HIM UP AND PUT HIM IN A BETTER MOOD, A
19 BETTER MOOD THAN HE WAS IN, AND IT MIGHT STRAIGHTEN OUT HIS
20 POINT OF VIEW ON LIFE AGAIN AND --

21 Q LET ME STOP YOU THERE.

22 NOW, YOU MENTIONED REHABILITATION. IS PART OF
23 YOUR TRAINING AND BUSINESS REHABILITATING HORSES?

24 A YES. I DON'T DO AS MANY HORSES AS I'M ASKED
25 TO REHABILITATE OR RETRAIN. I PRETTY MUCH CHOOSE AND PICK
26 THE HORSES I WANT TO DO. THERE'S A LOT OF PEOPLE WHO COME
27 TO ME AND ASK ME TO REHABILITATE AND RETRAIN HORSES, AND I
28 JUST DON'T TAKE ALL OF THEM. I JUST TAKE ONLY SOME WHICH I

1 THINK I COULD REHABILITATE AND WORK WITH.

2 MR. ARTAN: SHOULD WE STOP HERE, YOUR HONOR?

3 THE COURT: YES.

4 WE'LL TAKE OUR EVENING RECESS. WE'LL
5 RECONVENE TOMORROW IN THIS CASE AT 10:00. ALL RIGHT?

6 THE WITNESS: YES.

7 THE COURT: SEE YOU BACK IN THE MORNING AT 10:00.

8 THE WITNESS: YES, SIR.

9 (PROCEEDINGS CONCLUDED.)

10 ---OOO---

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPT. WEST DIVISION 1

HON. LAWRENCE J. MIRA, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) PLAINTIFF,)
)
) VS.)
)
) TOM VALTER,)
)
) DEFENDANT.)
)

NO. SA025054
REPORTER'S
CERTIFICATE

STATE OF CALIFORNIA)
) SS
COUNTY OF LOS ANGELES)

I, LUANN MCKENZIE, OFFICIAL REPORTER PRO
TEMPORE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA,
FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE
FOREGOING PAGES 1 THROUGH 6 COMPRISE A TRUE AND CORRECT
PARTIAL TRANSCRIPT OF THE PROCEEDINGS TAKEN IN THE MATTER
OF THE ABOVE-ENTITLED CAUSE ON JUNE 11, 1997.

DATED THIS 1ST DAY OF AUGUST, 1997.

Luann McKenzie CSR 5567
OFFICIAL REPORTER PRO TEMPORE