

NEW YORK STATE POLICE

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MEMORANDUM

Troop B Station SP Schroon Lake

Date February 12, 1998

To: Troop Commander, Troop "B", Ray Brook, NY

From: Trooper Thomas F. Garcia *TFG*

Subject: ENFORCEMENT OF AGRICULTURE & MARKETS LAW - HORSE TRANSPORTATION

Member has been stationed at SP Schroon Lake since 5/12/84 and upon arrival at Schroon Lake was made aware of the enforcement efforts of the senior members of the station regarding the Agriculture & Markets Law and the illegal transportation of horses. Throughout the late 1970s, in particularly on December 12, 1980, station members Tpr. R.D. Carlson, Tpr. E.T. Haroff, and Tpr. P.C. Manning, became involved several times with horses being transported in inhumane conditions, and a case profile was written by Barney Fowler in his *Adirondack Album* vol. #3.

Member arrested a French Canadian operating a tractor trailer with a single tier trailer sometime in the mid 1980s for transporting horses in violation of the Agriculture & Markets Law. The subject was charged for having partitions at greater than 10 feet, and was also issued several U.T.T.s for VTL charges.

In April 1989, Member attended the New York State Police Mounted Patrol School and became more familiar with horses and the laws effecting same.

April 15, 1992, Tprs. P.C. Wallach & W.D. Peck of SP Westport, arrested Darren A. Gouveia and Monica Carper for Agriculture & Markets Law violations, several sub sections being cited. *@ 4:45 AM*

On January 27, 1994, member was working an A9 and observed a 2 tier trailer in the Schroon Lake rest area on I-87. After returning to check the trailer, horses were observed loaded on both tiers and in all compartments. The air temperature at SP Schroon Lake was 42 degrees below zero Fahrenheit. The driver David A. Carper was interviewed and arrested for an Agriculture & Markets Law charge and VTL charges. Member contacted Essex County District Attorney R. J. Briggs at his home ( at 5:30am) and it was decided to issue an appearance ticket to the Defendant (for 1 charge) and if the member's interpretation of the Agriculture & Markets Law was correct multiple charges for each horse could be filed at a latter date. Member contacted Counsel for Agriculture & Markets regarding their interpretation of the law. Upon advice of Agriculture &

\* MS ALL Does not Differ Between Sings & Mayhem

Markets Counsel member prepared 140 criminal informations. The B tour patrol, Tpr. R. D. Campbell, stayed with the defendant until the horses in the 2 tier sections were moved onto another trailer. Prior to David Carper's arraignment member presented the Town of Schroon local criminal court with 140 informations charging the defendant as an agent of Frank Carper. After trial Carper was convicted of 110 counts and VTL charges; the fine of \$11,000 goes unpaid to this day.

On 10/16/97 member arrested Frederick S. Whitman an employee of Don Nickerson of Nickerson Livestock for 64 counts of Agriculture & Markets Law sec 359. Defendant was transporting 32 horses in a trailer with partitions placed at more than 10 feet, and only one door for ingress or egress. Member is in the process of investigating Don Nickerson on Agriculture & Markets Law charges. Information has been developed regarding the exportation of the horses carried out in a fraudulent manner, this has been forwarded to U.S. Customs & U.S.D.A. officials; a Federal investigation is under way.