



October 6, 2022

The Honorable Alisha Johnson, District Attorney  
Rockdale County District Attorney's Office  
922 Court St., Ste. 201  
Conyers, GA 30012

Dear District Attorney Johnson:

We hope this letter finds you well. PETA has been hearing from Georgians in Rockdale County and beyond who are deeply upset by a recent case of cruelty to animals involving Rockdale County Sheriff's Office (RCSO) Deputy Eric Tolbert. PETA was alerted to the case and related [news reports](#), filed a public records request, and thoroughly reviewed nearly 100 pages of RCSO's investigative records and more than four hours of body-camera and interview footage. According to the department's records, Tolbert's three American bullies—Luke Cage, Storm, and LaLa—died of heat-related causes over the course of June 13 and 14, during which time temperatures reached a high of 95 degrees with a heat index of more than 100 degrees. Tolbert was a K-9 handler for RCSO at the time of the dogs' deaths. A Rockdale County-owned K-9, a black Labrador retriever named Aegis, was removed from his backyard after RCSO investigators found him confined to a filthy pen that had evidently not been cleaned in so long that the fecal matter in it was moldy. Tolbert has lost his position as a K-9 handler but remains an RCSO deputy.

**On behalf of our more than 131,000 members and supporters in Georgia, we respectfully request that the Rockdale County District Attorney's Office pursue criminal cruelty-to-animals charges against Eric Tolbert.**

We understand that Assistant District Attorney Dabney Kentner is familiar with the details of this case. After speaking with Kentner in mid-June, RCSO Investigator Colleen Jones sought the professional expert opinions of veterinarian Lois Lassiter; attorney, animal law expert, and founder of Animal Law Source Claudine Wilkins; and heating and air-conditioning professional Adam Hammonds. We understand that when Jones spoke with Kentner a second time—via phone and in the presence of two of Jones' supervisors—Kentner agreed that the totality of the circumstances indicated that Eric Tolbert was negligent in the care of his dogs and that Investigator Jones had probable cause to secure a misdemeanor warrant. Even though she and other RCSO investigators had exercised due diligence and done painstaking work, Jones hit a roadblock when, according to the case file, Rockdale County Superior Court Judge Nancy Bills refused to review the evidence and/or sign the warrant that Jones attempted to present to her on July 19.

On June 17, investigators went to Tolbert's home after he had posted to social media a few days earlier that three of his dogs died of heatstroke, writing "All 3 gone within 24 hours. This heat ain't no joke." Investigative records make clear that he was aware that his dogs' American bully breed made them susceptible to heat prostration because they're brachycephalic. He told Investigator Tracy Radford that "American bullies, they can't pant normally, to cool off like normal dogs" and during a call with Jones, Tolbert said the dogs had "very short muzzles" and acknowledged that "they don't do well out in the heat."

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

Washington  
1536 16th St. N.W.  
Washington, DC 20036  
202-483-PETA

Los Angeles  
2154 W. Sunset Blvd.  
Los Angeles, CA 90026  
323-644-PETA

Norfolk  
501 Front St.  
Norfolk, VA 23510  
757-622-PETA

Info@peta.org  
PETA.org

Entities:

- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
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- PETA Netherlands
- PETA Foundation (U.K.)

Even though Tolbert knew that the heat was extremely dangerous for the breed, he kept the dogs crated in an outdoor shed without adequate ventilation or climate control. Jones described the structure in a draft warrant for Tolbert's arrest: "The wood floor and walls were stained with urine and other possible fluids from the dogs housed there .... Inside the metal kennels were feces which was pushed through the bars on the bottom when walked upon by the dogs that was piled up and moldy in the bottom pan of the kennels."

The temperature had reached a high of 95 degrees on June 13, when the first dog perished, but Tolbert apparently left the other two dogs confined to crates in the shed while he went to work—for at least eight hours—on June 14, and they died, too. Upon returning home, he found one of the dogs barely clinging to life. Instead of immediately rushing the dying animal to a licensed veterinarian for emergency care, he (told investigators that he) "poured lemon juice in there." Tolbert was so unfazed by his dogs' deaths that he, as he put it, "trashed 'em."

Investigators also reportedly found two other dogs on his property—including Aegis, Tolbert's assigned, county-owned K-9—confined to squalid, feces-littered pens. According to investigative records, Tolbert was out of town at the time of the investigators' initial visit and had left both dogs unattended outside in nearly 100-degree weather. RCSO K-9 Unit Supervisor Sgt. Jeff Peek removed Aegis (who has since been reassigned) due to multiple violations of RCSO K-9 care standards, including confining the dog in filthy conditions and failing to provide him with required annual veterinary care since 2019. The other dog, a pitbull mix—whom investigators found in a kennel that, like the one Aegis was confined to, was unsanitary, strewn with feces (some of which was moldy), and contained a bucket of dirty water—apparently remains in Tolbert's custody, and his current condition is unknown.

Under Georgia law, specifically Ga. Code Ann., § 16-12-4(b)(1), it's a misdemeanor offense of cruelty to animals when someone "causes physical pain, suffering, or death to an animal by any **unjustifiable act or omission**" (emphasis added), or fails to provide "sanitary conditions, or ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement" *id.* § 16-12-4(b)(2); *see also Stephens v. State*, 247 Ga. App. 719, 720, 545 S.E.2d 325, 327 (2001) (finding sufficient evidence of cruelty to animals, in part because dogs lacked adequate shelter from cold, muddy conditions and soil was soaked with urine and feces). RCSO investigators recommended and sought charges, but Bills, according to investigative records, was unwilling to review the evidence and told Jones that the Georgia Bureau of Investigation (GBI) should have investigated the case and that there was no intent. However, according to RCSO officials, the GBI doesn't customarily investigate misdemeanor offenses and RCSO has successfully investigated its own deputies in the past. As well, neither the plain language of the statute nor precedent imposes an intent requirement for prosecution under section 16-12-4(b)(1). *See Cotton v. State*, 589 S.E.2d 610, 612 (Ga. Ct. App. 2003). Although section 16-12-4(b)(2) includes the term "intentionally," it applies to "exercis[ing] custody, control, possession, or ownership of an animal," as the evidence demonstrates Tolbert did. Furthermore, even if intent were required for the latter part of that provision, there is ample evidence to support that he intentionally failed to provide the dogs with adequate ventilation, including because of his professed knowledge of the breed's limitations and his continued confinement of the two animals in the same shed where one had already died and where temperatures remained in the mid- to high 90s.

In addition, the evidence supports a determination of felony violations of the statute, that is, "[h]aving intentionally exercised custody, control, possession, or ownership of an animal, maliciously fail[ing] to provide to such animal adequate ... ventilation that is consistent with what a reasonable person of ordinary knowledge would believe is the normal requirement ... for such animal's size, species, breed,

age, and physical condition,” resulting in the animal’s death (Ga. Code Ann. § 16-12-4(d)(5)). Tolbert’s knowledge of the danger that the heat posed to his brachycephalic dogs, his decision to leave two dogs in the same shed where his third dog had died the previous day, and his failure to obtain veterinary care for the dog he found in extreme distress indicate malice, that is, “[t]he wanton and willful doing of an act with an awareness of a plain and strong likelihood that a particular harm may result.” *Id.* § 16-12-4(a)(2)(B); see *Lonon v. State*, 823 S.E.2d 842, 848 (Ga. Ct. App. 2019) (finding sufficient evidence that the defendant committed aggravated cruelty to animals when he participated in setting a house fire even though he was aware of a dog’s presence in the house, regardless of whether the animal was the intended target).

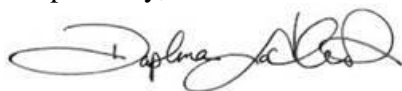
As a sworn law-enforcement officer, Tolbert should be expected to not only rise to but also exceed the highest standards of personal and professional conduct. RCSO’s own internal affairs recommendations state, “As law enforcement officers, we are and should be consistently held to higher standards of accountability. These founded actions show that Deputy Tolbert disregarded the very laws he is sworn to enforce.” As a canine handler of five years tasked with the day-to-day care of his assigned K-9, Aegis, Tolbert’s expected knowledge of care standards for animals should—and did, according to multiple statements obtained during investigative interviews—vastly exceed that of a person of “ordinary knowledge.”

Failure to hold Tolbert accountable undermines faith and confidence in the very people charged with protecting and serving the community. RCSO representatives have shared with us that the agency has received substantial public backlash as a result of Tolbert thus far escaping criminal charges for the horrific deaths of his dogs. It’s certainly understandable that people in Rockdale County and beyond are shocked and upset by this disturbing case. Residents have expressed their concern that the failure to charge Tolbert sends the message that he’s “above the law” and that animal abuse is not only tolerated, but that anyone—including law-enforcement officers—can mistreat, and even cause the death of, animals and face no criminal repercussions.

In light of the substantial and compelling evidence obtained by the diligence of RCSO officials, we urge your office to seek felony indictments against Tolbert for the unjustifiable deaths of three dogs and to pursue misdemeanor charges—whether by accusation, seeking indictments, or any other avenue available to you—against Tolbert for the conditions in which he kept Aegis and the unidentified pit bull mix. Please let me know what PETA can do to assist, including by securing additional expert testimony if needed.

Thank you for your time and for the difficult work that you do. We look forward to hearing from you.

Respectfully,



Daphna Nachminovitch  
Senior Vice President  
Cruelty Investigations Department  
757-962-8338 | DaphnaN@peta.org