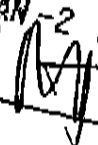


IN THE CIRCUIT COURT OF SALINE COUNTY, ARKANSAS

STATE OF ARKANSAS
County of Saline} ss.

Incident # 2013-4288

FILED
SALINE COUNTY
CIRCUIT CLERK
2014 JAN -2 AM 11:43
BY: 

ARREST WARRANT

TO ANY SHERIFF, CONSTABLE, POLICEMAN, OR LAW ENFORCEMENT
OFFICER IN THE STATE OF ARKANSAS:

It appearing upon sworn affidavit that there are reasonable ground for believing that

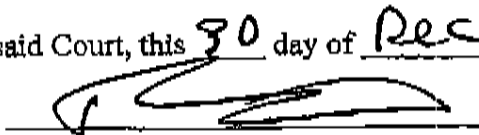
Brande Michelle Coy F/W, DOB: 01-01-1964
11 Ornado Lane Driver's License #: 923693933
Hot Springs Village, AR 71909

has committed the misdemeanor offenses of :

- A.C.A. 5-10-14 Manslaughter, Class "C" Felony
- A.C.A. 5-62-125 Unlawful Dog Attack, Class "A" Misdemeanor
- Saline County Ordinance No. 2010-64 Vicious Dog Ordinance, Unclassified Misdemeanor

in the County of Saline, State of Arkansas, you are commanded forthwith to arrest said individual and bring him/her before the Judge of this Court to be dealt with according to law, or admitted to bail as specified below.

Witness my hand seal of said Court, this 30 day of Dec. 2013.


Magistrate

RETURN OF SERVICE

I have this ____ day of _____ A.D. 20__, duly served the within by arresting said _____

Sheriff
Deputy Sheriff


The defendant is to be admitted to bail in the sum of _____ dollars(\$ _____) and the same may be taken by the Sheriff of Saline County.

Judge

AFFIDAVIT

Facts and Evidence Alleging Probable Cause

FILED
SALINE COUNTY
CIRCUIT CLERK
2014 JAN -2 AM 11:43

BY: 

Comes now Investigator **Aaron Parsons** of the **Saline County Prosecuting Attorney's office** and on oath swears and affirms that, to the best of his knowledge and belief, the following facts and evidence exist to believe that **Brande Michelle Coy** has violated the criminal law of the State of Arkansas.

DOB: 01-01-1964 **DL#:** 923693933 **RACE/SEX:** W/F

ADDRESS: 11 Ornado Lane
Hot Springs Village, AR 71909

The facts and evidence are:

On 11-26-13 the Saline County Prosecuting Attorney's office received a review case file from the Hot Springs Village police department in regards to the dog attack death of Joan Kappen (D.O.B. 02-10-1938). Upon reviewing the case file, the following information was obtained:

On 11-21-13 at approximately 0700 hours, Brande Coy (D.O.B. 01-01-1964) released two dogs (a rat terrier and a bull mastiff/pit bull mix breed) into the unsecure front yard area of her residence located at 11 Ornado Lane in Hot Springs Village, located in Saline County. The bull mastiff/pit bull mix breed dog (Patrone) was owned by Brande's daughter, Emily Coy (D.O.B.11-05-1988), who cohabitated at the residence with Brande, but was not home at the time. After releasing the dogs into the unsecure yard area, Brande returned inside the residence, leaving the two dogs unsupervised, unleashed, and unsecure. According to Brande, after an unknown period of time, she heard someone screaming outside the residence, and she went outside to investigate the source of the noise. Once outside, Brande saw the bull mastiff/pit bull mix breed dog (Patrone) biting a female (later identified as Joan Kappen, a 75 year old female) in the public roadway. Brande went to the location on the roadway where the dog attack was occurring, and attempted to stop the dog from attacking Kappen. Brande stated that the dog became aggressive towards her as she tried to stop the attack, biting her as well. Brande stated that she attempted to gain control of the dog, and it took her approximately 30 minutes to do so. After gaining control of the dog, Brande took it back inside the residence. At that time (0738 hours) Brande called 911 to report the incident. Brande then remained inside the home, washed her face and hair, and changed clothes. Brande did not provide any first aid to Kappen, who was lying in the ditch next to the roadway with severe injuries. Brande remained inside the home for approximately 16 minutes until emergency personnel arrived on scene. After emergency personnel arrived at approximately 0754 hours, Brande exited the residence and met with emergency personnel. Kappen was treated at the scene and transported to the hospital with severe injuries to her legs, hands, arms and facial area. The injuries included large lacerations to calves, her left inner knee, left bicep, right bicep, left hand, and facial area. A portion of Kappen's nose was torn away from her face. Kappen died from the injuries sustained from the dog attack, and she was pronounced dead at 0933 hours that day at Mercy Hospital. Brande was also transported to the hospital with dog bite injuries to her person. The bull mastiff/pit bull mix breed dog (Patrone) was impounded by Hot Springs Village Animal control. The dog's owner, Emily Coy, consented to have the dog

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euthanized. The dog was later euthanized at a veterinarian clinic. At the time it was euthanized, the bull mastiff/pit bull mix breed dog (Patrone) weighed approximately 87 pounds.

The Hot Springs Village police department conducted an investigation into the dog attack. During the course of the investigation, it was learned that Kappen was walking through the neighborhood on the public roadway when she was attacked by the dog. The attack occurred in the roadway directly in front of the Coy's home, located at 11 Ornado Lane. Kappen was alone when the attack occurred. The distance from Kappen's home to the area where the attack occurred was approximately 1600 feet by the roadway. It was further learned that no one else in the neighborhood witnessed the dog attack incident. According to the Detectives investigation, the bull mastiff/pit bull mix breed dog (Patrone) that attacked Kappen was a litter mate of the bull mastiff/pit bull mix dog that attacked and killed a five year old boy in Jessville, Arkansas on 06-09-13. Both dogs originally came from a litter of 9 puppies. This information was obtained from the an individual who was a relative of the owner of the dog that killed the 5 year old juvenile boy in Jessville. The individual was identified as Zack Geiling. Geiling told investigators that he was in a previous dating relationship with Emily Coy. Geiling stated that when the relationship ended, he kept one of the puppies from the litter and Coy took the other one, identified as the bull mastiff/pit bull mix bred dog (Patrone).

Upon reviewing the Garland County Coroner's report prepared by Coroner Investigator Daniel Stramp, I learned that Investigator Stramp spoke with Brande Coy at the hospital where she was being treated for her dog bite injuries. Brande told Investigator Stramp that the bull mastiff/pit bull mix breed dog (Patrone) that attacked Kappen had previously bitten another individual in the face two months prior. Brande told Coroner Investigator Stramp that the person that the dog had bitten was her sister, whom she did not provide a name for. Upon conducting record checks, I learned that Brande Coy has a sister named Amber Iacobacci (D.O.B. 07-28-67), who resides in Hot Springs, Arkansas. On 12-03-13 at approximately 1615 hours, I located a telephone number for Iacobacci, and telephoned her to speak with her about the incident in which the dog had previously bitten her. A female, later identified as Joe Ann Poe, answered the telephone. Poe told me that Iacobacci was not home at the time. Poe told me that Iacobacci was Brande Coy's sister, and she (Iacobacci) was indeed the sister who Brande was referring to who had previously been involved with an incident with the bull mastiff/pit bull mix breed dog (Patrone) that attacked Kappen. Poe stated that she was not present when the incident occurred, but she had been told that the dog, "kind of snapped at her (Iacobacci)". Poe was not able to provide me with any further details. On 12-04-13 at approximately 0945 hours, I again telephoned Iacobacci. Iacobacci would not speak with me about the incident, and stated she did not have time to speak with me. I attempted to question her about the incident in which Coy's bull mastiff/pit bull mix breed dog (Patrone) had possibly bitten her in the face. Iacobacci ignored my questions, and again stated that she was busy and would return my telephone call when she had time to speak with me.

While reviewing statements made by the Hot Springs Village animal control officers, I saw a statement from Hot Springs Village animal control officer Liz Hammock. According to the statement, Emily Coy told Hammock that the bull mastiff/pit bull mix breed dog (Patrone) would "bite out of fear" if it became afraid of someone. The statement by Hammock further stated that Emily told her that she never let the dog out of the home. According to the investigative report completed by the Hot Springs Village police department, a neighbor of the Coy's who resides on Maderas Drive in Hot Springs Village, Barbara Ekstrand, stated she had previously seen the dog outside of the residence. Ekstrand stated that she had seen this on at least one previous occasion, and the dog was alone and unsupervised.

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On 12-03-13 an individual by the name of Barbara Lopez went to the Hot Springs Village police department to report that she had previously been bitten in the face by the same bull mastiff/pit bull breed dog (Patrone) that attacked Kappen. On 12-06-13 I telephoned Lopez to speak with her. Lopez told me that Emily Coy used to live next to her in the City of Jessville. Lopez told me that she commonly watched Emily's dogs for her, including the bull mastiff/pit bull mix breed dog (Patrone). Lopez told me that she was very familiar with the bull mastiff/pit bull mix breed dog (Patrone), as she was around the dog very often when Emily lived next to her. She further stated that she commonly fed and watered the dog as a favor to Emily. Lopez told me that on 07-21-12 she was at Emily's residence visiting with her. Lopez stated that while she was at the residence, she bent down towards the ground where the bull mastiff/pit bull mix breed dog (Patrone) was laying, and attempted to pet the dog. Lopez stated that as she attempted to pet the dog, the dog bit her in the face, causing injuries below her right eye and below her nose. Lopez told me that she did not provoke the dog during this incident, and she was simply attempting to pet it when it bit her. Lopez told me that she was drinking alcohol before she attempted to pet the dog, but she in no way was aggressive towards the dog or antagonized it in any way. Lopez told me that Emily was in the same room as her when this occurred, and she witnessed the entire incident. Lopez told me that Emily attempted to help her stop the bleeding from her face, but she was unable to do so. Lopez stated that she went back to her residence, and her mother helped her bandage her face. Lopez stated that she told Emily that she needed to give her money so she could go to the hospital to have her injuries treated, and Emily refused to do so. Lopez told me that approximately one hour after the dog bit her in the face, she walked back over to Emily's residence to confront her. Lopez told me that she was upset with Emily because the dog had bitten her in the face, and Emily refused to assist her in paying for a hospital visit. The Garland County Sheriff's department was called to the scene, and Lopez was arrested for Public Intoxication when she came outside of her residence.

I asked Lopez if she was aware of any other incidents in which the bull mastiff/pit bull mix breed dog (Patrone) had been aggressive. Lopez told me that she and Emily used to work together at the Home Plate cafe in Garland County. Lopez stated that Emily had been previously bitten by the bull mastiff/pit bull breed mix dog (Patrone). Lopez told me that the bull mastiff/pit bull mix breed dog (Patrone) attacked another dog that was owned by Emily and her then boyfriend, Zack Gelling. Lopez stated that Emily told her that she attempted to stop the dog from fighting, and she was bitten by the bull mastiff/pit bull mix breed dog (Patrone). Lopez told me that she believed that Emily went to the hospital to have the dog bite injuries treated, but she was unsure if she actually did so, or what hospital she may have gone to. Lopez further told me that Emily had told her that the bull mastiff/pit bull mix breed dog (Patrone) was "mean", and that she had to commonly place the dog in a bedroom behind a closed door when she had visitors at the residence.

On 12-05-13 I contacted the Garland County Sheriff's office in regards to arrest reports in regards to the incident which occurred on 07-21-12. I was provided a copy of Lopez' booking photograph. While reviewing the photograph, I saw a fresh facial injury below her right eye as well as below her nose. Both injuries were covered with bandages.

On 12-05-13 Officer Sill of the Hot Springs Village police department provided a written statement in regards to the Coy's bull mastiff/pit bull mix breed dog (Patrone). Officer Sill stated that she formerly worked with Emily at the Home Plate cafe in Hot Springs Village. Officer Sill stated that approximately 2 years prior to the incident

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involving Kappen, Emily came into the restaurant with white bandages and gauze pads on her arm and leg. Officer Sill stated that she and several other employees gathered around Emily to talk to her about her injuries. Emily told them that Patrone (the bull mastiff/pit bull mix breed dog) had bitten her, causing the injuries.

On 12-13-13 I spoke to Emily Coy and Amber Iacobacci via telephone through a conference call that was set up via their private attorney, Joe Churchwell. During the conference call, Churchwell, Emily Coy and Iacobacci were present and on speaker phone together at Churchwell's office. Churchwell told me that Brande Coy was not feeling well, therefore she was not present. As I was speaking with them, Iacobacci told me that she was "nipped" in the face by the bull mastiff/pit bull mix breed dog (Patrone) in July of 2013. Iacobacci told me that she went to Emily's home to get a haircut. She stated that Emily, Brande, and Paul Coy (Brande's husband) were all present at the home. Iacobacci told me that she had drank approximately 1/2 to 1 pint of vodka while at the residence, and she became intoxicated. She stated that she was walking to the restroom when she leaned down and "was messing with the dog". She stated that the dog "didn't like it", and it "nipped" her in the face. Iacobacci stated that she told Brande and Emily about what occurred. She stated that she did not notify law enforcement or emergency medical personnel about the incident. Iacobacci told me that several days later she went to the St. John's medical walk in clinic to obtain antibiotics, because she had redness on her face in the area where the dog "nipped" her. Iacobacci told me that she does not have any scarring from the incident. She further stated that she never witnessed any other incidents of the bull mastiff/pit bull mix breed dog (Patrone) being aggressive.

I then spoke with Emily about the incidents involving the bull mastiff/pit bull mix breed dog (Patrone) that were reported by Officer Sill and Barbara Lopez. Emily told me that she did obtain a dog bite injury to her hand, but she was bitten by a different dog, and not Patrone. Emily denied ever telling Officer Sill that Patrone was the animal that bit her. Emily told me that Patrone and another dog named Zeus (Patrone's father) had seen each other on their property one morning. Emily stated that the two dogs were growling at each other and Zeus "went after him", referring to Patrone. Emily told me that she stepped between the two dogs to separate them, and Zeus "nicked" her on the hand. Emily stated that she sustained an injury to her hand, but not her leg. Emily stated that she went to her family doctor, Dr. Finch, to obtain antibiotics for the injury immediately after the incident occurred. Emily stated that the nurse at the doctor's office placed bandages on her hand to cover the injury. Emily told me that she never told anyone at the Home Plate café that she had been bitten by Patrone.

I then questioned Emily about the incident in which Lopez was allegedly bitten in the face. Emily told me that Lopez was a former neighbor, who would feed and water her animals for her when she (Emily) was away from home. Emily told me that the day that Patrone bit Lopez, Lopez had come to her residence and started "screaming and yelling" at her. She further stated that Lopez was holding a large stick, and she (Lopez) was threatening to kill her (Emily) and her dog (Patrone). Emily told me that Patrone was growling at Lopez, because Lopez was being aggressive. Emily stated that when Lopez was hitting her with a stick, Patrone bit her (Lopez) in the face. Emily told me that Patrone was "coming to her defense". I asked Emily what caused Lopez to act this way, and she stated that she did not know. I then told Emily what Lopez had stated happened, and Emily stated that Lopez' statement was incorrect. I asked Emily where the bite injuries were on Lopez' face, and she said, "It was somewhere on her face because I was trying to clean her up". I asked Lopez what occurred after Patrone bit Lopez, and she told me that Lopez was threatening to kill her and her dog, and hitting her with a stick. Emily told me that she then telephoned the Garland County Sheriff's office to report the incident. I asked Emily if she sustained any physical injuries to her

person when Lopez struck her, and she told me that she was hit on her face and had a swollen area on her head. I asked Emily Is the officer's on the scene photographed or documented any injuries on her person, and she stated that they did not.

I reviewed all Incident reports completed by the Garland County Sheriff's office from 07-21-13. According to the public intoxication arrest report of Lopez and Incident report completed by the deputies, Coy did not tell them that Lopez had struck her with a stick. The reporting officers did not list in their reports that Coy had any visible injuries, nor did they state that Coy ever advised them that Lopez was armed with or struck her with a stick.

On 12-12-13 I telephoned Zack Geiling to speak with him about previous incidents in which the bull mastiff/pit bull mix breed dog (Patrone) had possibly been aggressive. Geiling was very uncooperative, and he would not answer specific questions that I asked him. Geiling denied any previous knowledge of the bull mastiff/pit bull mix breed dog (Patrone) being aggressive or biting anyone.

On 12-16-13 I telephoned Hans Kappen, the husband of the victim. While speaking with Hans, he told me that his wife, Joan, left their home at approximately 0700 hours for her daily walk in the neighborhood. Hans stated that both he and his wife leave for their daily walk together, and they take separate routes. Hans told me that he commonly walks their two small pet dogs, so he takes the easier walking route, which is flatter with fewer hills. Hans told me that he and Joan meet in a predetermined location during their walk to finish it together. Hans told me that they usually leave for their daily walk at approximately 0730 hours, but they left earlier on that day due to the fact that Joan was going to drive a friend to a doctor's appointment that morning. Hans told me that Joan walks the same route on a daily basis, and has done so for approximately 7 years. He stated that Joan walked the same route she always did the morning that she was attacked by the dog. Hans told me that he did not have any previous contacts with the Coy's or their dogs. He stated that he was not aware of any previous contacts that Joan may have had with them as well. Hans told me that he did not witness the incident, and he could not provide me with any further information as to what occurred.

On 11-21-13, the Arkansas State crime laboratory conducted an autopsy of Kappen's body, crime laboratory case #1197-13. According to the autopsy report, Kappen's cause of death was multiple blunt and sharp force injuries due to a canine attack.

According to section A paragraph 3 of Arkansas Code Annotated 5-10-104, a person commits the offense of Manslaughter if the person recklessly causes the death of another person.

According to Arkansas Code Annotated 5-62-125, a person commits the offense of unlawful dog attack if:

- (1) The person owns a dog that the person knows or has reason to know has a propensity to attack, cause injury, or endanger the safety of other persons without provocation;
- (2) The person negligently allows the dog to attack another person; and
- (3) The attack causes the death of or serious physical injury to the person attacked.

The Saline County vicious dog ordinance, Saline County Ordinance No. 2010-64, states that a vicious dog means any member of the canine (dog) family that has exhibited fierce or vicious behavior toward a person or has attacked a person or another animal with such severity as to cause physical injury or property damage. The

ordinance defines "owner" as any person owning, keeping or harboring a dog within Saline County.

Brande Coy knew or had reason to know that the bull mastiff/pit bull mix breed dog (Patrone) had a propensity to attack, cause injury, or endanger the safety of other persons without provocation. Brande Coy told Garland County Coroner Investigator Stramp that the bull mastiff/pit bull mix breed dog (Patrone) had bitten her sister in the face two months prior to attacking Kappen. Emily Coy told Hot Springs Village animal control officer Hammock that the dog would "bite out of fear". According to two separate witnesses, Emily had been previously bitten by the bull mastiff/pit bull mix breed dog (Patrone). Emily was also aware of the previous incident in July of 2012 in which the bull mastiff/pit bull mix breed dog (Patrone) bit Barbara Lopez in the face, causing injuries. Brande Coy recklessly allowed the dog to attack another person. Brande acted recklessly by allowing the dog out in a public area unsupervised and unsecured. According to witnesses, the dog had also been allowed out in a public area unsupervised and unsecured on at least one occasion previous to the incident involving Kappen. The action of recklessly allowing the dog out in a public area unsupervised and unsecured contributed to and resulted in the death of Kappen.

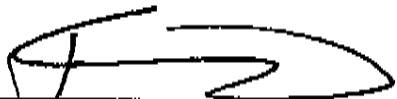


Affiant

I hereby find that this sworn affidavit demonstrates reasonable and probable cause for the issuance of a warrant of arrest for: Brande Michelle Coy

- For the offense(s) of:
- A.C.A. 5-10-14 Manslaughter, Class "C" Felony
 - A.C.A. 5-62-125 Unlawful Dog Attack, Class "A" Misdemeanor
 - Saline County Ordinance No. 2010-64 Vicious Dog Ordinance, Unclassified Misdemeanor

Subscribed and sworn to before me this 30 day of Dec. 2013 at 1:29 A.M. ~~(P.M)~~



Judge