



DeKalb County
GEORGIA

October 2024 Law Department Court-Held Animals Update

Enclosed are the two October 2024 Animal Charts for your review. This monthly update is not privileged and can be distributed publicly as you deem appropriate.

Voluntary Surrender- Motions to Dispose-

- As of October 30, 2024, **22** dogs were voluntarily surrendered through the efforts of the Solicitor-General and her staff, bringing the total number of court-held animals surrendered since late 2022 (either voluntarily or through successful motions to dispose) to **174**.

Cost of Care Civil Lawsuits (“Cost Lawsuits”) -

- Since April of 2024, Cost Lawsuits have been filed and are pending to account for **45** of all court-held animals. While there are over **670 animals in the shelter as of October 21, 2024, only 49 court-held animals were in the County’s shelter and 15 were in foster care for a total of 64 court-held animals.**
- **As discussed in the specific case update below, 33 additional animals were seized on or about October 28, 2024, and the law department will be filing a Cost Lawsuit to recover costs in that case during the week of November 4, 2024, unless the 33 animals are voluntarily surrendered.**
- Cost Lawsuits require time to obtain a final order because the state law that allows these kinds of civil cases to be filed sets forth certain minimum time requirements that must be followed before a final order can be entered by a court. O.C.G.A. Section 4-11-9.8¹ allows such lawsuits to be filed and when the time requirements in the state law are considered,

¹ O.C.G.A. Section 4-11-9.8 is attached in order to understand the timelines required by state law. Once a Cost Lawsuit is filed in court, a sworn peace officer is required to serve the lawsuit on the Defendant animal owner in 30 days and if “unable” to do so, the officer may tack/post the lawsuit at the home of the owner or the location where the animals were seized within 10 additional days. The Court then has 10 to 15 business days to schedule a hearing. The Court can grant or deny an order to pay the cost of care after a hearing and has the authority to continue a case to require the County to take further action as has been done recently as described in the specific case update below.

these Cost Lawsuits will not be decided until approximately 60 to 75 days have passed at the earliest.

- ***Because Cost Lawsuits are civil in nature and do take time to reach a final conclusion, the County, the Solicitor-General and the District Attorney and their staff continue to pursue various options simultaneously which include 1- seeking voluntary surrender, 2- filing civil lawsuits suits to recover the cost of care and 3- filing motions to dispose in criminal cases, as appropriate.***
- 2 more Cost Lawsuits were filed in October of 2024 accounting for 9 more animals.
- Demand letters in several other cases were sent involving 9 animals.
- The other Cost Lawsuits that have been filed have not been finally decided by the courts at this time for the reasons and facts identified in this October 2024 update.

Specific Update by Case-

- ***Jennifer Davis*** 33 animals were seized in this misdemeanor case earlier this week. The attached demand was taken on 10.31 by a deputy sheriff to Ms. Davis's residence. Personal service was attempted again today (11.1.24) and the demand was posted on the door of the residence. The demand advises Ms. Davis of the Cost Lawsuit to be filed and the cost of care the County intends to seek from Ms. Davis which is anticipated to be a \$1830.00 impoundment fee and a monthly fee of \$9,900. The demand allows her to surrender the animals without a Cost Lawsuit being filed.
 - If voluntary surrender does not occur, the Cost Lawsuit will be filed next week (the week of November 4, 2024) and will be served on Ms. Davis. The state statute allows Ms. Davis to be served and then a hearing will be scheduled and heard by the state court on the costs to be paid for the care of those 33 animals.
- Cost Lawsuits were filed in October of 2024 in the ***Larry Long*** (4 dogs) and ***Nicole Clark*** (5 dogs) matters. We will keep you informed when service on the Defendants has occurred, and hearings are scheduled.
- ***Vittorio Williams*** (2 Animals) The Cost Lawsuit was filed in July 2024. ***A hearing is scheduled for this case on November 7, 2024.*** The hearing notice is attached to this email. Interested members of the public are welcome to attend.

Daylan Lovett (15 animals) On October 2, 2024, the DeKalb County State Court held a hearing on the County's Cost Lawsuit. Because Mr. Lovett did not appear at the hearing, the Court questioned the form of service on Mr. Lovett. The Court raised in open court

constitutional due process concerns² related to the state law “tacking/posting provision”³ because the marshal was unable to serve Mr. Lovett personally served with the cost of care civil lawsuit. The Court then continued the hearing to have the County attempt to determine the whereabouts and serve Mr. Lovett. ***The next hearing in this case is now set for December 3, 2024*** and the public is welcome to attend. The notice of hearing is attached to this Update.

- The Law Department has retained a private investigator to attempt to locate Mr. Lovett and other defendants who have similar transient addresses/location issues and will update further on the status of those cases as facts and circumstances develop. This additional step to try and determine the whereabouts of a Defendant does add time to the civil process.
- ***Dominique Adams/Montel Johnson (12 Animals)*** – The Cost Lawsuit was filed on 9.19.24. Based on the Court’s direction, the private investigator will be used to try to determine the whereabouts of the Defendants for service of process reasons. No hearing has been scheduled yet because that private investigator/marshal service methodology has not been completed. A Motion to Dispose in the criminal case has been filed as well but has not been scheduled for a hearing yet.
- ***Melvin Johnson/Queena Robinson (7 Animals)***- The Cost Lawsuit was filed on 9.17.24. Based on Court’s direction in other cases, the private investigator will be used to try to determine the whereabouts of the Defendants and perfect service. No hearing has been scheduled yet because that private investigator/marshal service methodology has not been completed.
- Civil demands were sent in 4 cases: ***Willie Roberson*** (1 dog); ***Terrika Mitchell*** (2 dogs); ***Clarissa Smith*** (4 dogs); and ***Denzel Cuffie*** (2 dogs).
- The attached order was entered in the Alzerj case and Mr. Alzerj surrendered his 4 animals before he was required to pay the cost of care into the registry of the court under state law.⁴

² Simplistically, “due process” in this context generally means courts do not allow governments to take someone’s property, like an animal, without giving that person notice and an opportunity to be heard.

³ See O.C.G.A. Section 4-11-9.8(c)(“Any sworn peace officer shall personally serve written process of the [Cost Lawsuit] on the owner of the animal or animals... If the officer is unable to personally serve written process of [Cost Lawsuit] ... within 30 days of the date of filing of the [Cost Lawsuit], the officer shall within ten days ... post a copy of the [Cost Lawsuit] on the door of the residence of the owner or in another conspicuous place at the location where the animal or animals were impounded.”)

⁴ It is unclear at this time if such funds can be collected since the animals were surrendered prior to the order being entered. Legal work on that issue is continuing.

Summary of Surrendered Court Animals

29 October 2024

RED - Surrendered animals

BLACK - Animals surrendered per a Motion to Dispose

Name	Motion to Dispose Granted/Animals Surrendered	Total Animals
Ahmad Alzerj	Surrendered-9/13/2024	4 dogs
Aliyah Shaw	Motion to Dispose - 1/10/2023	1 dog
Andreena Reaves	Motion to Dispose - 5/25/2023	1 dog
Anthony Hampton & Kourtney Addison	Surrendered - 2/14/2024	5 dogs
Austin Curtis	Surrendered - 12/1/2023	2 dogs
Branzavious Murcy	Surrendered - 8/16/2023	19 dogs
Carol Roy	Motion to Dispose - 4/29/2024	1 dog
Cerria White	Motion to Dispose - 10/9/2023	2 dogs
Chandi Gilling	Motion to Dispose - 9/30/2022	10 dogs
Charlotte Carter	Motion to Dispose - 10/17/2022	1 dog
Christopher Sermons	Motion to Dispose - 3/27/2023	1 dog
Clarence Harvey	Surrendered-7/22/2024	4 dogs
Clifton Johnson	Guilty Plea Surrender - 5/31/2024	1 dog
Dahmia Branch	Surrendered - 1/31/2024	1 dog
Daries Moore	Motion to Dispose - 11/28/2022	2 dogs
David Barnes	Motion to Dispose - 3/14/2024	5 dogs
Davis Hughes	Surrendered - 3/16/2024	1 dog
Donte Smith	Surrenderd 6/28/2024	3 dogs
Frederick Jordan	Surrendered - 2/28/2024	1 dog
Horace Dozier	Motion to Dispose - 3/14/2024	2 dogs
Horace Rosser	Surrendered - July 2023	16 dogs, 5 chickens
Jacob Zion Logan	Motion to Dispose - 3/14/2024	1 dog
Jalaina Gray	Motion to Dispose - 12/4/2023	2 dogs
Jamal Bruton	Surrendered - 10/27/2023	1 dog
John Curry	Motion to Dispose - 10/6/2023	1 dog
Kenneth Higginbotham	Motion to Dispose - 5/25/2023	1 dog
Kenneth Jones	Surrendered - 9/20/2023	1 dog Surrendered
	Motion to Dispose - 6/25/2024	1 dog Disposed*
Kiana Reed	Surrendered-9/17/2024	1 dog
Lamark Walker	Motion to Dispose 9/5/2024	3 dogs
Lederek Napier	Motion to Dispose - 3/14/2024	1 dog
Marcus Robinson	Motion to Dispose - 4/16/2024	11 dogs
Marion Comer & Raisha Moses	Surrendered - 9/23/2022	4 dogs
Michael Milan	Surrendered - 2/26/2024	1 dog
Robert Hawkins	Surrendered - 9/23/2022	5 dogs
Rodney Dobbins	Surrendered-7/28/2024	2 dogs (out of 3)
Stephen Snow	Surrendered - 2/21/2024	2 dogs
Taheem Williams	Surrendered - 12/4/2023	1 dog
Tamyra Mackey	Motion to Dispose - 12/20/2023	2 horses, 2 goats, 4 pot bellied pigs, and 5 ducks
Terrico Gray	Surrendered - 4/17/2024	2 dogs
Tra'Lexis Whitehead	Surrendered - 5/31/2024	5 dogs
Tylequa Jones	Motion to Dispose - 11/28/2022	1 dog
Walter Riley	Surrendered as part of a plea	2 dogs
Zaki Browner	Surrendered 9/12/2024	2 dogs
NEW CASES		
Rodney Dobbins	Surrendered-9/30/2024	1 dog
Justin Grant	Deceased-9/30/2024	1 dog (Deceased)
	Surrendered-10/7/2024	1 dog
Erica Grigsby	Surrendered-10/10/2024	2 dogs
Keylen Blackmon	Surrendered-10/11/2024	1 dog
Michael Hammonds	Surrendered-10/11/2024	10 dogs
Jesus Cooper	Surrendered - 10/17/2024	4 dogs
Wendy Herbert	Surrendered 10/25/2024	3 dogs
TOTAL ANIMALS SURRENDERED: 174		
Voluntarily Surrendered: 113		
Motions to Dispose: 61		
Deceased: 1		
(156 dogs, 5 chickens, 2 horses, 2 goats, 4 pot bellied pigs, and 5 ducks)		

Because of the nature of these issues, these lists are as accurate as possible as of the date listed above, but facts and circumstances on these matters do change daily.

West's Code of Georgia Annotated
Title 4. Animals (Refs & Annos)
Chapter 11. Animal Protection (Refs & Annos)
Article 1. General Provisions

Ga. Code Ann., § 4-11-9.8

§ 4-11-9.8. Payment of anticipated costs of impoundment and care

Effective: April 26, 2016

Currentness

(a) Any agency impounding one or more animals as part of any investigation of a violation of Code Section 4-11-9.2, 16-12-4, or 16-12-37, or otherwise providing care for one or more animals impounded pursuant to this article, may file a petition in a court of competent jurisdiction to hear civil cases requesting the court to require the owner of the animal or animals to pay into the registry of such court funds in an amount sufficient to secure payment of all anticipated costs of impoundment and care.

(b) Every such petition shall contain a description of the time, place, and circumstances of the impoundment, the legal authority for same, and the name and address of the owner of the animal or animals impounded.

(c) Any sheriff, deputy sheriff, or other sworn peace officer shall personally serve written process of the petition on the owner of the animal or animals. If the officer is unable to personally serve written process of the petition on the owner of the animal or animals within 30 days of the date of filing of the petition, the officer shall within ten days thereafter post a copy of the petition on the door of the residence of the owner or in another conspicuous place at the location where the animal or animals were impounded.

(d)(1) Upon the court's receipt of return of service of process of the petition on the owner, the court shall set a hearing on the petition to determine the need to care for and provide for the animal or animals pending the final disposition of the animal or animals. The hearing shall be conducted no less than ten and no more than 15 business days after the court's receipt of return of service of process of the petition on the owner. Any sheriff, deputy sheriff, or other sworn peace officer shall be authorized to serve written notice on the owner of the date, time, and location of the hearing. If no name and address for the owner are set forth in the petition, then such notice shall be posted in a conspicuous place at the location where the animal or animals were impounded.

(2) The scope of the hearing shall be limited to whether the impounding of the animal or animals was authorized. Upon such a showing, the court shall require payment into the registry of the court of an amount sufficient to cover all costs of impoundment and care, as determined by the court, for a period beginning as of the date of impoundment and ending 30 days after the date of the order. Neither the result of a hearing provided for under this subsection nor a statement of an owner made at any such hearing shall be admissible in any criminal prosecution related to the impoundment of the animal or animals.

(3) The owner shall be ordered to deposit an amount equal to the portion of the original deposit amount attributable to the first 30 days after the date of the initial order every 30 days thereafter until the owner relinquishes the animal or animals or until final disposition of the animal or animals. If the required funds are not deposited within five days of the original order setting the amount of the funds, or within five days after the expiration of each applicable subsequent 30 day period,

then the animal or animals shall be forfeited to the petitioning agency by operation of law and may, with the consent of any prosecutor prosecuting charges against the owner regarding the owner's animal or animals, be disposed of pursuant to [Code Section 4-11-9.6](#).

(4) At any time before the final disposition of the animal or animals, the owner may relinquish ownership of the animal or animals. All costs of impoundment and care for the animal or animals from the date of impoundment to the date of the relinquishment shall be paid by the owner unless the owner meets the requirements set forth in paragraph (5) of this subsection.

(5) In circumstances where only one animal was impounded, and the owner of the animal is, at the initial hearing or at an adjustment hearing, able to prove indigency as described in Chapter 12 of Title 17, the court, in its discretion, may reduce or waive the requirement for the owner to pay costs of impoundment and care pursuant to this Code section.

(6) The court may correct, alter, or otherwise adjust the owner's 30 day obligation of payment upon a motion made by the owner or petitioning agency at least five days before the expiration date of the then current 30 day payment period. The hearing shall be held within ten days of service of the motion on the opposite party, and any adjustment to the 30 day payment amount shall become effective five days after the court orders, or refuses to order, an adjustment.

(7) Upon the payment of funds into the court registry in accordance with this Code section, the petitioning agency may immediately begin to draw from those funds for payment of the actual costs incurred by the petitioning agency in keeping and caring for the animal or animals from the date of impoundment to the date of the final disposition of the underlying criminal action regarding the owner and the animal or animals.

(8) Upon final disposition of the animal or animals, remaining funds deposited with the clerk of the court shall be refunded to the owner.

(9) In the event that an owner is adjudicated not guilty of all charges specified in a petition filed pursuant to this Code section, such owner may request from the agency that filed the petition a refund of all costs paid by the owner pursuant to such petition. In making any such claim for refund, the procedures provided in [Code Section 48-5-380](#) shall apply.

Credits

Laws 2016, Act 348, § 6, eff. April 26, 2016.

Ga. Code Ann., § 4-11-9.8, GA ST § 4-11-9.8

The statutes and Constitution are current through legislation passed at the 2024 Regular Session of the Georgia General Assembly. Some sections may be more current, see credits for details. The statutes are subject to changes by the Georgia Code Commission.



DeKalb County Law Department

Viviane H. Ernstes
County Attorney

Chief Executive Officer

Michael L. Thurmond

Board of Commissioners

District 1
Robert Patrick

District 2
Michelle L. Spears

District 3

District 4
Steve Bradshaw

District 5
Mereda Davis Johnson

District 6
Edward "Ted" Terry

District 7

October 31, 2024

By hand-delivery, certified mail, and U.S. Mail to:

Jennifer Davis
3329 David Road
Atlanta, GA 30341

**Re: *State of Georgia v. Jennifer Davis,*
Warrant No. 24W017997 (DeKalb County State Court)**

Dear Ms. Davis:

As a result of your arrest for numerous counts of misdemeanor cruelty to animals, your thirty-three (33) animals were impounded by DeKalb County Animal Enforcement Services on October 28, 2024. Your animals are currently in the care of the DeKalb County Animal Shelter. Absent an emergency, DeKalb County will maintain and care for your animals until there is either a final disposition of your criminal case or other legal disposition of the impounded animals.

The DeKalb County Governing Authority has authorized the filing of a petition against you to recover the costs of caring for your animals during the pendency of your criminal case. *See* O.C.G.A. § 4-11-9.8, which is attached to this letter. If a judge orders you to pay such costs, they are likely to include an impoundment fee of up to \$30 per altered animal (\$150.00 for your five altered animals) and \$60 per unaltered animal (\$1680.00 for your twenty-eight unaltered animals), and other costs of care which could include at least \$10.00 per day per animal (about \$300.00 per month per animal), for every day that your animals are within the care of DeKalb County during the pendency of your criminal case.

As there are thirty-three (33) animals at issue, your initial bill is likely to include the \$1830.00 impoundment fee and the monthly fee could be as high as \$9,900.00 per month or higher, depending upon actual costs, which could mean an annual cost of at least \$118,800.00. Failure to pay costs required by a court order would result in your animal being forfeited to the County. However, if you are found not guilty of the charges against you, you will be entitled to request a refund of all money paid.

We would like to give you the **option** to relinquish ownership of your animals that are currently in the care of the DeKalb County animal shelter. If you opt to surrender your animals within five (5) business days from the date of this letter, the County will not consider filing a cost

petition against you, and you will not be obligated to pay the costs of caring for the animals during the pendency of your criminal case. **This is completely voluntary.**

Attached to this letter are surrender forms for your animals. Should you decide to surrender your animals, please sign the included forms in front of a witness, have that witness sign on the appropriate lines, **then return the forms to Aimee F. Sobhani, Assistant County Attorney, 1300 Commerce Drive, Fifth Floor, Decatur, GA 30030 within five (1) business days of the date of this letter in the self-addressed envelope included herein.** Please note that by signing these forms, you would be surrendering your rights to your animals, such that ownership of the animals would revert to the County and you would not be entitled to regain possession or ownership of the animals following final disposition of your criminal case.

Sincerely,

/s/ Aimee F. Sobhani

Aimee F. Sobhani
Assistant County Attorney
Ga Bar No. 584646

cc: Nikisha McDonald, Supervising County Attorney
Rebecca J. Dobras, Senior Assistant County Attorney
Sean A. Garrett, Assistant County Attorney
Lucas B. Earle, Assistant County Attorney
Kimberly Brimm, Deputy Chief Assistant Solicitor General

Attachments



**STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

Greetings:

You are hereby notified to set all other business aside and to appear in the courtroom of Kimberly Anderson located in Courtroom 2A, at the DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Ga. 30030, for the following case:

Case Style: DeKalb County v Vittorio Williams

CAFN: 24A04410

Event Type: Motions Calendar

Event Date: 11/07/2024

Event Time: 9:30 AM

Sincerely,

Kimberly Brock,
State Court of DeKalb County

STATE COURT OF
DEKALB COUNTY, GA.
10/1/2024 12:41 PM
E-FILED
BY: Patricia Nesbitt



**STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

DeKalb County vs. Daylan Lovett
Case Number: 24A04685

Greetings:

You are hereby notified to set all other business aside and to appear in the courtroom of Charles E Bailey located in Courtroom 2C, at the DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Ga. 30030, for the following case:

Case Style: DeKalb County vs. Daylan Lovett
Event Type: Motions
Event Date: 12/03/2024
Event Time: 1:30 PM

Sincerely,

**Kimberly Brock, Clerk
State Court of DeKalb County**

**STATE COURT OF
DEKALB COUNTY, GA.
11/1/2024 12:34 PM
E-FILED
BY: Mundy B Jackson**

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

DEKALB COUNTY,

Plaintiff,

v.

AHMAS ALZERJ,

Defendant.

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CASE NO.: 24A03650

ORDER REQUIRING PAYMENT OF COSTS

This Court held a hearing on September 5, 2024, to hear evidence in support of Plaintiff's petition for reimbursement fees to cover the care of Defendant's dogs while in Plaintiff's custody, under O.C.G.A. § 4-11-9.8(a). The Court received evidence from a DeKalb County Animal Control officer who had taken the dogs into the county's custody and a representative of the facility that houses the dogs while Defendant's criminal case is pending.

Pursuant to O.C.G.A. § 4-11-9.8, DeKalb County, as the agency that impounded Defendant's four dogs, is permitted to request the court to require the owner of the animal or animals to pay into the registry of such court funds in an amount sufficient to secure payment of all anticipated costs of impoundment and care. In this matter, the record reflects that Plaintiff impounded Defendant's dogs on January 20, 2022, for various DeKalb County ordinance violations, and the dogs have remained in Plaintiff's care since that date. The DeKalb County Solicitor General filed charges against Defendant on February 3, 2022, which are still pending. (Case No. 22C03680.) Plaintiff followed the proper procedure for notifying Defendant of its intent to seek payment for the costs for the dogs' care.

Based on the testimony from the Animal Control officer, the Court finds that Plaintiff provided sufficient evidence that DeKalb County was authorized to impound Defendant's dogs. Moreover, the Court finds Plaintiff offered sufficient testimony as to the estimated costs Plaintiff incurred for the care already provided to the dogs, as well as the likely expenses for the dogs' future care needs. See Bramblett v. Habersham County, 346 Ga. App. 511 (2018).

The Court finds that Plaintiff incurred approximately \$24,107.48 for the care of Defendant's dogs. Further, according to the testimony, the four dogs are currently in foster care, which costs Plaintiff approximately \$1.47 per day per dog. Therefore, Plaintiff expends about \$176.40 per month to care for Defendant's four dogs.

Consequently, the Court **ORDERS** Defendant to deposit \$24,107.48 in the court registry within 30 days of this order, and further **ORDERS** Defendant to deposit \$176.40 into the court's registry every 30 days after until the criminal case is resolved, as O.C.G.A. § 4-11-9.8(d)(3) requires.

SO ORDERED this day 17th of September, 2024.



Honorable Kimberly Anderson
State Court of DeKalb County

STATE COURT OF
DEKALB COUNTY, GA.
9/18/2024 8:49 AM
E-FILED
BY: Patricia Nesbitt