

Be gone, little horse! Blue Ash cracks down again

John Traub just wanted his little miniature horse, Justice, to help special needs kids. Now, he's not so sure. The Enquirer/Liz Dufour



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(Photo: The Enquirer/Liz Dufour)

Stop me if you've heard this one before.

One day in June a miniature horse named Justice got loose in Blue Ash and started walking down Myrtle Avenue. Maybe he galloped, but Justice is kind of chunky and his legs are kind of teeny so it would be hard to know.

What sounds like the start of a joke – hey, why the long face? – was actually a court case Thursday morning in Room 160 of the Hamilton County Courthouse. There was a police video, and a citation, and testimony and cross examinations and eventually a ruling from the judge who at one point had to tell the prosecuting attorney to calm down. There was even a Greek chorus of accused drunk drivers and shoplifters, but they spoke in English.

The question before the court, eventually, came down to this: Is there room for Justice in Blue Ash, even if only for just enough time for the owner to make a quick pit stop.

This miniature horse belongs to John Traub, who for 17 years has worked with special-needs students as an aide in the Sycamore School District. He does so on weekends too, on his own time, and over the years he came to realize that some kids respond very well to small horses. So he bought one down in Texas because he is that kind of guy.

Traub knows all about Blue Ash's disapproval of farm animals. He even knows about city ordinance 505.21(a), which states that "no person shall shelter, maintain, keep, or harbor live equine (horse), ovine (sheep), bovine (cow), caprine (goat), swine (pigs), or camelid (camel, llama, alpaca) on any residential property within the municipal limits of the City of Blue Ash, Ohio."

For review, no equines, ovines, bovines, caprines or swine. No camels either, miniature or otherwise.

Traub knew all that, so he did not keep his little horse in Blue Ash, he kept Justice at his brother's place out in Mount Orab. On June 18, 2014, Traub left Blue Ash, picked up Justice and then drove him to the Montgomery home of a boy who lives with autism and enjoys spending time with the horse. "You should have seen his face, he can sit and brush that horse for 45 minutes," Traub said before the trial began.

Then, after leaving Montgomery, Traub swung by his house in Blue Ash to have a drink of water and visit the bathroom before driving back to Mount Orab. In his defense, that is a long ride.



This screen grab from a Blue Ash cruiser shows John Traub and Justice. (Photo: The Enquirer/Liz Dufour)

It was a warm 89 degrees that afternoon, and Traub didn't want to leave Justice in the car, so he asked his son to tie the horse up. Well, Justice got loose and started down Myrtle Avenue. At this point somebody called the police about this tiny little stampede. Traub gave chase and put a lead on the horse and walked him back to the house.

Just about when Traub got home with his horse on a rope, Sgt. Roger Pohlman of the Blue Ash Police Department showed up. Pohlman said, in court, that he saw Traub walking his horse, and that when Traub saw him, he started walking faster and then around the "west side" of his house. Pohlman said he then saw Traub poke his head around the corner of the house to see if the sergeant was still there.

It seems Blue Ash has a small horse problem, or a small small-horse problem. It's not exactly a herd of little horses, but there was another one just a few doors down from Traub that Blue Ash said had to go earlier this year. That case centered on whether a miniature horse was a farm animal or a service animal for the 13-year old girl with special needs who lives in the house. That family is still trying to appeal that decision.

But that was a horse of a different color. That horse was white, Justice is brown with white spots. He also knows how to count and can prove it by tapping his front hoof.

The case Thursday started with testimony from Sgt. Pohlman. Then the tape was played in which Traub is seen walking Justice to his car and picking him up like a dog and sticking him in the back of his SUV kind of like he was a big Labrador retriever. Albeit one with a mane. The tape was proof enough that the horse was in Blue Ash. But really, none of the facts were ever in question.

Nobody accused Traub of secretly keeping Justice at his home. Sgt. Pohlman said there was no hay, or shelter or any "signs" that a horse spent a lot of time at the home.

While this was happening, the gallery was both enthralled and appalled. Municipal Court is usually a place for drunk driving offenses and shoplifting accusations. It's the low end of the criminal court system and everybody just looks tired. Thursday most of them looked they were also fighting the flu.

As testimony continued, however, people got interested and vocal. There was lots of groaning and the common use of a two-syllable expression that started with "horse" to describe the case. "Leave that little horse be, I just want my license back," said a woman repeatedly from the back row who did not want her name used.

Traub testified about his long drive and his pit stop and Justice running free and his encounter with the police. It all was going fairly well with his attorney and then prosecuting attorney Sarah Cameron got to cross-examine him. Suddenly a horse trial in Municipal Court felt like a federal case. Cameron fired off a series of questions about Justice being on the property and how big Justice is and if Traub watered Justice and if he felt responsible for Justice and exactly where he tied him.



Eventually Judge Bernie Bouchard told her it was time to calm down and let Traub answer one question before asking him the next. Bouchard looked bemused, Traub looked becalmed, Cameron looked befuddled.

Eventually the case came down to the definition of a single word tucked into the middle of 505.21(a). That word was "harbor."

Cameron said tying the horse up on his property was Traub harboring the animal. Traub's attorney, Kari Yeomans, said this was simply a pit stop on his way to the farm. Yeomans argued that Traub never kept Justice at his home, that there was no food or shelter for the animal. The Greek chorus agreed, strongly, with Yeomans. They wanted justice for Justice.

Hamilton County Municipal Court Judge Bernie Bouchard presided over the case. (Photo: The Enquirer/Liz Dufour)

Alas, Judge Bouchard disagreed. After going to his office and looking at some case law and reading the municipal code, he said Traub had sheltered Justice. "Guilty," said Bouchard quickly after he re-entered the courtroom. Bouchard reduce the fine from \$200 dollars to \$75, but then added \$110 and court costs and \$18 for a subpoena so the total was \$203. Kind of a wash.

Now Traub will pay his fine, and he will never let his little horse out of the car again in Blue Ash. He may just never bring the horse to Blue Ash again, not even for kids fairs or Veterans parades. "There is no Justice in Blue Ash right now," Traub said. It wasn't clear if that was with a capital letter or not.

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