

COUNTY OF POWELL

DEER LODGE, MONT.

January 29, 2025

Deputy Austin Picton
Powell County Sheriff's Office

RE: Reno Ward

Thank you for investigating this case. I have reviewed the file, and concluded that the State cannot prosecute this case based on the evidence collected – and further, do not believe that additional PCSO investigation would improve the facts.

Despite your efforts, insufficient evidence exists for the filing of criminal charges for animal cruelty related to the death of a horse in June, 2024. A post on social media is not evidence. Its primary purpose is to attract attention, not to share the truth. In the court of public opinion, videos are judged based on each person's views of what is distasteful or socially unacceptable or morally reprehensible conduct. They are also judged based on what a person thinks motivated the video's publication. These community opinions have some value, but in general statements about what someone should have known or what they'd have done if they'd been there are not admissible in a court of law.

In a court of law, character evidence is prohibited and the standard at trial is "proof beyond a reasonable doubt." In this case, none of the witnesses offered testimony supporting a finding of purposeful conduct or criminal negligence. Experts are going to disagree on whether the horse drowned or had a heart attack. They are going to disagree on the effect of the tie down. I foresee other problems in presenting this case to a jury where it is undisputed that the people who shared the video wanted to embarrass Reno and gain some kind of leverage on their own personal side issues.

I conclude that if there is to be a negligence claim, it is a civil one, where the standard is a preponderance of evidence. But here, the only person who might have a claim against Reno for damages would be the owner of the horse, and that is Reno himself.

Sincerely,

/Kathryn McEnery/
Kathryn McEnery, *electronically signed*
Powell County Attorney