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Hearing Set on Cruelty Charge In Case of McLean Thoroughbreds

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By THOMAS WRIGHT

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FAIRFAX — A 58-year-old District man has been charged with neglect of his thoroughbred horses in McLean near the Robert Kennedy estate and their custody was awarded Thursday to the Fairfax County Animal Welfare League until the case is settled.

County Court Judge William G. Hamner, acting on a motion from Assistant Commonwealth's Attorney Quin Elson, said evidence presented thus far indicates the horses are in poor condition and are still being kept in inadequate quarters.

A HEARING on the charge of cruelty to animals was continued to Oct. 21.

Attorney Martin Eugene Morris, representing Nicholas Zemo, said he would seek a writ of mandamus today enjoining the court from transferring responsibility to the welfare league.

Richard Mayberry, who is employed as a groom for Attorney General and Mrs. Robert Kennedy in Langley, said he acted on orders from Mrs. Kennedy and took "a weak and staggering" horse belonging to Zemo from a chicken coop on property adjoining the Bureau of Public Roads site.

He said the horse was housed and fed on the Kennedy Hickory Hill farm last week. A veterinarian was called but the horse died a few days later.

Mayberry said he cares for the 11 Kennedy horses and has worked with race and show thoroughbreds most of his life. He told the court the horse he took and two others were "in the worst condition I have ever seen."

THREE SURVIVING yearlings and two ponies are being maintained by Zemo on the John A. Bross property at 4501 Crest Lane in McLean near the Merrywood Estate, according to testimony. Mrs. Pearl Twyne, state humane officer, said the horses are in a "thin emaciated condition and stand in a sagging position."

Mrs. Twyne described how she responded to a complaint last Friday and found the animals "in a damp, dark muggy shed and in very bad shape."

She said Zemo told her he had been ill with a heart condition and was unable to take care of the animals properly. "A long period of neglect made the horses dehydrated and their stomachs bloat," Mrs. Twyne said.

The witness said Zemo agreed to move the animals from their cramped quarters but hasn't done so. She said she never saw them outside and it is wrong to keep young horses confined in a stall day after day.

Mrs. Twyne said daily checks since Oct. 12 indicated the horses were receiving some water and feed following her conversation with Zemo. However, she said, the thin frames and apparent presence of parasites show special care is needed.

Elson said his concern in asking the court to remove the animals from Zemo's jurisdiction "is to prevent any further neglect of the horses."

The 28-year-old Kennedy groom testified that he had seen as many as 10 of Zemo's horses which should have been under a doctor's care for prolonged lack of water or feed.