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### DEFENSE 'QUITS' ON 2ND DAY OF TRIAL

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By MELISSA BOUGHTON  
The Winchester Star



**WINCHESTER** — Day two of Russell L. Ebersole's bench trial ended suddenly on Friday with a plea agreement and the Stephenson-based kennel owner's conviction on four counts of animal cruelty.

The 53-year-old owner of Aberdeen Acres Pet Care Center did not admit guilt, but essentially "just quit," according to his attorney Roger Inger.

Judge Clifford "Clay" Athey accepted the agreement — which calls for no sentencing cap or range — after a full day of testimony on Thursday in Frederick County Circuit Court detailing Ebersole's abusive training practices.

Seven animal-cruelty charges remain — two of the 13 charges were struck on Thursday — but are expected to not be prosecuted, as part of the plea deal.

Ebersole will be sentenced at 11 a.m. on Dec. 6.

The four animal-cruelty charges are Class 1 misdemeanors, each punishable by up to 12 months in jail and a \$2,500 fine.

Assistant Commonwealth's Attorney Andrew Robbins said after Friday's hearing that he was not completely surprised at the outcome of the case, but thought it was in the best interest of the residents of Frederick County.

"Plea agreements are always possible," he said. "We always try to remain open-minded."

While he would not indicate the punishment he would seek at the sentencing hearing, Robbins said he can argue for anything within the animal cruelty statute.

He said the investigation and prosecution of Ebersole took some time — all of the charges were from 2010 and 2011 — because "it had to be done right."

"We only get one shot at it," he added. "[Ebersole] would not have agreed to [a plea deal] if we didn't have our ducks in a row."

Cases of animal abuse for which Ebersole was found guilty — based on the testimony of witnesses — involve: Flash, a bloodhound that was kicked by Ebersole until he defecated on himself; Abby, a poodle that Ebersole shocked numerous times, threw and jabbed with a wooden agility pole; Achilles, an Italian mastiff that Ebersole choked until the blood vessels in his eyes burst; and Owen, a



Russell Ebersole

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Labrador retriever puppy that Ebersole suspended off the ground by a choke collar so many times that he defecated on himself.

Robbins said he preferred not to comment about the reason those cases were selected to convict Ebersole until after the sentencing hearing.

Ebersole, who returned on Friday with a German shepherd service dog, declined to comment about the plea agreement.

When asked how his business was faring through the trial, he said "all will be well."

While Ebersole awaits sentencing, he is permitted to own, train and associate with dogs. He can also continue to operate his business.

According to the Animal Legal and Historical Center, a Virginia dog kennel is defined as "any establishment in which five or more canines, felines or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling or showing."

Specific licenses for a kennel must be applied for, approved and maintained, but it is unclear if animal-cruelty convictions would interfere with that process.

Robbins said he is unaware of any specific law to that effect.

He can, however, request at the sentencing hearing that the court prohibit Ebersole from possessing or owning companion animals, according to the Virginia cruelty to animals statute.

The statute also states that the court can require Ebersole to attend an anger-management or other appropriate treatment program or obtain psychiatric or psychological counseling.

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