



 WVLA NBC33 | Baton Rouge News, Weather and Sports

Published on *WVLA NBC33 | Baton Rouge News, Weather and Sports*
(<http://www.nbc33tv.com>)

[Home](#) > Man faces felony theft charge for sheltering stray dog

Man faces felony theft charge for sheltering stray dog

By *smorgan*
Created 05/29/2013 - 2:34pm

POSTED: Wednesday, May 29, 2013 - 2:34pm

UPDATED: Wednesday, May 29, 2013 - 3:29pm

EAST FELICIANA, LA (NBC33) — An act of compassion landed an East Feliciana man with warrant for his arrest on a felony theft charge. It all started when he found a stray dog on his property.

"I live on 26 acres of land. I don't have too many neighbors, so when the dog showed up, I started contacting all of them," Kyle Wayne Holmes explained. "We kept the dog for about 48 hours. There was no identification on him. He had a collar on, but there were no tags. He was very malnourished, so we fed him and bathed him."

Holmes knew the purebred mastiff belonged to someone, so he called the local vet and turned to social media for answers. Knowing that he was soon to go out of town for a week-long hunting trip, he asked for help on Facebook.

"I posted a picture of the dog on Facebook and asked if anyone would be willing to take care of the dog while I was out of town," Holmes said. "My friend Lori [who lives in Watson] agreed to take him."

While Holmes was away on his trip, he received a text message from one of the neighbors he originally contacted when the dog wandered up on his property.

"My neighbor said that they may know who the owner of the dog is," Holmes said. "On Monday, May 13, once I returned back from my trip, I got a call from the guy who was claiming to be the owner. I tried to call back, but I got no answer. The next day he called again and left another message. Then on May 15, I got a call from a Sheriff's deputy."

The East Feliciana Sheriff's deputy informed Holmes that the owner of the dog had filed a complaint against him.

"I called the Sheriff's officer back and explained what happened," Holmes said. "He told me that the whole thing sounded like a big misunderstanding."

However, there was one complication. The dog has gone missing, again.

"Two days after I gave the dog to my friend, it got out of her fence and no body knows where it went," Holmes said. "We were just trying to help a homeless dog and now I'm being charged with a felony saying that I stole this animal."

The three page arrest warrant goes into all of the details in the investigation. It notes that the complainant admitted to allowing his dogs to run loose on his property so they can gain exercise. It also lists at least four reasons why this is being constituted as theft.

"First, it says that he let the dog go inside the house, so the owner couldn't find it if it was in the house," Philip House with the Baton Rouge law firm Manasseh, Gill, Knipe and Belanger, said. "Second, it says that he only put the missing notice on his Facebook account, which he did not have access to because they are not friends. It adds that he only contacted one vet and only spoke to his neighbors about it. Third, it says that he gave the dog away, which shows that he never had the intent of returning it. And finally, it says that when he originally texted the owner, he gave him the wrong number."

For those reasons, the complainant believes Holmes stole his dog. Because the animal cost more than \$500, the felony charge was applied.

"In all my years as both a prosecutor and defender, I've never seen a felony arrest for someone taking in and giving away a stray dog," House said. "What is the public policy on this? Are they saying that he should have let the dog run loose? What are they saying? What should he have done?"

East Feliciana does not have a parish run animal control agency. That responsibility falls on the shoulders of the Sheriff's office. Holmes was told that he should have called the agency when the dog ended up on his property. However, the local animal rescue shelter told NBC33 News that they have never been instructed of that policy.

"We put up flyers when we find a stray dog," Irene Lanier, a volunteer who works with the Feliciana Animal Welfare Society, said. "We usually go to houses in the area and try to locate the owners. We go to the vets offices. A lot of times social media comes into play. We don't routinely get the Sheriff involved, unless there is some form of abuse or neglect."

So where did Holmes go wrong?

"According to them, the dog was microchipped," Holmes said. "I don't know that to be true. So I was told that was what I was supposed to do. I was told I should have reported it to the Sheriff and then take it to a vet to be checked for a microchip."

On Tuesday, May 28, Holmes turned himself in to the East Feliciana Sheriff's Office for the outstanding warrant. The judge allowed him to sign out rather than having to pay a bond.

"Bond exists for two reasons; either you're a flight risk, or you're a danger," House said. "My client is neither of those things. He has no previous experience with the law."

The case will be turned over to the District Attorney's office for review. If it is determined to be legitimate, Holmes will face a judge again on June 9.

“Even if you accept the detective’s rendition of the facts, I still don’t know where you get to a crime being committed,” House said.

We want to know what you think. Tell us your thoughts on the [NBC33 Facebook page](#). [1]

No YouTube

[All About Animals](#) [CrimeTracker](#) [Your Stories](#) [Local News](#)

Source URL: <http://www.nbc33tv.com/news/all-about-animals/man-faces-felony-theft-ch>

Links:

[1] <http://www.facebook.com/wvlnbc33>