

Judge Finds Ebersole Guilty of 4 Counts of Animal Cruelty Per Plea

Oct/2013 The Winchester Star - by Melissa Boughton

WINCHESTER — Witness after witness took the stand Thursday and recalled either seeing Russell L. Ebersole abuse dogs in his care or the aftereffects on their pets from the alleged abuse.

The prosecution presented much of its evidence against Ebersole — who owns Aberdeen Acres Pet Care Center in Stephenson — during a bench trial in Frederick County Circuit Court.

He was charged with 13 misdemeanor counts of animal cruelty, but testimony was presented Thursday in only nine of the cases, and Judge Clifford “Clay” Athey struck two of the charges.

Ebersole, 53, appeared in court with attorney Roger Inger and a German shepherd service dog that laid quietly by his side through most of the testimony.

The trial will continue at 9 a.m. today.

Inger didn’t refute the evidence presented, but instead stated that his client used acceptable training methods for training aggressive and vicious dogs.

“Mr. Ebersole, who has been doing this for years, has his own methods of training,” Inger said.

Those methods, as testified to by former employees of the pet care center, included shocking and throwing dogs, hanging them in the air by a choke chain until all four legs were off the ground and kicking them until they defecated themselves.

According to the testimony, many were also choked to the point that the blood vessels in their eyes busted.

“We may not like it, we may not want to watch it, but there are ways of training [dogs], breaking them,” Inger said.

Nearly all of the 10 owners who testified said that they took their pets to Aberdeen Acres for basic obedience training to learn commands such as sit, come and stay.

Most said that their pups and dogs were not aggressive, just high energy and not well-behaved.

“We made it clear, all we needed was basic obedience training,” said Belinda Barber, the owner of a golden retriever named Mosby that attended training in July 2011.

She said she got more than she bargained for when she was leaving the facility with her family and dog.

Barber said she opened the back door to her SUV and Mosby jumped in the back as he usually does, and Ebersole requested to see the choke collar leash, which was still attached to the dog.

He then jerked the dog out of the car, dragging him by the leash and collar until he fell out of the vehicle face first.

She said Ebersole was yelling at the dog, but couldn't recall what he was saying.

"We were just watching, kind of alarmed, we were shocked," she said.

The dog jumped back in the vehicle and Ebersole yanked him back out and that went on four or five times, to the point, Barber said, that her daughter started crying.

She said Ebersole was getting increasingly angry with the dog, until she said, "that's enough," and left.

She said after that Mosby was skittish and a day later he exemplified symptoms of Horner's syndrome — caused by an injury to a nerve in the dog's neck.

During cross examination, however, Inger implied that the syndrome could have been genetic.

Ebersole did not appear to show any emotion during the trial, but occasionally petted the service dog when he stood up.

Edwin Alt said he and his wife took their two poodles to Ebersole for basic obedience training in August 2011.

The eyes of one of their dogs, Abby, were swollen when they picked the poodles up after training, he said.

When he asked Ebersole about it, he allegedly told them it was due to the grass and some fans in the building.

Later, at home, Abby had trouble urinating and would go quite often, Alt said.

He said they took the dog to the veterinarian later after being informed of possible abuse, but there were no signs at the time.

Ex-Aberdeen Acres employee Emily Cleveland testified to being present during one of Abby's training sessions at which she questioned Ebersole's techniques.

She was trained by Ebersole to train Abby, and he stepped in during one session when she was having trouble with the command to lie down.

Ebersole changed the focus to learning the command “come,” and put a shock collar on the two- to four-pound puppy that was “much too big,” Cleveland said.

After being shocked by the collar, instead of going to Cleveland, Abby allegedly ran around scared.

“She would squeal and she would run away and she would try to hide,” Cleveland said, adding that Ebersole “got very frustrated.”

He would pick the dog up and throw her back up an estimated four-foot tall section of stairway. She would be airborne, and when she landed, her legs splayed out and she skidded across the floor — which occurred at least three times, Cleveland said.

“He just kept shocking her,” she added. “She pooped all over herself and the floor. She was squealing, shaking and very terrified.”

At one point, Cleveland said, while the dog was trying to hide between some crates, Ebersole was “jabbing” her with a wooden agility pole when he could have just reached down and picked her up.

When the dog finally went to Cleveland, the animal’s face was covered in blood, her eye was swollen, she was shaking and just lying on the floor.

Cleveland said Ebersole could tell she was upset after the training and asked her what was wrong.

“I said I didn’t see why that was necessary,” she said of the session. “He said that sometimes you have to push them [the dogs] past their limits.”

Inger pointed out during cross examination that Cleveland couldn’t say exactly what caused the dog to be bleeding from her face and established that shock collars were used on lots of dogs during training.

Another former employee, Kaitlynn Cain, testified to witnessing several instances of abuse during different training sessions, but said she finally had enough during one with Owen — a 6-month-old Labrador retriever who received training at Aberdeen Acres in August and September 2011.

She said the dog had been there about two weeks when she worked with him during one of his last sessions.

Cain was supposed to work on the sit command while Ebersole videotaped the session.

At first, all was going well, but after a while, as many puppies do, Owen became antsy and would stand after a reward pet, Cain said.

Then Ebersole stepped in.

“The more the dog would move around, the more aggressive Russ would get,” she said. “Each tug [on the dog’s leash] was more aggressive.”

The dog would try to get away and Ebersole would allegedly suspend him off the ground by his choke collar for 15 to 30 seconds at a time, five or six times.

“It was just endlessly going on,” Cain said. “As time went on, [Owen] became more and more lethargic.”

The last time Ebersole suspended the dog off the ground, he defecated himself, Cain testified.

She said she resigned right then and there.

Pamela Jones, who owns Owen, said he was in excellent condition before what she thought was going to be a “fun basic obedience training.”

When she picked him up, he had one bloodshot eye that was swollen.

“To me, he seemed very depressed, he did not seem well at all,” she added.

Inger asked Jones if the dog was obedient now and she said yes.

Inger, who made a motion to strike all of the charges against his client, said Assistant Commonwealth’s Attorney Andrew Robbins did not put on any evidence about what acceptable training methods are.

He pointed out that there were no expert witnesses or veterinarians to testify to what caused any of the dogs’ injuries and there was no evidence to show that they were ill-treated.

Inger compared the training practices to whipping a horse down a race track.

“We don’t know what is accepted and not accepted in the training arena,” he said. “They haven’t proved what is against the law.

“These dogs were not willfully mistreated.”

Robbins said Ebersole knew what he was doing when he lied to customers about what caused their pets’ bloodshot eyes and hid the fact that he used shock collars.

He said Ebersole unnecessarily beat the dogs and willfully inflicted pain.

“It did not train the dog,” he said of Ebersole’s training practices, adding that many of the owners said their dogs did not listen after the sessions. “If it’s not effective, it’s not necessary.”

He added that Ebersole lied about his practices because he knew they were wrong.

Inger replied that he lied because many people wouldn’t want to see how their dog is really trained, adding that dogs are animals, beasts and “not the brightest animals in the world.”

“There is no evidence in this court that anything Ebersole did was outside [necessary] training practices,” he said.

— Contact Melissa Boughton at mboughton@winchesterstar.com

UPDATE

October 4, 2013

By MELISSA BOUGHTON
The Winchester Star

WINCHESTER -- A Frederick County Circuit Court judge has found the owner of a Stephenson-based kennel and dog training facility guilty of four counts of animal cruelty.

Russell L. Ebersole, the owner of Aberdeen Acres Pet Care Center, stipulated this morning in a plea agreement that while he does not admit guilt the prosecution had sufficient evidence to find him guilty of four counts of animal cruelty.

Frederick County Circuit Court Judge Clifford “Clay” Athey then found Ebersole guilty of the four counts.

Today was to be the second day of the bench trial, but no evidence was presented prior to the agreement and ruling. Testimony on Thursday centered on Ebersole’s training techniques.

Seven charges remain, but may not be prosecuted. Ebersole will be sentenced at 11 a.m. on Dec. 6.