Anti-Cruelty: Related Cases

Case name	Citation	Summary
Adams v Reahy	[2007] NSWSC 1276	The first respondent claimed that despite their best efforts their dog was unable to gain weight and appeared emaciated. When proceedings were instituted, the first respondent was successful in being granted a permanent stay as the appellant, the RSPCA, failed to grant the first respondent access to the dog to determine its current state of health. On appeal, it was determined that a permanent stay was an inappropriate remedy and that the first respondent should be granted a temporary stay only until the dog could be examined.
Allen v. Municipality of Anchorage	168 P.3d 890 (Alaska App., 2007)	Krystal R. Allen pleaded no contest to two counts of cruelty to animals after animal control officers came to her home and found 180 to 200 cats, 3 dogs, 13 birds, and 3 chickens in deplorable conditions. She was sentenced to a 30-day jail term and was placed on probation for 10 years. One of the conditions of Allen's probation prohibits her from possessing any animals other than her son's dog. In first deciding that its jurisdictional reach extends to claims not just based on the term of imprisonment, the court concluded that the district court did not abuse its discretion by restricting Allen's possession of animals during the term of her probation.
Allen v. Pennsylvania Society For The Prevention of Cruelty To Animals	488 F.Supp.2d 450 (M.D.Pa., 2007)	This is a § 1983 civil rights action brought by Robert Lee Allen against certain state actors arising from their search of his property, seizure of his farm animals, and prosecution of him for purported violations of Pennsylvania's cruelty-to-animals statute. The animals Allen typically acquires for his rehabilitation farm are underweight, in poor physical condition, and suffer from long-standing medical issues. After receiving a telephone complaint regarding the condition of the horses and other livestock on Allen's farm, humane officers visited Allen's property to investigate allegations. Subsequently, a warrant to seize eight horses, four goats, and two pigs was executed on a day when the officers knew Allen would be away from his farm with "twenty five assorted and unnecessary individuals." The court held that the farmer's allegations that state and county humane societies had a custom, policy or practice of failing to train and supervise their employees stated § 1983 claims against humane societies. Further, the defendants were acting under color of state law when they searched and seized farmer's property.
Alliance to End Chickens as Kaporos v. New York City Police Dept	152 A.D.3d 113, 55 N.Y.S.3d 31 (N.Y. App. Div. 2017)	Kaporos is a customary Jewish ritual which entails grasping a live chicken and swinging the bird three times overhead while saying a prayer. Upon completion of the prayer, the chicken's throat is slit and its meat is donated. The practice takes place outdoors, on public streets in Brooklyn. The Plaintiffs include the Alliance to End Chickens as Kaporos and individual Plaintiffs who reside, work or travel, within Brooklyn neighborhoods. The Defendants included City defendants such as the New York City Police Department and non-City defendants such as individual Orthodox Jewish rabbis. The Plaintiffs alleged that Kaporos is a health hazard and cruel to animals. Plaintiffs requested the remedy of mandamus to compel the City Defendants to enforce certain laws related to preserving public health and preventing animal cruelty. The Supreme Court, Appellate Division, First Department, New York affirmed the Supreme Court's dismissal of the proceedings against the City defendants. The Court reasoned that none of the laws or regulations that the Plaintiffs relied on precluded the City Defendants from deciding whether or not to engage in Kaporos. Also, the Plaintiffs did not have a “clear legal right” to dictate which laws are enforced, how, or against whom. The Court stated that determining which laws and regulations

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		might be properly enforced against the non-City defendants without infringing upon their free exercise of religion could not be dictated by the court through mandamus.
Amos v. State	478 S.W.3d 764 (Tex. App. 2015), petition for discretionary review refused (Nov. 18, 2015)	A jury found appellant guilty of the offense of cruelty to a nonlivestock animal after he beat a Shih Tzu to death with a broom. After finding an enhancement paragraph true, the jury assessed Appellant's punishment at thirty-one months' confinement. Appellant asserted five issues on this appeal: (1) the admission of a State's witness's recorded statement to the police, which the court overruled because the evidence was received without objection; (2) the denial of his motion to quash the indictment for failing to allege an offense, which the court overruled because the indictment tracked the statutory language; (3) the denial of six of his challenges for cause, which the court overruled because the venire members gave the defense counsel contradictory answers meaning the trial court could not abuse its discretion in refusing to excuse a juror; (4) the denial of his objection to the charge, which the court overruled because the jury charge tracked the statute's language; and (5) the denial of his motion to suppress the dog's necropsy, which the court overruled because the appellant had no intention of reclaiming the dog's body or her ashes and thereby relinquished his interest in them such that he could no longer retain a reasonable expectation of privacy and lacked standing to contest the reasonableness of any search. The lower court's decision was therefore affirmed.
Anderson v Ah Kit	[2004] WASC 194	In proceedings for defamation, the plaintiff alleged that the defendant published information giving rise to the imputations that the plaintiff left animals to starve and that the Northern Territory government had to intervene to feed those animals. The defendant pleaded, inter alia, the defences of Polly Peck and fair comment. The Court ruled that the Polly Peck defense was sufficiently justified to survive the plaintiff's strike out application. It was held, however, that although animal welfare generally was a matter of public interest, the welfare of some animals held on private property was not, and could not be made by extensive media coverage, a matter of public interest.
Anderson v Moore	[2007] WASC 135	The appellant ignored advice to make available reasonable amounts of food to feed sheep. The appellant claimed to be acting under veterinary advice and further that the trial judge erred in taking into account the subjectivity of the appellant's actions. All claims were dismissed.
Anderson v. State (Unpublished)	877 N.E.2d 1250 (Ind. App. 2007)	After shooting a pet dog to prevent harm to Defendant's own dog, Defendant challenges his animal cruelty conviction. Defendant argues that since he was attempting to kill the dog, he did not intend to torture or mutilate the dog within the meaning of the statute. The court affirms his conviction, reasoning that the evidentiary record below supported his conviction.
Animal Legal Defense Fund v. California Exposition and State Fairs	239 Cal. App. 4th 1286 (2015)	Plaintiffs brought a taxpayer action against defendants based on allegations that defendants committed animal cruelty every summer by transporting pregnant pigs and housing them in farrowing crates at the state fair. One defendant, joined by the other, demurred, contending plaintiffs' complaint failed to state a cause of action for three distinct reasons, including that California's animal cruelty laws were not enforceable through a taxpayer action. The trial court agreed on all accounts, and sustained the demurrer without leave to amend. The Court of Appeals addressed only one of plaintiffs' claims, that contrary to the trial court's conclusion, plaintiffs could assert a taxpayer action to enjoin waste arising out of defendants' alleged violation of the animal cruelty laws. Like the trial court, the appeals court rejected plaintiffs' contention, concluding

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		that they could not circumvent the prohibition recognized in Animal Legal Defense Fund v. Mendes (2008) 160 Cal.App.4th 136, which concluded that recognition of a private right of action under West's Ann.Cal.Penal Code § 597t would be inconsistent with the Legislature's entrustment of enforcement of anti-cruelty laws to local authorities and humane societies, by couching their claim as a taxpayer action. The lower court's decision was therefore affirmed.
Animal Legal Defense Fund v. Mendes	72 Cal.Rptr.3d 553 (Cal.App. 5 Dist., 2008)	Appellants ALDF asserted causes of action for violation of Penal Code section 597t for confining calves without an "adequate exercise area," and for commission of unfair business practices under Business and Professions Code section 17200 et seq. In affirming the lower court's decision to dismiss the action, this court held that there is no private cause of action pursuant to Penal Code section 597t under the present circumstances, and none of the appellants have shown an ability to allege any facts of economic injury.
Animal Legal Defense Fund v. Woodley	640 S.E.2d 777; 2007 WL 475329 (N.C.App., 2007)	In this North Carolina Case, Barbara and Robert Woodley (defendants) appeal from an injunction forfeiting all rights in the animals possessed by defendants and the removal of the animals from defendants' control, and an order granting temporary custody of the animals to the Animal Legal Defense Fund. On 23 December 2004, plaintiff filed a complaint against defendants seeking preliminary and permanent injunctions under North Carolina's Civil Remedy for Protection of Animals statute (Section 19A). N.C. Gen.Stat. § 19A-1 et seq. (2005). Plaintiff alleged that defendants abused and neglected a large number of dogs (as well as some birds) in their possession. On appeal, defendants argue that Section 19A is unconstitutional in that it purports to grant standing to persons who have suffered no injury, and that it violates Article IV, Section 13 of the N.C. Constitution by granting standing through statute. The court held that Article IV, Section 13 merely "abolished the distinction between actions at law and suits in equity," rather than placing limitations on the legislature's ability to create actions by statute, contrary to defendants' interpretation.
Animal Liberation (Vic) Inc v Gasser	(1991) 1 VR 51	Animal Liberation were injuncted from publishing words claiming animal cruelty in a circus or demonstrating against that circus. They were also found guilty of nuisance resulting from their demonstration outside that circus. On appeal, the injunctions were overturned although the finding of nuisance was upheld.
Animal Liberation Ltd v Department of Environment & Conservation	[2007] NSWSC 221	The applicants sought to restrain a proposed aerial shooting of pigs and goats on interlocutory basis pending the outcome of a suit claiming the aerial shooting would constitute cruelty. It was found that the applicants did not have a 'special interest' and as such did not have standing to bring the injunction. The application was dismissed.
Animal Liberation Ltd v National Parks & Wildlife Service	[2003] NSWSC 457	The applicants sought an interlocutory injunction to restrain the respondent from conducting an aerial shooting of goats as part of a 'cull'. The applicants claimed that the aerial shooting constituted cruelty as the goats, once wounded, would die a slow death. An injunction was granted to the applicants pending final hearing of the substantive action against the aerial shooting.
Archer v. State	309 So. 3d 287 (Fla. Dist. Ct. App. 2020)	Defendant Tim Archer pleaded no contest to felony animal cruelty in Florida. Archer's dog Ponce apparently made a mess in Archer's house and, when Archer "disciplined" Ponce, the dog bit him, leading to Archer violently beating and stabbing the dog to death. Public outcry over mild punishment in the state for heinous acts of animal abuse led to "Ponce's

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		Law," which enhanced penalties (although it did not retroactively apply to Archer). As a condition of Archer's plea agreement, both parties stipulated to a restriction on future ownership of animals as part of Archer's probation. On appeal here, Archer argues that the trial court erred in imposing these special conditions of probation. With regard to special condition 34 and 35, which prohibits him from owning any animal for the duration of his life and prohibits him from residing with anyone who owns a pet, Archer seeks clarification whether this prohibits him from residing with his ex-wife and children who own two cats, respectively. The court found that condition 35 would only be in effect for his three-year probationary term. Additionally, the court found condition 34 that imposes a lifetime ban on ownership exceeded the trial court's jurisdiction regardless of the open-ended language of Ponce's law. The animal restriction is not "a license to exceed the general rule that prohibits a court from imposing a probationary term beyond the statutorily permissible term, which in this case is five years." The case was remanded to the trial court to modify the conditions of probation to be coextensive with the probationary term.
Australian Wool Innovation Ltd v Newkirk (No 2)	[2005] FCA 1307	The respondents, including PETA, engaged in a campaign to boycott the Australian wool industry on the bases of the cruelty incurred by the practice of mulesing and because of its link to the live export industry. The applicants, including Australian Wool Innovation who represented the Australian wool industry, sought to bring an action against the respondents for hindering trade under the Trade Practices Act (Cth) s 45DB and conspiring to injure the applicants by unlawful means. The respondents were successful in having these claims struck out.
Bandeira and Brannigan v. RSPCA	CO 2066/99	Where a person has sent a dog into the earth of a fox or sett of a badger with the result that a confrontation took place between the dog and a wild animal, and the dog experienced suffering, it will be open to the tribunal of fact to find that the dog has been caused unnecessary suffering and that an offence has been committed under section 1(1)(a) of the Protection of Animals Act 1911.
Barnard v. Evans	[1925] 2 KB 794	The expression "cruelly ill-treat"" in s 1(1)(a) of the Protection of Animals Act 1911 means to "cause unnecessary suffering" and "applies to a case where a person wilfully causes pain to an animal without justification for so doing". It is sufficient for the prosecution to prove that the animal was caused to suffer unnecessarily, and the prosecution does not have to prove that the defendant knew that his actions were unnecessary.
Bartlett v. State	929 So.2d 1125, (Fla.App. 4 Dist.,2006)	In this Florida case, the court held that the evidence was sufficient to support a conviction for felony cruelty to animals after the defendant shot an opossum "countless" times with a BB gun after the animal had left defendant's home. As a result, the animal had to be euthanized. The court wrote separately to observe that the felony cruelty section (828.12) as written creates a potential tension between conduct criminalized by the statute and the lawful pursuit of hunting. The commission of an act that causes a "cruel death" in Section 828.12 applies to even the unintended consequence of a lawful act like hunting.
Beasley v. Sorsaia	880 S.E.2d 875 (2022)	Petitioner was charged with animal cruelty in West Virginia. The incident stemmed from 2020 where humane officers in Putnam County seized several horses and a donkey that were denied “basic animal husbandry and adequate nutrition[.]” After the seizure, petitioner claimed the magistrate lacked jurisdiction to dispose of the case because farm animals are excluded under the Code. That motion was granted by the magistrate and the animals were returned to the petitioner. After a short period of time, petitioner was charged with six counts of criminal animal cruelty and

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		again the magistrate dismissed the complaint. However, the magistrate stayed the dismissal on the State's motion so that the circuit court could determine whether § 61-8-19(f) excludes livestock. The circuit court agreed that the section encompasses livestock from inhumane treatment and the magistrate was prohibited from dismissing the complaint. Petitioner now appeals that decision here. This court first examined the anti-cruelty statute finding that the structure of the exception under subsection (f) refers back to the conditional phrase that ends in "standards" for keeping the listed categories of animals. The court disagreed with the petitioner's claim of a "blanket exclusion" for livestock since the Commissioner of Agriculture has promulgated rules that govern the care of livestock animals that includes equines. The court rejected petitioner's attempt to parse the placement of clauses and antecedents to support her claim. The court held that § 61-8-19(f) establishes an exclusion for farm livestock only when they are “kept and maintained according to usual and accepted standards of livestock ... production and management." The circuit court's writ of prohibition was affirmed and the matter was remanded.
Bell v. State	761 S.W.2d 847 (Tex. App. 1988)	Defendant convicted of cruelty to animals by knowingly and intentionally torturing a puppy by amputating its ears without anesthetic or antibiotics. Defense that "veterinarians charge too much" was ineffective.
Black Hawk County v. Jacobsen (Unpublished)	2002 WL 1429365 (Iowa App. 2002) (Not Reported in N.W. 2d)	In this case, Donna Jacobsen appealed a district court order finding she had neglected fifty-six dogs in the course of her operation of a federal and state licensed kennel in Jesup. On appeal, Jacobsen contended that the district court lacked subject matter jurisdiction because federal law (the Animal Welfare Act) preempts state regulations of federally licensed kennels. The court disagreed, finding the Act expressly contemplates state and local regulation of animals. Further, a plain reading of the Animal Welfare Act shows that Congress demonstrated no express or implied intent to preempt state or local government from regulating in this area.
Blankenship v. Commonwealth	838 S.E.2d 568 (2020)	Brandon Scott Blankenship showed up at Wally Andrews’ home although Blankenship had previously been ordered not to come onto Andrews’ property. Blankenship stood outside on Andrews’ property and continued to curse at Andrews and threaten to kill him. Andrews called law enforcement and when they arrived, Blankenship continued his cursing and yelling at the officers. Every time the officers attempted to arrest Blankenship he would ball up his fists and take a fighting stance towards the officers. At some point the officers released a police K-9 named Titan after Blankenship took off running. Blankenship kicked and punched Titan until he backed off. Titan ended up with a digestive injury in which he would not eat and seemed lethargic. Blankenship was indicted for three counts of assault and battery on a law enforcement officer, one count of assault on a law enforcement animal, one count of assault and battery, one count of obstruction of justice, and one count of animal cruelty. The Court struck one count of assault and battery on a law enforcement officer, the count of assault on a law enforcement animal, and the count of obstruction to justice. Blankenship was convicted of the remaining four counts and he appealed assigning error to the sufficiency of the evidence used to convict him. The Court found that Blankenship’s overt acts demonstrated that he intended to place the law enforcement officers in fear of bodily harm which in turn caused the officers to actually and reasonably fear bodily harm. The totality of the circumstances supported Blankenship’s conviction of assault and battery on both the law enforcement officers and Andrews. As for the animal cruelty conviction, the Court found that there was sufficient evidence from which the circuit court could find that Blankenship voluntarily acted with a consciousness that inhumane injury or pain would result from punching and kicking Titan.

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		Blankenship had no right to resist the lawful arrest and his actions against Titan were not necessary, therefore, there was sufficient evidence to support Blankenship's conviction for animal cruelty. The Court ultimately affirmed and remanded the case.
Boling v. Parrett	536 P.2d 1272 (Or. 1975)	This is an appeal from an action claiming conversion when police officers took animals into protective custody. Where police officers acted in good faith and upon probable cause when a citation was issued to an animal owner for cruelty to animals by neglect, then took the animals into protective custody and transported them to an animal shelter, there was no conversion.
Brackett v. State	236 S.E.2d 689 (Ga.App. 1977)	In this Georgia case, appellants were convicted of the offense of cruelty to animals upon evidence that they were spectators at a cockfight. The Court of Appeals agreed with the appellants that the evidence was insufficient to support the conviction, and the judgment was reversed. The court found that the statute prohibiting cruelty to animals was meant to include fowls as animals and thus proscribed cruelty to a gamecock. However, the evidence that defendants were among the spectators at a cockfight was insufficient to sustain their convictions.
Bramblett v. Habersham Cty.	816 S.E.2d 446 (Ga. Ct. App., 2018)	Defendants appeal from an order granting a petition for recoupment of costs filed by Habersham County pursuant to OCGA § 4-11-9.8, and a separate order directing the defendants to pay $69,282.85 into the court registry in connection with the boarding, treatment, and care of 29 dogs that the Brambletts refused to surrender after the County seized over 400 animals from their property. In April 2017, over 400 animals were removed from the Bramblett's property and they were charged with over 340 counts of cruelty to animals under Georgia law. There were 29 animals that were not surrendered and were running loose on the property. The current petition for recoupment of costs here refers to the care for those 29 animals, which were later impounded. The Brambletts appealed that order, arguing that the trial court erred in granting the County's petition without providing notice under OCGA § 4-11-9.4. The appellate court disagreed, finding that the procedure in OCGA § 4-11-9.8 applied because the notice provisions of OCGA §§ 4-11-9.4 and 4-11-9.5 only apply when the animal has been impounded "under" or "pursuant to this article" of the Georgia Animal Protection Act. Here, the animals were seized under as part of an investigation of violations of OCGA § 16-12-4 so the notice provisions did not apply. As to defendants contention that the court erred by not considering the "actual predicted costs" of caring for 29 dogs and instead relying on a "formulaic calculation," the court also found no error. The judgment was affirmed.
Brayshaw v Liosatos	[2001] ACTSC 2	The appellant had informations laid against him alleging that he, as a person in charge of animals, neglected cattle 'without reasonable excuse' by failing to provide them with food. The appellant had been informed by a veterinarian that his treatment of the cattle was potentially a breach of the Animal Welfare Act 1992 (ACT) and that they were in poor condition. The evidence admitted did not rule out the possibility that the appellant's feeding of the cattle accorded with 'maintenance rations' and the convictions were overturned.
Brinkley v. County of Flagler	769 So. 2d 468 (2000)	Appellee county sought to enjoin appellant from mistreating animals by filing a petition against her under Fla. Stat. ch. 828.073 (1997). The animals on appellant's property were removed pursuant to Fla. Stat. ch. 828.073, a statute giving law enforcement officers and duly appointed humane society agents the right to provide care to animals in distress. The entry onto appellant's property was justified under the emergency exception to the warrant requirement for searches. The hearing after

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		seizure of appellants' animals was sufficient to satisfy appellant's due process rights.
Broadway, &c., Stage Company v. The American Society for the Prevention of Cruelty to Animals	15 Abbott 51 (1873)	Part I is the initial civil case which was brought by the commercial powers of New York to stop Bergh from enforcing the criminal anti-cruelty law. The judge suggests the scope of the law and what Bergh must do to utilize the law. Part II is a second case brought several months latter when the corporate legal guns again try to get Bergh. This time for violating the judges prior opinion. Part III is the claim of one of the stage operators who Bergh personally asserted for overworking a horse. The claim against Bergh is for false arrest. The Judge holds against the stage driver, freeing Bergh. Discussed in Favre, History of Cruelty
Brown v. State	166 So. 3d 817 (Fla. Dist. Ct. App. 2015)	Defendant was found guilty of felony cruelty to animals after a Chow mix was found near defendant's mobile home emaciated and suffering from several long-term conditions that had gone untreated. Defendant was convicted in the Circuit Court, Pasco County and was sentenced to six months of community control followed by three years of probation. She timely appealed, raising several arguments. The District Court of Florida affirmed the trial court's decision, writing only to address her claim that the trial court erred in denying her motion for judgment of acquittal because a felony conviction for animal cruelty Florida Statutes could not be based on an omission or failure to act. In doing so, the court noted that a defendant could be properly charged with felony animal cruelty under this version of the Florida statute for intentionally committing an act that resulted in excessive or repeated infliction of unnecessary pain or suffering to an animal by failing to provide adequate food, water, or medical treatment. The court then held that sufficient evidence existed showing that defendant owned a dog and failed, over a period of more than one year, to provide adequate food, water and needed medical care.
Browning v. State	2007 WL 1805918 (Ind.App.)	The Brownings were each charged with 32 counts of animal cruelty and convicted of five counts for their failure to provide adequate nutrition and veterinary care to their horses and cattle. As a result, Cass County seized and boarded several of their animals at a significant cost to the county. Although only five of those horses and cattle were ultimately deemed to be the subject of the defendants' cruelty, the appellate court affirmed the order requiring the Brownings to reimburse the county for boarding and caring for the horses and cattle during the proceedings totaling approximately $14,000 in fines and costs.
Bueckner v. Hamel	886 S.W.2d 368 (Tex. App. 1994).	Texas law allows persons to kill without liability dogs that are attacking domestic animals. However, the attack must be in progress, imminent, or recent. This defense does not apply to the killing of dogs that were chasing deer or non-domestic animals.
C., M. M. M. s/ Denuncia Maltrato Animal; seguidos contra E. P. S., D.N.I. N° X- Causa Tita	Fallo 481/2021	This court decision has two important aspects, where the judge recognizes families as multispecies, and non-human animals as sentient beings and subjects of rights. The facts of this case arose from a fatal encounter between the police officer and "Tita," a Pitbull-mix family dog, in March 2020 in the Province of Chubut in Argentina. "Tita" attacked an on-duty police officer, and, when Tita was walking away, the officer shot her in front of her family. The injury was so severe that Tita had to ultimately be put down. The judge, in this case, found that Tita was a non-human person and a daughter to her human family, as she and other companion animals had adapted so well to the family life, that it had turned the family into a multispecies one. Therefore, the loss of Tita was an irreparable one. The judge further stated that in today's world animals are not "things," they are sentient beings and they have the right that their life is respected. The holding of the court was also based on the case of Sandra, the orangutan,

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		and the Universal declaration of animal rights. The police officer was sentenced to one year of suspended imprisonment, professional disqualification for two years, and to pay the attorney and court fees for the crimes of abuse of authority and damages. However, he was acquitted of the animal cruelty charges. Update: In September 2022, the Chubut's criminal chamber of the Superior Court of Justice (the highest tribunal in the province) heard the case on appeal. The court affirmed the verdict of the Trelew's criminal chamber that set aside the guilty verdict entered against the police officer. The highest tribunal found that, at the incident, Tita was unleashed and unmuzzled. Also, she was aggressive toward the officer, barking and charging at him before he shot her. The tribunal concluded that the officer found himself in imminent danger, which justified his actions, and therefore, he was not guilty as he acted to defend himself. The tribunal found that Sandra's case and the Universal declaration of animal rights did not apply to Tita's case because there were circumstances in which it is necessary to end the life of an animal, and Sandra's case was brought up as a habeas corpus on behalf of a hominid primate. The recognition of "subject of rights" was granted to Sandra based on the genetic similarity of her species to humans, which is 97%, as opposed to canines' which is only 75%. It is important to note that the tribunal did not say anything in regard to the status of Tita as a member of her multispecies family.
California Veterinary Medical Ass'n v. City of West Hollywood	61 Cal. Rptr. 3d 318 (2007)	This California case centers on an anti-cat declawing ordinance passed by the city of West Hollywood in 2003. On cross-motions for summary judgment the trial court concluded West Hollywood's anti-declawing ordinance was preempted by section 460 and entered judgment in favor of the CVMA, declaring the ordinance invalid and enjoining further enforcement. On appeal, however, this Court reversed, finding section 460 of the veterinary code does not preempt the ordinance. Although section 460 prohibits local legislation imposing separate and additional licensing requirements or other qualifications on individuals holding state licenses issued by agencies of the Department of Consumer Affairs (DCA), it does not preclude otherwise valid local regulation of the manner in which a business or profession is performed.
Caswell v. People	536 P.3d 323 (Colo., 2023)	This case concerns several charges of animal cruelty against petitioner Caswell. A welfare check was conducted by a deputy at the Lincoln County Sheriff's office in response to a report on Ms. Caswell. After two welfare checks were conducted, the deputies executed a search warrant at the Caswell residence, resulting in the seizure of sixty animals. These animals lacked sufficient food or water, were kept in enclosed spaces filled with feces and urine, and many of the animals were underweight or had untreated medical problems. Respondent, the People of the State of Colorado, charged Ms. Caswell with forty-three class six counts of cruelty to animals, which were charged as felonies because Ms. Caswell had prior convictions of misdemeanor animal cruelty on her record. The jury found Caswell guilty of all forty-three counts and sentenced her to eight years of probation, forty-three days in jail, and forty-seven days of in-home detention. An appeal followed and the holding was affirmed. Petitioner filed for certiorari and the Supreme Court of Colorado granted. Here, petitioner argues that the use of her prior convictions for animal cruelty to enhance her charges to felonies violates the Sixth Amendment and article II of the Colorado Constitution. The court first considered whether the legislature meant to make the statutory provision used to enhance Caswell's sentence as an element versus a sentence enhancer. The court here listed five factors to consider whether a fact is an element or sentencing factor: (1) the statute's language and structure, (2) tradition, (3) the risk of unfairness, (4) the severity of the sentence, and (5) the statute's legislative history. Four of these five factors signaled a legislative intent to designate it a sentence enhancer, so the court concluded that the legislature intended to designate the fact of prior convictions as a sentence enhancer rather than an element. The court also concluded that

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		the sentence did not violate the Sixth Amendment or article II of the Colorado Constitution, and affirmed the holding of the lower court.
Cat Champion Corp. v. Jean Marie Primrose	149 P.3d 1276 (Or. Ct. App. 2006)	A woman had 11 cats which were in a state of neglect and were taken away from her and put with a cat protection agency. Criminal charges were dropped against the woman when it was found she was mentally ill and incapable of taking care of herself or her cats. The court found it could grant the cat protection agency ownership over the cats so they could be put up for adoption, even though the woman had not been criminal charged, and had not forfeited her cats.
Causa No. 09209202301263 - Ecuador	Causa No. 09209202301263, Unidad Judicial de Familia, Mujer, Niñez y Adolescencia Norte con Sede en el Cantón Guayaquil, Provincia del Guayas (2023)	Plaintiffs filed a Habeas Corpus claiming the violation of the rights to freedom, life, integrity, the free development of animal behavior, and the right to health of all animals housed at Narayana Aventura Park. Plaintiffs argued that the animals were in a malnourished and in inadequate captivity conditions. The Narayana Aventura Park sells itself as a rescue center and keeps various exotic, endemic, and domestic animals. They denied any violations to the rights of the animals, stating that the animals were provided the minimum welfare conditions required by the law. In addition, they contended that the park was acting in accordance to the law and had all the permits required by the authorities to keep the animals. After thorough examination of the case and careful consideration of applicable laws and jurisprudence, the judge granted the habeas corpus. This ruling acknowledges the significant impact on the rights of exotic, endemic, and even the farm animals under the park's care. Grounded in Article 89 of the Constitution of Ecuador, as well as jurisprudence from the Inter-American Court of Human Rights and Judgment No. 253-20-JH/22, the judge arrived at this conclusion. However, attending to the recommendations issued by the experts, the court decided to let the animals stay at the park, instructing the enhancement of the enclosure and diets of all animals within a three-month period after the judgment. This decision was appealed by the defendant, and it is currently under review.
Causa Nº 17001-06-00/13 “Incidente de apelación en autos G. B., R. s/inf. ley 14346”	Causa Nº 17001-06-00/13	This is an appeal of a decision in first instance where the lower court gave the custody of 68 dogs to the Center for Prevention of Animal Cruelty. The 68 dogs were found in extremely poor conditions, sick, malnourished, dehydrated under the custody of the Defendant. Various dogs had dermatitis, conjunctivitis, otitis, sparse hair and boils, lacerations, pyoderma and ulcers. The officers that executed the search also found the decomposing body of a dead dog inside the premises. The lower court determined the defendant had mental disabilities, which did not allow her to comprehend the scope of her acts, for which she was not found guilty of animal cruelty. However, the court determined that she was not suited to care for the dogs. The Defendant appealed the decision arguing that the dogs were not subject to confiscation.
Celinski v. State	911 S.W.2d 177 (Tex. App. 1995).	Criminal conviction of defendant who tortured cats by poisoning them and burning them in microwave oven. Conviction was sustained by circumstantial evidence of cruelty and torture.
Chambers v. Justice Court Precinct One	95 S.W.3d 874 (Tex.App.-Dallas, 2006)	In this Texas case, a justice court divested an animal owner of over 100 animals and ordered that the animals be given to a nonprofit organization. The owner sought review of the forfeiture in district court. The district court subsequently dismissed appellant's suit for lack of jurisdiction. Under the Texas Code, an owner may only appeal if the justice court orders the animal to be sold at a public auction. Thus, the Court of Appeals held that the statute limiting right of appeal in animal forfeiture cases precluded animal owner from appealing the justice court order.

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Chase v. State	448 S.W.3d 6 (Tex. Crim. App. 2014)	Appellant and his wife were walking their two dogs when two neighbor dogs attacked the group. After the attack, appellant slashed the attacking dog's throat with a knife, which resulted in the dog's death. Appellant was then charged with and convicted of cruelty to non-livestock animals under Texas law. The appellant appealed to the Texas Court of Appeals and the case was reversed and remanded. The State filed a petition for discretionary review with the Court of Criminal Appeals. The issue before that court was whether § 822.013(a) of the Texas Health and Safety Code, a non-penal code, provided a defense to criminal prosecution. The court held that § 822.013(a)—which allows an attacked animal's owner or a person witnessing an attack to kill a dog that is attacking, is about to attack, or has recently attacked a domestic animal—is a defense against cruelty to non-livestock animals. The judgment of the Court of Appeals was therefore affirmed. The dissenting opinion disagreed. The dissent argued the goal of this statute was to protect farmers and ranchers against the loss of their livelihood by allowing them to protect their livestock from attacking dogs without fear of liability to the dog's owner, not to allow individuals in residential neighborhoods to kill a neighbor's dog after an attack with criminal impunity.
Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah	508 U.S. 520 (1993)	Local ordinance prohibiting animal sacrifices under the guise of an anti-cruelty concern was an unconstitutional infringement on church's First Amendment rights because (1) ordinances were not neutral; (2) ordinances were not of general applicability; and (3) governmental interest assertedly advanced by the ordinances did not justify the targeting of religious activity.
Citizens for Responsible Wildlife Management v. State	71 P.3d 644 (Wash. 2003)	A citizen groups filed a declaratory judgment action against the State of Washington seeking a determination that the 2000 initiative 713 barring use of body-gripping traps, sodium fluoroacetate, or sodium cyanide to trap or kill mammals was unconstitutional. The Supreme Court found that appellants did not show beyond a reasonable doubt that Initiative 713 violated the constitution, and thus affirmed the superior court's denial of the summary judgment motion. The court also held that the initiative was exempt from the constitutional provision prohibiting legislation that revises or amends other acts without setting them forth at full length.
City of Boston v. Erickson	877 N.E.2d 542 (Mass.2007)	This very short case concerns the disposition of defendant Heidi Erickson's six animals (four living and two dead) that were seized in connection with an animal cruelty case against her. After Erickson was convicted, the city withdrew its challenge to the return of the living animals and proceeded only as to the deceased ones. A single justice denied the city's petition for relief, on the condition that Erickson demonstrate “that she has made arrangements for [t]he prompt and proper disposal [of the deceased animals], which disposal also is in compliance with health codes.” Erickson challenged this order, arguing that it interfered with her property rights by requiring her to discard or destroy the deceased animals. However, this court found no abuse of discretion, where it interpreted the justice's order to mean that she must comply with all applicable health codes rather than forfeit her deceased animals.
City of Cleveland v. Turner	--- N.E.3d ----, 2019 WL 3974089 (Ohio Ct. App., 2019)	Defendant was convicted by bench trial of one count of sexual conduct with an animal (bestiality) in violation of R.C. 959.21(B). He was sentenced to 90 days in jail (with credit for time served), a $750 fine, with five years of inactive community control that included no contact with animals and random home inspections by the Animal Protection League (APL). The evidence supporting his conviction came from explicit letters defendant wrote to his boyfriend (who was incarcerated at the time) that described acts of bestiality. Defendant was also a sex offender parolee at the time of the letter writing. The letter, which was intercepted by jail

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		officials, recounted a sexual act defendant engaged in with a dog that was under his care. Other similarly explicit letters were entered as evidence. In addition to the letters, the dog's owner testified that she left her dog with defendant and, after picking up the dog, the dog's behavior markedly changed from friendly to anxious and afraid. In addition, the dog was skittish for many days after, licked her genitals excessively, and was uncomfortable with any person near her backside, including the veterinarian. On appeal, defendant contends that the court erred by admitting his extrajudicial statements without independent evidence of a crime. Specifically, defendant contends the city failed to establish the corpus delicti to permit introduction of his purported confession. The court noted that this was a case of first impression since there is no Ohio case law that has analyzed the corpus delicti issue in the context of R.C. 959.21. Relying on the Indiana case of Shinnock v. State, 76 N.E.3d 841 (Ind.2017), this court found that while there was no direct evidence of a crime against the dog, the circumstantial evidence corroborates defendant's statements in his letter. The corpus delicti rule requires that the prosecution supply some evidence of a crime to admit the extrajudicial statements. Here, the city did that with the dog owner's testimony concerning the dog's altered behavior after being left alone with defendant. The court also found the evidence, while circumstantial, withstood a sufficiency of evidence challenge by defendant on appeal. On the issue of sentencing and random home inspections as a condition of his community control sanctions, the court found that the trial court did not have "reasonable grounds" to order warrantless searches of real property for a misdemeanor conviction. The finding of guilt for defendant's bestiality conviction was affirmed, but the condition of community control sanction regarding random home inspections was reversed and remanded.
City of Garland v. White	368 S.W.2d 12 (Tex. Civ. App. 1963).	Police officers were trespassers and could be held civilly liable for damages when they entered a dog owner's property with the intent to unlawfully kill the dog. Reports had been made that the dog was attacking other animals but because the attacks were not imminent, in progress, or recent, the killing of the dog was not lawful.
City of Houston v. Levingston	Not Reported in S.W.3d, 2006 WL 241127 (Tex.App.-Hous. (1 Dist.))	A city veterinarian who worked for the Bureau of Animal Regulation and Care (BARC) brought an action against the city, arguing that he was wrongfully terminated under the Whistleblower's Act. The vet contended that he reported several instances of abuses by BARC employees to the division manager. In upholding the trial court's decision to award Levingston over $600,000 in damages, the appellate court ruled the evidence was sufficient to support a finding that the veterinarian was terminated due to his report . Contrary to the city's assertion, the court held that BARC was an appropriate law enforcement authority under the Act to report violations of section 42.09 of the Texas Penal Code committed by BARC employees. **Opinion Withdrawn and Superseded on Rehearing by *City of Houston v. Levingston* , 221 S.W.3d 204 (Tex. App., 2006).**
City of Houston v. Levingston	221 S.W.3d 204 (Tx.App.-Hous.(1 Dist.) 2006)	This opinion substitutes City of Houston v. Levingston, 2006 WL 241127 (Tex.App.-Hous. (1 Dist.)), which is withdrawn.
Com v. Daly	56 N.E.3d 841 (Mass. App. 2016)	The Defendant Patrick Daly was convicted in the District Court of Norfolk County, Massachusetts of animal cruelty involving a "snippy," eight-pound Chihuahua. The incident occurred when Daly flung the dog out of an open sliding door and onto the deck of his home after the dog bit Daly's daughter, which led to the dog's death. On appeal, defendant raised several arguments. He first challenged the animal cruelty statute as vague and overbroad because it failed to define the terms "kill," "unnecessary cruelty," or "cruelly beat." The court disregarded his claim, finding the

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		terms of the statute were "sufficiently defined" such that a person would know that he or she "may not throw a dog on its leash onto a deck with force enough to cause the animal to fall off the deck, twelve feet to its death . . ." Defendant also claimed that a photo of his daughter's hand showing the injury from the dog bite was improperly excluded. However, the court found the defendant was not prejudiced by the judge's failure to admit the photo. Under a claim that his conduct was warranted, defendant argues that the jury was improperly instructed on this point. It should not have been instructed on defense of another because that relates only to defending against human beings and, instead, the jury should have been instructed on a defense of attack by an animal. The court found while there is no precedent in Massachusetts for such a claim, the rationale is the same as the given instruction, and defendant cannot complain that the jury was improperly instructed where he invited the instruction with his claims that his actions were necessary to protect his daughter. His other claims were also disregarded by the court and his judgment was affirmed.
Com. v. Barnes	427 Pa.Super. 326, 629 A.2d 123 (Pa.Super.,1993)	In this case, the defendants argued that the police powers granted to a private entity, the Erie Humane Society, was an improper delegation of government authority. On appeal, the defendants' asserted several arguments including a claim that Pennsylvania's delegation of government authority is in violation of the Fourth Amendment of the United States Constitution and the Pennsylvania Constitution The appeals court rejected each of defendants' four arguments. Specifically, the court rejected defendants' assertion that the Erie Humane Society operates as "vigilantes," finding that the Society's actions are regulated by the Rules of Criminal Procedure with requirements of probable cause and the constraints of case law.

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Com. v. Erickson	905 N.E.2d 127 (Mass.App.Ct.,2009)	In this Massachusetts case, the defendant was found guilty of six counts of animal cruelty involving one dog and five cats after a bench trial. On appeal, defendant challenged the warrantless entry into her apartment and argued that the judge erred when he failed to grant her motion to suppress the evidence gathered in the search. The Court of Appeals found no error where the search was justified under the "emergency exception" to the warrant requirement. The court found that the officer was justified to enter where the smell emanating from the apartment led him to believe that someone might be dead inside. The court was not persuaded by defendant's argument that, once the officer saw the dog feces covering the apartment that was the source of the smell, it was then objectively unreasonable for him to conclude the smell was caused by a dead body. "The argument ignores the reality that there were in fact dead bodies in the apartment, not merely dog feces, to say nothing of the additional odor caused by the blood, cat urine, and cat feces that were also found."
Com. v. Hackenberger	836 A.2d 2 (Pa.2003)	Defendant was convicted and sentenced to 6 months to 2 years jail following a jury trial in the Court of Common Pleas of cruelty to animals resulting from his shooting of a loose dog more than five times. On appeal, appellant contends that the use of a deadly weapon sentencing enhancement provision does not apply to a conviction for cruelty to animals since the purpose is to punish only those offenses where the defendant has used a deadly weapon against *persons.* The Commonwealth countered that the purpose behind the provision is immaterial because the plain language applies to any offense where the defendant has used a deadly weapon to commit the crime, save for those listed crimes where possession is an element of the offense. This Court agreed with the Commonwealth and held that the trial court was not prohibited from applying the deadly weapon sentencing enhancement to defendant's conviction for cruelty to animals.
Com. v. Kneller	971 A.2d 495 (Pa.Super.,2009)	Defendant appealed a conviction for criminal conspiracy to commit cruelty to animals after Defendant provided a gun and instructed her boyfriend to shoot and kill their dog after the dog allegedly bit Defendant's child. The Superior Court of Pennsylvania reversed the conviction, finding the relevant animal cruelty statute to be ambiguous, thus requiring the reversal under the rule of lenity. Concurring and dissenting opinions were filed, in which both agreed that the statute is unambiguous as to whether a dog owner may destroy his or her dog by use of a firearm when that dog has attacked another person, but disagreed as to whether sufficient evidence was offered to show that the dog in fact attacked another person. (See Supreme Court order - Com. v. Kneller, 978 A.2d 716, 2009 WL 5154265 (Pa.,2009)).
Com. v. Kneller	987 A.2d 716 (Pa., 2009)	The Supreme Court of Pennsylvania took up this appeal involving the defendant's criminal conspiracy to commit cruelty to animals after the defendant provided a gun and instructed her boyfriend to shoot and kill their dog after the dog allegedly bit the defendant's child. The Supreme Court vacated the order of the Superior Court and remanded the case to the Superior Court (--- A.2d ----, 2009 WL 215322) in accordance with the dissenting opinion of the Superior Court's order. The Court further observed that the facts revealed no immediate need to kill the dog and that there was "unquestionably malicious beating of the dog" prior to it being shot.

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Com. v. Linhares	957 N.E.2d 243 (Mass.App.Ct., 2011)	Defendant intentionally hit a duck with his car and was convicted of cruelty to animals. The conviction was upheld by the Appeals Court because all that must be shown is that the defendant intentionally and knowingly did acts which were plainly of a nature to inflict unnecessary pain. Specific intent to cause harm is not required to support a conviction of cruelty to animals.
Com. v. Trefry	51 N.E.3d 502 (Mass. App. Ct., 2016), review denied, 475 Mass. 1104, 60 N.E.3d 1173 (2016)	The Defendant Trefry, left her two sheepdogs, Zach and Kenji, alone on the property of her condemned home. An animal control officer noticed that Kenji was limping badly and took him to a veterinarian. Both dogs were removed from the property three days later. The Defendant was convicted of two counts of violating statute G.L. c. 140, § 174E(f), which protects dogs from cruel conditions and inhumane chaining or tethering. The Defendant appealed. The Appeals Court of Massachusetts, Barnstable held that: (1) neither outside confinement nor confinement in general is an element of subjecting dogs to cruel conditions as prohibited by statute; and (2) the evidence was sufficient to support finding that the defendant subjected her dogs to cruel conditions. The Appeals Court reasoned that the defendant subjected her dogs to cruel conditions in violation of the statute because by the time they were removed, the dogs were “incredibly tick-infested” and “matted,” and Kenji had contracted Lyme disease and sustained a soft shoulder injury to his leg. An animal control officer also testified that the defendant's home was cluttered on the inside and overgrown on the outside. The yard also contained items that posed a danger to the animals. There was also sufficient evidence to infer that, while the dogs could move in and out of the condemned house, the dogs were confined to the house and fenced-in yard. The area to which the dogs were confined presented with every factor listed in § 174E(f)(1) as constituting “filthy and dirty” conditions. Also, "Zach's and Kenji's emotional health was further compromised by being left alone virtually all day every day" according to the court. Therefore the Defendant’s conviction was affirmed.
Com. v. Zalesky	906 N.E.2d 349, (Mass.App.Ct.,2009)	In this Massachusetts case, the defendant was convicted of cruelty to an animal, in violation of G.L. c. 272, § 77. On appeal, the defendant contended that the evidence was insufficient to establish his guilt; specifically, that the state proved beyond a reasonable doubt that his actions exceeded what was necessary and appropriate to train the dog. A witness in this case saw defendant beat his dog with a plastic "whiffle" bat on the head about 10 times. The defendant told the officer who arrived on the scene that he had used the bat on previous occasions, and did so to “put the fear of God in [the] dog.” At trial, a veterinarian testified that the dog suffered no trauma from the bat, but probably experienced pain if struck repeatedly in that manner. The court found that defendant's behavior fell under the ambit of the statutes because his actions were cruel, regardless of whether defendant viewed them as such. Judgment affirmed.
Commonwealth v. Arcelay	190 A.3d 609 (Pa. Super. Ct. June 12, 2018)	The appellant Arcelay appeals his conviction for the summary offense of cruelty to animals after he left his two small Yorkie dogs were found inside of his vehicle on an 87 to 90 degree day for approximately two hours at Willow Grove Naval Air Station. The dogs were rescued from the car and survived (law enforcement gave the dogs water and placed them inside an air conditioned building). After receiving a citation for leaving the animals, appellant entered a plea of not guilty and appeared for the Magisterial Judge. He was found guilty and assessed fines and costs of $454.96. At a Summary Appeal de novo hearing, the officers who responded to the scene presented evidence, including testimony on the dogs being in the car for two hours and photographs of the area showing no shade was available. Appellant testified that he was retired from the Reserves and was at the base to set up for a

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		family picnic. During the morning, he indicated that he checked on the dogs every fifteen minutes. Appellant testified that "he believes the public overreacts when they see dogs in a car" and he was upset that someone had gone into his vehicle to remove the dogs. The court ultimately found appellant guilty of the summary offense, but put appellant on a probation for three months in lieu of fines and costs, taking into account Appellant's lack income. On the instant appeal, appellant first questions whether the Court of Common Pleas had jurisdiction to hear this matter since it occurred on a military installation. Appellant also raises whether the evidence was insufficient as a matter of law for the cruelty to animals conviction. As to the jurisdictional argument, the court here found the issuance of the summary citation at the military base was appropriate. The court observed that it is well-settled that military and non-military courts may exercise concurrent subject matter jurisdiction for criminal matters. The court also found that there was sufficient evidence to support appellant's conviction, where his conduct in leaving the dogs in a closed car on a hot, summer day presented an unreasonable risk of harm. The judgment was affirmed.
Commonwealth v. Bishop	67 Mass.App.Ct. 1116 (2006)	David Bishop was convicted of animal cruelty and failing to provide a sanitary environment for his five dogs. He was ordered to pay over $60,000 in order to provide for the medical expenses that his dogs needed after they were taken away from him. While defendant argued that the amount of restitution was excessive, the court found that each of the five dogs had medical bills in excess of $10,000. Defendant was sentenced to three months in a house of corrections, and ten years probation.
Commonwealth v. Brown	Commonwealth v. Brown, 66 Pa. Super. 519 (1917).	The defendant was convicted of cruelty to animals for the use of acid on some horses' feet. The defendant appealed the descision because the lower court had found the Commonwealth's circumstantial evidence to be enough to submit the question of quilt to the jury. The Superior Court found that some of the evidence was improperly admitted by the lower court. Thus, the Superior Court reversed the judgement.
Commonwealth v. Deible	300 A.3d 1025 (2023)	This case is an appeal from a judgment convicting appellant of animal cruelty for failure to groom her terrier dog. Appellant has owned the 17-year-old terrier dog since the dog was a puppy. At one point, the dog escaped from appellant’s home and was found by a bystander. This bystander testified that the dog’s fur was heavily matted, with objects stuck in its fur. The bystander took pictures of the dog and contacted a veterinary clinic to shave the dog. The dog was then left at an animal shelter, where a humane police officer examined the dog and found it matted so heavily it could not see, stand, or defecate properly. Appellant testified that the dog was aggressive when she attempted to groom him, and that the dog made itself dirty when it escaped appellant’s home. Appellant also argued that their veterinarian was supposed to groom the dog, but the dog’s veterinary records did not support this. The lower court found that there was sufficient evidence to charge appellant with animal cruelty, and ordered her to pay fines totaling $946.58 and forfeit ownership of the dog. Appellant filed this appeal to challenge the sufficiency of the evidence used to support her conviction of animal cruelty. The court found that there was sufficient evidence to support the cruelty charge, as the statute prohibits “ill-treatment” and the evidence of the condition of the dog supports that it was treated improperly. Appellant also argues that the court’s order for her to forfeit her dog was improper, but the court of appeals disagreed due to the pattern of neglect established by appellant’s history with the

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		dog. Accordingly, the court of appeals affirmed the holding of the lower court.
Commonwealth v. Duncan	7 N.E.3d 469, cert. denied sub nom. Duncan v. Massachusetts, 135 S. Ct. 224, 190 L. Ed. 2d 170 (2014)	This case deals specifically with the issue of whether or not the emergency aid exception to the warrant requirement of the Fourth Amendment extends to police action undertaken to render emergency assistance to animals. In this particular case, police officers were called to defendant's property after a neighbor reported that two of defendant's dogs were deceased and a third dog looked emaciated after being left outside in inclement weather. After showing up to the defendant's home, police contacted animal control who immediately took custody of all three dogs, despite defendant not being present. The court held that the emergency aid exception did apply to the emergency assistance of animals because it is consistent with public policy that is "in favor of minimizing animal suffering in a wide variety of contexts." Ultimately, the court determined that the emergency aid exception could be applied to emergency assistance of animals if an officer has an "objectively reasonable basis to believe that there may be an animal inside [the home] who is injured or in imminent danger of physical harm." The matter was remanded to the District Court for further proceedings consistent with this opinion.
Commonwealth v. Epifania	951 N.E.2d 723 (Mass.App.Ct.,2011)	Defendant appealed his conviction of arson for setting fire to a dwelling house, and wilfully and maliciously killing the animal of another person. The Appeals Court held that testimony that the cat belonged to the victim was sufficient to support a conviction of wilfully and maliciously killing the animal of another person.
Commonwealth v. J.A.	478 Mass. 385, 85 N.E.3d 684 (2017)	In this Massachusetts case, testimony alleged that a juvenile brutally attacked her friend's dog causing serious internal injuries. The Commonwealth elected to proceed against the juvenile under the state's youthful offender statute. The grand jury returned two youthful offender indictments for cruelty to animals and bestiality. The juvenile contends that the youthful offender indictments are not supported because "serious bodily harm" described in the law only relates to human beings and not animals. The juvenile court judge granted the juvenile's motion to dismiss and the Commonwealth appealed. On appeal, this court first examined the phrase "serious bodily harm" by looking at its plain meaning and other related statutes. In doing so, the court held that Legislature did not intend "serious bodily harm" language of the youthful offender law to apply to animal victims. When looking at the legislative history, the court found that the inclusion of the language reflected a growing concern about juveniles committing violent crimes (specifically, murder) and did not touch upon animals. The court noted while the crime here raises "grave concerns about the juvenile's mental health," the juvenile's conduct toward an animal did not meet the statutory requirements. The order granting the motion to dismiss was affirmed.
Commonwealth v. Kneller	999 A.2d 608 (Pa., 2010)	Kneller appealed from a conviction of criminal conspiracy to commit cruelty to animals after she gave an acquaintance a gun and asked him to shoot a dog. The Court affirmed the conviction, concluding that "The Animal Destruction Method Authorization Law" (ADMA) and the "Dog Law" are not ambiguous. In addition, the deadly weapon enhancement applies to an owner who is convicted of cruelty to animals and used a firearm to kill it.
Commonwealth v. Lee	2007 WL 4555253 (Pa. Super. 2007)	Sheriffs removed Defendant's starving dog from his garage and took it to a shelter for hospitalization. Following a conviction and sentencing for animal cruelty and an order of restitution payable to the shelter, Defendant appealed. The Superior Court remanded for re-sentencing

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		and vacated the order of restitution, holding that the shelter was not a victim of Defendant's actions, and that restitution is only payable to humans.
COMMONWEALTH v. MASSINI	188 A.2d 816 (Pa.Super 1963)	In this Pennsylvania case, defendant was prosecuted for killing a cat that belonged to his neighbor. The section under which he was prosecuted prohibited the killing of a 'domestic animal of another person.' However, a cat was not one of the animals defined as a 'domestic animal' by the Act. Using rules of statutory interpretation, the court found that the omission of 'cat' from the listed species of the penal code provision was intentional by the legislature, and thus the defendant's sentence was discharged.
Commonwealth v. Russo	218 N.E.3d 116, review granted, 493 Mass. 1104, 223 N.E.3d 741 (2023)	This is a case regarding an animal cruelty charge brought against defendant, the owner of an elderly, terminally ill dog. First, defendant's family brought the fourteen-year-old dog to an animal hospital. The staff at the hospital examined the dog, which had a large mass on his side, and recommended that the dog have surgery to remove the mass. Defendant did not authorize the surgery, and instead took the dog home. Three weeks later, defendant brought the dog back to the animal hospital, where the staff noticed that his condition had worsened significantly. At this point, the veterinarian recommended humane euthanasia to end the dog's suffering, but defendant declined and requested the surgery. The veterinarian declined, claiming the dog would not survive the surgery, and defendant took the dog home saying they would have another vet euthanize the dog. The veterinarian reported defendant to the Animal Rescue League of Boston, who conducted a welfare check on the dog and found it in very poor health. When the Animal Rescue League asked defendant to euthanize the dog or get him medical attention, defendant declined and insisted the dog would die at home. Defendants were charged with violating the animal cruelty statute, defendant's motion to dismiss the complaint was granted, and this appeal followed. The question on appeal is whether defendant's conduct in refusing to euthanize the dog constitutes animal cruelty under the statute. The Commonwealth argues that the animal cruelty statute covers the conduct of one who has charge of an animal but, rather than inflicting the harm directly, "authorizes or permits" the animal "to be subjected to" harm, and that keeping the dog in a state of suffering rather than euthanizing the dog fits this definition. However, after examining case law, the court could not find a case in which a person's failure to euthanize an animal was interpreted as "subjecting" an animal to harm, and did not want to extend the statute that far. The court affirmed the holding of the lower court.
Commonwealth v. Szewczyk	53 N.E.3d 1286 (Mass.App.Ct.,2016)	In this Massachusetts case, defendant was charged with animal cruelty after he shot a dog that had wandered onto his property with a pellet gun. The pellet was lodged in the dog's leg and caused significant pain and discomfort to the dog. Following conviction, defendant appealed the District Court's ruling arguing that the judge erred in denying three of his eleven requests for rulings of law.Specifically, defendant's principal argument was that he had a lawful purpose in shooting (to scare the dog off his property), his intent was justified (to insure his wife's safety on the property), and the pain inflicted by defendant shooting the dog does not fit the statutory meaning of "cruel." At the close of evidence, defendant submitted a written request for ruling under Mass. R.Crim. P.26 setting out these issues. The court held that the District Court judge correctly denied the three requests because they were clearly outside the scope of rule 26 because they called upon the judge as a fact finder to weigh the evidence presented at trial. Next, the court reviewed the facts of the

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		case to determine whether or not a rational trier of fact could have found the elements of the crime beyond a reasonable doubt. Ultimately, the court held that a rational trier of fact would have been able to find that defendant did commit animal cruelty by shooting the dog. The court focused on the fact that the defendant could have used other means to ensure that the dog did not enter the property again without causing pain and suffering to the dog by shooting the dog in the leg. The judgment was affirmed.
Commonwealth v. Thorton	Commonwaelth v. Thorton, 113 Mass 457 (1873)	The defendant was convicted of causing his dog to be bitten, mangled and cruelly tortured by another dog. The defendant appealled and the Supreme Court affirmed.
Commonwealth v. Turner	Commonwealth v. Turner, 14 N.E. 130 (Mass. 1887).	Defendant released a fox from his possession and a number of other people then released various dogs, which pursued and killed the fox. Defendant was charged and brought to trial. Defendant moved to dismiss the charge on the basis that there was no such crime, which the trial court denied. Defendant also moved to dismiss for lack of evidence, which the trial court also denied. Defendant was convicted and he appealed. The court found that there was a statutory basis for the charge and that the word "animal" in Mass. Pub. Stat. ch. 207, § 53 encompassed wild animals in the custody of a man. The court denied the exceptions brought by defendant and affirmed the order of the trial court, which convicted defendant of willfully permitting a fox to be subjected to unnecessary suffering.
Commonwealth v. Waller	58 N.E.3d 1070 (Mass. App. Ct., 2016), review denied, 476 Mass. 1102, 63 N.E.3d 387 (2016)	Tasha Waller was convicted of animal cruelty for starving her dog to death. As a result of this conviction, Waller was placed on probation which prohibited her from owning animals and allowed for random searches of her property. Waller appealed this decision for the following reasons: (1) the animal cruelty statute under which she was convicted was unconstitutionally vague; (2) the expert witness testimony was improper and insufficient to support her conviction; (3) she may not as a condition of her probation be prohibited from owning animals, and the condition of probation allowing suspicions searches should be modified. The court reviewed Waller’s arguments and determined the statute was not unconstitutionally vague because it is common for animal cruelty statutes to only refer to “animals” in general and not specifically mention dogs. The court noted that dogs are commonly understood to fall within the category of animals and therefore the statute was not vague. Also, the court held that the expert witness testimony from the veterinarian was not improper because the veterinarian was capable of examining the dog and making a determination as to how the dog had died. Lastly, the court held that it was not improper to prohibit Waller from owning animals, but did agree that the searches of her property should only be warranted if authorities have reasonable suspicion to search the property. Ultimately, the court upheld Waller’s conviction and probation but modified the terms in which authorities are able to search her property.
Commonwealth v. Whitson	151 N.E.3d 455 (2020)	This case involves an appeal of an animal cruelty conviction after defendant repeatedly stabbed a dog named Smokey, a three-year old pit bull. The incident in question occurred on a street outside of defendant's barber shop. Smokey was on-leash walking with his owner when an unleashed smaller dog ran at Smokey and began biting his ankles. Smokey responded playfully, not aggressively. The defendant responded to calls of assistance from the smaller dog's owner and helped separate the dogs. After this, the defendant returned briefly to his barbershop and came back with a knife that he used to repeatedly stab Smokey with while he restrained the dog with his other arm. The police eventually responded and defendant was taken to the hospital

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		for a laceration on his hand where he yelled, "I'm glad I killed the [expletive] dog." Smokey survived the attack and defendant was charged and convicted. On appeal, defendant raised several arguments challenging the verdict. In particular, the defendant challenges the sufficiency of the evidence, arguing that he stabbed Smokey repeatedly to release the dog from biting his hand. The appellate court found that no defense witnesses testified that Smokey bit defendant and the no medical records corroborated defendant's version of events. Defendant also argued that the judged erred in denying his motion in limine regarding Smokey prior and subsequent "bad acts," which, defendant claimed, were relevant to the issue of Smokey as the initial aggressor. This court found that the proffered evidence of bad acts was inadmissible hearsay and the acts subsequent to Smokey's stabbing occurred too remotely to have any probative value. Finally, the court found no substantial risk of a miscarriage of justice where the judge failed to give a sua sponte necessity defense. The judgment was affirmed.
Cross v. State	646 S.W.2d 514 (Tex. App. 1982).	"Necessary food" in the animal cruelty statute means food sufficient in both quantity and quality to sustain the animal in question.
Dancy v. State	287 So. 3d 931 (Miss. 2020)	The Justice Court of Union County found Michael Dancy guilty of three counts of animal cruelty and ordered the permanent forfeiture of Dancy's six horses, four cats, and three dogs. Dancy appealed to the circuit court. The circuit court ordered that the animals be permanently forfeited and found Dancy guilty. The circuit court also ordered Dancy to pay $39,225 for care and boarding costs for the horses. Dancy subsequently appealed to the Supreme Court of Mississippi. Essentially, Dancy failed to provide adequate shelter, food, and water for the animals. The Court found that the circuit court properly released the animals to an animal protection organization. The Court also found that the reimbursement order was permissible. Two of Dancy's three convictions were for violations of the same statute regarding simple cruelty, one for his four cats and one for his three dogs. The Court held that, according to the statute's plain language, Dancy's cruelty to a combination of dogs and cats occurring at the same time "shall constitute a single offense." Thus, the State cannot punish Dancy twice for the same offense without violating his right against double jeopardy. For that reason, the court vacated Dancy's second conviction of simple cruelty. The court affirmed the permanent forfeiture and reimbursement order and his other cruelty conviction.
Daniele v Weissenberger	2002 WL 31813949,136 A Crim R 390	Court uphold conviction for failure to provide food and water for horses. Even thought not the owner, he was the responsible party. Sentence of $3,000 fine and suspended 3 month was not excessive.
Dart v Singer	[2010] QCA 75	The applicants pleaded guilty to a number of charges under the Animal Care and Protection Act 2001 (Qld) following the seizure of 113 live dogs, one cat, 488 rats, 73 mice, 12 guinea pigs and 11 birds from their premises due to unsanitary and inappropriate living conditions. The applicants claimed that RSPCA officers were acting ultra vires and that a stay preventing the RSCPA from parting with the animals should be effected. The applicants' argument failed.
Dauphine v. U.S.	73 A.3d 1029 (D.C.,2013)	Defendant, Dr. Nico Dauphine, was convicted of attempted cruelty to animals, contrary to D.C.Code §§ 22–1001, –1803 (2001). After an investigation, Dr. Dauphine was captured on surveillance video placing bromadialone, an anticoagulant rodenticide, near the neighborhood cats' food bowls. On appeal, Dauphine contended that there was insufficient evidence that she committed the crime "knowingly" with

Case name	Citation	Summary
		malice. This court found the inclusion of the word "knowingly" did not change the statute from a general to specific intent crime, and simply shows that the actor had no justification for his or her actions. The government met its burden to prove that appellant attempted to commit the crime of animal cruelty.
Davis v. A.S.P.C.A.	Davis v. A.S.P.C.A. 75 N.Y. 362 (1873).	Plaintiff hog slaughterers challenged the trial court (New York) judgment in favor of defendants, American Society for the Prevention of Cruelty to Animals and director, in an action seeking to enjoin defendants from arresting them for cruelty to animals pursuant to 1867 N.Y. Laws 375. The hog slaughterers asserted that they were innocent of the alleged statutory violations. The court affirmed the judgment in favor of defendants, denying the request of the hog slaughterers for an injunction to prevent defendants from arresting them for violating a statute prohibiting cruelty to animals.
Department of Local Government and Regional Development v Emanuel Exports Pty Ltd	Western Australia Magistrates Court, 8 February 2008, Magistrate C.P. Crawford	The central allegation was that the defendants transported the sheep in a way likely to cause unnecessary harm. Magistrate Crawford found that the sheep, some of which died from inanition, suffered distress and harm and that this harm was unnecessary. Proof of actual harm, however, was unnecessary as it only had to be shown that it was likely that the sheep would suffer harm. This required evidence pointing only to the conditions onboard the ship, and voyage plan, as at the first day. The defences of necessity and honest and reasonable belief were both dismissed.
Dixon v. State	455 S.W.3d 669 (Tex. App. 2014), petition for discretionary review refused (Apr. 29, 2015)	An owner of a non-profit cat sanctuary, which housed over 200 cats taken care of by one employee, was convicted by a jury of four counts of non-livestock animal cruelty. The trial court placed the owner under community supervision for five years' on each charge, to be served concurrently. In her first issue on appeal, the owner contended the evidence was legally insufficient to support her convictions. Based on evidence that the owner only had one employee to take care of the cats, however, the Texas court of appeals overruled this issue. In her second issue on appeal, the owner contended that the trial court erred by overruling her motion to dismiss the indictments where the State alleged a felony by commission of elements defined as a misdemeanor under the animal cruelty statute. On this issue, the court stated that it was true that the State had to prove that appellant failed to provide food, water, or care to the cats, but it also had to prove death or serious bodily injury to the cat that was committed in a cruel manner, i.e., by causing unjustified or unwarranted pain or suffering. In other words, the failure to provide food, water, or care is the manner and means by which appellant killed the cats, causing them unjustified pain or suffering, which raised the charge from a misdemeanor to a felony. The second issue was therefore affirmed. The appeals court also overruled the owner’s other issues and thereby affirmed the lower court’s ruling.

Case name	Citation	Summary
Duncan v. State	975 N.E.2d 838 (Ct. App. Ind. 2012)	A complaint regarding the welfare of horses led to the defendant being convicted of 6 charges of animal cruelty, all of which were class A misdemeanors. Upon appeal, the defendant argued that he had not knowingly waived his right to a jury trial, that Indiana's animal cruelty law was unconstitutionally vague and that there was no sufficient evidence to overcome a defense of necessity. The appeals court agreed that the defendant did not knowingly waive his right to a jury trial and therefore reversed and remanded the case on that issue; however, the appeals court disagreed with the defendant on the other issues. The case was affirmed in part, reversed in part, and remanded.
Dunham v. Kootenai County	690 F.Supp.2d 1162 (D.Idaho, 2010)	This matter involves the Defendant Kootenai County's motion for summary judgment this federal civil rights case filed by Dunham. The facts underlying the case stem from 2008, when county animal control officers went to Dunham's residence to investigate complaints of possible animal cruelty. During their investigation, Defendants entered Dunham's property to ascertain the condition of the horses residing there in a round-pen. Despite the conditions of the horses which necessitated their removal and relocation to an equine rescue facility, Dunham was ultimately charged and found not guilty of charges of animal cruelty. Dunham claims that Defendants violated her Fourth Amendment rights when they searched her property and seized her horses without a warrant. Defendants counter that the search was constitutional based on the open fields doctrine, and that the seizure was constitutional based on the plain view doctrine. Based on the open fields doctrine, the Court concluded that Dunham did not have an expectation of privacy in the searched area.
Elisea v. State	777 N.E.2d 46 (Ind. App. 2002)	Defendant was convicted of cruelty to animals and practicing veterinary medicine without a license after cropping several puppies' ears with a pair of office scissors while under no anesthesia. Defendant maintained that the evidence is insufficient to support the conviction for cruelty to an animal because the State failed to present sufficient evidence to rebut and overcome his defense that he engaged in a reasonable and recognized act of handling the puppies. The court held that the evidence supported conviction for cruelty under the definition of "torture." Further the evidence supported conviction for unauthorized practice where defendant engaged in a traditional veterinary surgical procedure and received remuneration for his services.
Erie County Society ex rel. Prevention of Cruelty to Animals v. Hoskins	91 A.D.3d 1354 (N.Y.A.D. 4 Dept.,2012)	In this action, plaintiff animal society appeals from an order to return 40 horses to defendant after they were seized pursuant to a warrant. The issue of whether the Court has the authority to order return of animals to the original owner was raised for the first time on appeal. Despite the procedural impropriety, the Court found plaintiff's contention without merit. The Court held that the return of the horses is based on principles of due process, not statutory authority.
F. c/ Sieli Ricci, Mauricio Rafael s/ maltrato y crueldad animal	FUNDAMENTOS DE SENTENCIA Nº1927	"Poli" was a mutt dog that was tied to the bumper of a car by the defendant and dragged at high speed for several miles. Poli sustained severe injuries as a result of being dragged by the car. After the incident, the defendant untied her and left on the road to die. The defendant was found guilty of the crime of animal cruelty, under "ley 14.346." the judge held that this law "protects animals as subjects of rights, and the defendant's conduct was not against an object or a "thing," but rather against a subject deserving of protection." The defendant was sentenced to 6 months of suspended imprisonment for

Case name	Citation	Summary
		the crime of "animal mistreatment and cruelty." In addition, the judge ordered the defendant to provide food weekly for the animals in A.M.P.A.R.A (The ONG that filed the police report), with the purpose of giving the defendant the opportunity to learn firsthand that “all animals in general, and dogs, in particular, are sentient beings, that have feelings, suffer, cry, and that their right to live, freedom, and integrity has to be respected…” this, with the purpose to prevent the defendant from committing animal cruelty crimes in the future.
Fabrikant v. French	691 F.3d 193 (C.A.2 (N.Y.), 2012)	After multiple negative reports came in about the living conditions of her animals, an animal rescue organization seized many of the plaintiff-appellant's dogs; she was then charged with five counts of animal cruelty, but was later acquitted at a state trial. Subsequently, the plaintiff-appellant and her state trial attorney filed a federal civil rights suit against the animal organization and others. After losing at the district level, on the first appeal, and on remand from the first appeal, the plaintiff-appellant appealed the case for a second time. On this appeal, the Second Circuit held that though the animal organization was a state actor, it had qualified immunity, which protected it from the plaintiff-appellant’s charges. Additionally, the court held that investigator’s had probable cause to seize the dogs, which also defeated the plaintiff-appellant’s charges. The lower court’s decision was therefore affirmed, but for different reasons.
Farm Sanctuary, Inc. v. Department of Food & Agriculture	74 Cal.Rptr.2d 75 (Cal.App. 2 Dist.,1998.)	Environmental group brought suit challenging regulation allowing ritual slaughter exception to statute requiring that animals be treated humanely. The Superior Courtupheld regulation and appeal was taken. The Court of Appeal, Masterson, J., held that: (1) group had standing to sue, and (2) regulation was valid.
Ferguson v. Birchmount Boarding Kennels Ltd.	2006 CarswellOnt 399	In August 2002, plaintiffs’ dog escaped while being exercised at defendant-kennel’s boarding facility. Birchmount appeals from the judgment claiming the court applied the wrong standard of care, and that the court erred in law in awarding the plaintiffs damages for pain and suffering. The reviewing court found that the evidence would likely have led to the same conclusion regardless of whether a “bailment” standard was used. Further, this court was satisfied that the trial judge did not err in law or in fact in making findings and in awarding general damages where there was evidence that the plaintiffs experienced pain and suffering upon learning of the dog’s escape.
Fleet v District Court of New South Wales	[1999] NSWCA 363	The appellant's dog was removed by police officers and later euthanised. The dog was emaciated and suffering from numerous ailments. The appellant was charged and convicted with an animal cruelty offence and failure to state his name and address when asked. On appeal, it was found that the court had failed to address the elements of the animal cruelty offence and that the charge of failing to state name and address could not stand.
Ford v. Com.	630 S.E.2d 332 (Va. 2006)	In this Virginia case, the defendant was convicted of maliciously shooting a companion animal of another “with intent to maim, disfigure, disable or kill,” contrary to Va. Code § 18.2-144, and being a felon in possession of a firearm. The Court held that the evidence was sufficient to support his convictions, where the defendant admitted he drove the vehicle witnesses saw by the barn where the dog was shot and one witness saw him shoot toward the barn.
Ford v. Wiley	23 QBD 203	A farmer who had caused the horns of his cattle to be sawn off, a procedure which had caused great pain, was liable to conviction for

Case name	Citation	Summary
		cruelty. For an operation causing pain to be justifiable, it had to be carried out in pursuit of a legitimate aim that could not reasonably be attained through less painful means, and the pain inflicted had to be proportionate to the objective sought. The mere fact that the defendant believed that the procedure was necessary did not remove him from liability to conviction if, judged according to the circumstances that he believed to exist, his actions were not objectively justifiable.
Freel v. Downs	Freel v. Downs, 136 N.Y.S. 440 (1911)	Cleveland H. Downs and Walter Smith were informed against for cruelty to animals, and they move to quash complaints. Complaint quashed against defendant Smith, and defendant Downs held to answer.
Friesen v. Saskatchewan Society for the Prevention of Cruelty to Animals	2008 CarswellSask 438	An animal protection officer received a complaint that two dogs were not receiving proper care. Officer Barry Thiessen, an animal protection officer employed by the S.S.P.C.A., observed that dogs appeared malnourished and in distress from lack of food and water. Upon returning the next day, Thiessen determined that the conditions were unchanged and the dogs were then seized pursuant to the warrant. The appellant dog owner brought an application for declaration that the officer seized dogs in contravention of an owner's rights under s. 8 of Canadian Charter of Rights and Freedoms, and in excess of officer's authority. In dismissing his application, the court found that the warrant was lawfully obtained pursuant to provisions of the Animal Protection Act, 1999. The officer had a legitimate reason to come to property of the dog owner to investigate after he received a complaint, and it was there that he saw the dogs' condition in "plain view" according to the court.
Frye v. County of Butte	221 Cal.App.4th 1051 (2013), 164 Cal.Rptr.3d 928 (2013)	After several administrative, trial court, and appeals hearings, the California court of appeals upheld a county's decision to seize the plaintiffs' horses for violation of Cal. Penal Code § 597.1(f). Notably, the appeals court failed to extend the law of the case, which generally provides that a prior appellate court ruling on the law governs further proceedings in the case, to prior trial court rulings. The appeals court also held that the trial court's "Statement of Decision" resolved all issues set before it, despite certain remedies remaining unresolved and the court's oversight of the plaintiffs' constitutionality complaint, and was therefore an appealable judgment. The appeals court also found the trial court lacked jurisdiction to extend the appeals deadline with its document titled "Judgment."
Futch v. State	314 Ga.App. 294 (2012)	Defendant appealed conviction of cruelty to animals for shooting and killing a neighbor's dog. The Court of Appeals held that the restitution award of $3,000 was warranted even though the owner only paid $750 for the dog. The dog had been trained to hunt and retrieve, and an expert testified that such a dog had a fair market value between $3,000 and $5,000.
Gaetjens v. City of Loves Park	4 F.4th 487 (7th Cir. 2021), reh'g denied (Aug. 12, 2021)	Plaintiff Gaetjens filed a § 1983 action against city, county, and various local government officials alleging that her Fourth Amendment rights were violated after officials entered and condemned her home and seized her 37 cats. Plaintiff was in the hospital at the time. Gaetjens lived in Loves Park, Illinois and bred cats in her home. On December 4, 2014, she visited her doctor and was told to go to the hospital because of high blood pressure. Later that day, the doctor could not locate Gaetjens, so she phoned Rosalie Eads (Gaetjens' neighbor who was listed as her emergency contact) to ask for help finding her. Eads called Gaetjens and knocked on her front door but got no response.

Case name	Citation	Summary
		The next day the neighbor could still not locate Gaetjens so Eads phoned the police from concern that Gaetjens might be experiencing a medical emergency. When police arrived, they asked Eads for Gaetjens key and entered the house. Intense odors of feces, urine, and a possibly decomposing body forced police back out of the home. The police called the fire department so that the home could be entered with breathing devices. While police did not find Gaetjens, they did find 37 cats. The house was ultimately condemned and animal control were able to impound the cats (except for four that died during or after impoundment). As it turns out, Gaetjens was at the hospital during this whole process. After learning of the impoundment, Gaetjens filed the instant action. The district court granted summary judgment to defendants. On appeal here, the Seventh Circuit considered whether the warrantless entry into Gaetjens home was reasonable based on exigent circumstances. Relying on a recent SCOTUS case that found absence from regular church service or a repeated failure to answer a phone call supported an emergency exception for a warrant, the Court noted that the "litany of concerning circumstances" in the case at bar "more than provided" a reasonable basis for entry. As to Plaintiff's challenge to the condemnation, the court also found it too was supported by the expertise of officials at the scene. As to the confiscation of the cats, the court noted that previous cases support the warrantless seizure of animals when officials reasonably believe the animals to be in imminent danger. The court found the imminent danger to be plain due to condemnation order on the house from noxious fumes. While the use of the "cat grabber" did lead to an unfortunate death of one cat, the overall seizure tactics were necessary and reasonable. Thus, the Court affirmed the judgment of the district court.
GALBREATH v. THE STATE	213 Ga. App. 80 (1994)	The police found marijuana seedlings and plants in various stages of growth around the homes of defendant and co-defendant. The court upheld the trial court's determination that the items were admissible within the "plain view" exception to the requirement of a search warrant. The court concluded that the police were not trespassers when they walked around to the back of co-defendant's house to determine whether anyone was home after receiving no response at the front door.
Galindo v. State	--- S.W.3d ----, 2018 WL 4128054 (Tex. App. Aug. 30, 2018)	Appellant Galindo pleaded guilty to cruelty to nonlivestock animals and a deadly-weapon allegation from the indictment. The trial court accepted his plea, found him guilty, and sentenced him to five years in prison. The facts stem from an incident where Galindo grabbed and then stabbed a dog with a kitchen knife. The indictment indicated that Galindo also used and exhibited a deadly weapon (a knife) during both the commission of the offense and flight from the offense. On appeal, Galindo argues that the deadly-weapon finding is legally insufficient because the weapon was used against a "nonhuman." Appellant relies on the recent decision of Prichard v. State, 533 S.W.3d 315 (Tex. Crim. App. 2017), in which the Texas Court of Appeals held that a deadly-weapon finding is legally insufficient where the *sole* recipient of the use or exhibition of the deadly weapon is a nonhuman. The court here found the facts distinguishable from Prichard. The court noted that Prichard left open the possibility that a deadly-weapons finding could occur when the weapon was used or exhibited against a human during the commission of an offense against an animal. Here, the evidence introduced at defendant's guilty plea and testimony from sentencing and in the PSIR are sufficient to support the trial court's finding on the deadly-weapons plea (e.g., the PSI and defense counsel stated that Galindo first threatened his girlfriend with the knife and then cut the animal in front of his girlfriend and her son). The judgment of the trial court was affirmed.

Case name	Citation	Summary
Geary v. Sullivan County Society for Prevention of Cruelty to Animals, Inc.	815 N.Y.S.2d 833 (N.Y., 2006)	In this New York case, plaintiffs surrendered their maltreated horse to defendant Sullivan County Society for the Prevention of Cruelty to Animals, Inc. on March 4, 2005. Shortly thereafter, they commenced this action seeking return of the horse and damages, including punitive damages. Defendants' answer failed to respond to all paragraphs of the 38-paragraph complaint, which included six causes of action, prompting plaintiffs to move for summary judgment on the ground that defendants admitted "all" essential and material facts. At oral argument before this Court, plaintiffs' counsel consented to defendants filing an amended answer. The court found that since this amended pleading will presumably contain denials to all contested allegations in the complaint, plaintiffs' request for summary judgment on the procedural ground that defendants' failed to deny certain facts must fail. Moreover, as correctly noted by Supreme Court, conflicting evidence precludes summary judgment in plaintiffs' favor.

Case name	Citation	Summary
Gerofsky v. Passaic County Society for the Prevention of Cruelty to Animals	870 A.2d 704 (N.J. 2005)	The President of the New Jersey SPCA brought an action to have several county SPCA certificates of authority revoked. The county SPCAs brought a counterclaim alleging the revocation was beyond the state SPCA's statutory authority. The trial court revoked one county's certificate of authority, but the Court of Appeals held the revocation was an abuse of discretion.
Gonzalez v. Royalton Equine Veterinary Services, P.C.	7 N.Y.S.3d 756 (N.Y. App. Div. 2015)	Veterinarian contacted State Police after allegedly observing deplorable conditions in Plaintiff's barn. The premises were subsequently searched, and a horse and three dogs were removed and later adopted. Plaintiff commenced an action in City Court for, inter alia, replevin, and several defendants asserted counterclaims based on Lien Law § 183. The Lockport City Court entered partial summary judgment in favor of owner and ordered return of animals. On appeal, the Niagara County Court, reversed and remanded. Owner appealed to the Supreme Court, Appellate Division, Fourth Department, New York. The Court found the Niagara County Society for the Prevention of Cruelty to Animals, Inc. (SPCA) was not required to bring a forfeiture action to divest Plaintiff of ownership of the seized animals because the animals were kept in unhealthful or unsanitary surroundings, the plaintiff was not properly caring for them, and the plaintiff failed to redeem the animals within five days before the SPCA was authorized to make the animals available for adoption. The city court's order was affirmed as modified.
Granger v. Folk	931 S.W.2d 390 (Tex. App. 1996).	The State allows for two methods of protecting animals from cruelty: through criminal prosecution under the Penal Code or through civil remedy under the Health & Safety Code.
Griffith v. State	Griffith v. State, 43 S.E. 251 (G.A. 1903).	Defendant was indicted under Ga. Penal Code § 703, which prohibited one from instigating, engaging in, or doing anything furtherance of the an act or cruelty to a domestic animal. Ga. Penal Code § 705 defined cruelty as every willful act, omission or neglect, whereby unjustifiable physical pain, suffering, or death is caused or permitted. The court affirmed the conviction, finding that the law provided that a domestic animal, such as a horse, should be sheltered and cared for by his owner. The jury was authorized to find that the defendant willfully abandoned the horse by turning the horse out to the elements, and failing to feed, shelter, or care for the animal. Such conduct was "willful." The court affirmed the judgment of the superior court on the jury's conviction of defendant for cruelty to animals.
Grise v. State	Grise v. State, 37 Ark. 456 (1881).	The Defendant was charged under the Arkansas cruelty to animal statute for the killing of a hog that had tresspass into his field. The Defendant was found guilty and appealed. The Supreme Court found that the lower court commited error by instructing the jury that all killing is needless. The Court reveresed the judgment and remanded it for further consideration.
Haefele v. Commonwealth	878 S.E.2d 422 (2022)	Defendant Haefele was convicted of two counts of maliciously maiming the livestock of another, in violation of Code § 18.2-144, and two counts of conspiring to maliciously maim the livestock of another. The killing occurred in 2020. Defendant's neighbor possessed two goats on her property in Spotsylvania County and received several complaints. Ultimately, the code enforcement officer instructed the neighbor to remove the goats and even offered assistance in relocating them. However, about a month after this order, Defendant and two other men entered the neighbor's goat pen with the neighbor's permission and killed the goats with "what looked like a two-by-four with spikes wrapped around it." After investigation and review of video footage taken of the attack, Defendant and the two others were charged and convicted by bench trial in 2021. Testimony by an expert in veterinary pathology revealed that the animals suffered before they died. On

Case name	Citation	Summary
		appeal here, Defendant contends that he could not be convicted under Code § 18.2-144 “because the defendant [Haefele] was acting with the permission of, and in concert with, the owner of the animals in question.” The court disagreed, finding no language in the statute that limits the statute only to acts that were against the will of the owner. Defendant also claims he did not act with requisite malice because the “the owner of the goats had given him permission to act against the goats." Again, the court recounted the brutal and repeated acts against the goats that occurred over a ten-minute span. Thus, the evidence showed that Defendant acted with sufficiently demonstrated malice. While livestock owners can ask others to euthanize or properly slaughter their livestock, the manner in which Defendant caused the goats' deaths clearly demonstrated malicious intent. Thus, the trial court did not err in convicting Defendant under Code § 18.2-144 and the matter was affirmed and remanded.
Hammer v. American Kennel Club	304 A.D.2d 74 (N.Y.A.D. 1 Dept.,2003)	Plaintiff Jon Hammer is the owner of a pure-bred Brittany Spaniel which has a natural, undocked tail approximately ten (10) inches long. He contends that tail docking is a form of animal cruelty, and that the practical effect of defendant American Kennel Club's tail standards for Brittany Spaniels is to effectively exclude his dog from meaningfully competing shows unless he complies with what he perceives as an unfair and discriminatory practice. Specifically, his amended complaint seeks a declaratory judgment that the complained-of standard (1) unlawfully discriminates against plaintiff by effectively precluding him from entering his dog in breed competitions, (2) is arbitrary and capricious, (3) violates Agriculture and Markets Law § 353, and (4) is null and void as in derogation of law; he further seeks an injunction prohibiting defendants from applying, enforcing or utilizing the standard. The court held that plaintiff lacked standing to obtain any of the civil remedies he sought for the alleged violation of Agriculture and Markets Law Section 353. The Legislature's inclusion of a complete scheme for enforcement of its provisions precludes the possibility that it intended enforcement by private individuals as well. The dissent disagreed with the majority's standing analysis, finding that plaintiff's object is not to privately enforce § 353, insofar as seeking to have the defendants' prosecuted for cruelty. Rather, plaintiff was seeking a declaration that the AKC's standard for judging the Brittany Spaniel deprives him of a benefit of membership on the basis of his unwillingness to violate a state law and, thus, he wanted to enjoin defendants from enforcing that standard against him. The dissent found that whether tail docking for purely cosmetic reasons violates § 353 is solely a question of law and entirely appropriate for a declaratory judgment. Cosmetic docking of tails was wholly unjustifiable under the law in the dissent's eyes. While plaintiff pointed out that docking may serve some purposes for hunting dogs, it is not a justification for docking the tails of non-hunting dogs, such as plaintiff's, for purposes of AKC competitions.
Hammer v. American Kennel Club	803 N.E.2d 766 (N.Y., 2003)	Plaintiff sought both declaratory and injunctive relief against the American Kennel Club (AKC) for use of standards in dog show competitions for Brittany Spaniel dogs that require the docking of their tails. The issue in this appeal is whether Agriculture and Markets Law § 353 grants plaintiff, who wishes to enter his dog and compete without penalty in breed contests, a private right of action to preclude defendants from using a standard that encourages him to "dock" his Brittany Spaniel's tail. The Court of Appeals concluded that it would be inconsistent with the applicable legislative scheme to imply a private right of action in plaintiff's favor because the statute does not, either expressly or impliedly, incorporate a method for private citizens to obtain civil relief. In light of the comprehensive statutory enforcement scheme, recognition of a private civil right of action is incompatible with the mechanisms chosen by the Legislature.
Hartlee v. Hardey	Not Reported in F.Supp.3d, 2015 WL	Plaintiffs filed suit against a veterinarian and a number of police officers who were involved in their prosecution of animal cruelty. Plaintiffs Switf and

Case name	Citation	Summary
	5719644 (D. Colo. Sept. 29, 2015)	Hatlee worked together on a Echo Valley Ranch where they provided care and boarding for horses. In February 2012, Officer Smith went to Echo Valley Ranch to conduct a welfare check on the horses. Officer Smith noticed that the horses seemed to be in poor condition, so he requested that a veternarian visis the ranch to inspect the horses. Dr. Olds, a local veterinarian, visited the ranch and wrote a report that suggested that the horses be seized due to their current state. Officer Smith initially served plaintiffs with a warning but after returning to the ranch and noticing that the horses' condition had worsened, the horses were seized and plaintiffs were charged with animal cruelty. In this case, plaintiffs argued that the veterinarian had wrote the medical report for a "publicity stunt" and that this report influenced Officer's Smith's decision to seize the horses and charge plaintiffs with animal cruelty. The court ultimately found that the veterinarian's report was not made as a "publicity stunt," especially due to the fact that the report was filed privately and not made available to the public. Also, the court found that there was no evidence to suggest that the veterinarian and the officers were working with one another in a "conspiracy" to seize the horses and charge plaintiffs with animal cruelty.
Hawaii v. Kaneakua	597 P.2d 590 (Haw. 1979)	Defendants stipulated that they were involved in cockfights and were prosecuted for numerous violations of § 1109(1)(d), part of Hawaii's cruelty to animals statute. The reviewing court found that the statute was not vague, and was sufficiently definite to satisfy due process with regard to the charge against defendants; nor was the statute overly broad as applied to defendants.
Hemingway Home and Museum v. U.S. Dept. of Agriculture	2006 WL 3747343 (S.D. Fla.)	The plaintiff lived in Hemmingway's old property, a museum, with 53 polydactyl cats (cats having more than the usual number of toes). The United States Department of Agriculture investigated and said that the plaintiff needed to get an exhibitor's license to show the cats, but that was not possible unless the cats were enclosed. Plaintiff sued the government in order to avoid the $200 per cat per day fines assessed, but the court held that the government has sovereign immunity from being sued.
Hodge v. State	Hodge v. State, 79 Tenn. 528 (1883).	The indictment charged that the defendant unlawfully and needlessly mutilated a dog by setting a steel-trap in a bucket of slop and catching the dog by the tongue, and that great pain and torture were unlawfully and needlessly inflicted upon the dog. Defendant argued that a dog had been invading his property and destroying hens' nests for a long time. Witnesses testified that the dog had a bad character for prowling about through the neighborhood at night. The court reversed and remanded for a new trial, finding that defendant had a right to protect his premises against such invasions, and to adopt such means as were necessary for that purpose. There was no evidence that the slop used by defendant was such as was calculated or likely to lure dogs away from the premises where they belonged on to his premises or within his enclosures. If the dog was in the habit of committing the depredations, defendant had a right to set a steel-trap for the purpose of capturing him, and if, while committing the nightly depredations the dog was thus caught and mutilated, it was not needless torture or mutilation within the meaning of the Act, and the jury should have been so instructed. The indictment charged that the defendant unlawfully and needlessly mutilated a dog by setting a steel-trap in a bucket of slop and catching the dog by the tongue, and that great pain and torture were unlawfully and needlessly inflicted upon the dog. Defendant argued that a dog had been invading his property and destroying hens' nests for a long time. Witnesses testified that the dog had a bad character for prowling about through the neighborhood at night. The court reversed and remanded for a new trial, finding that defendant had a right to protect his premises against such invasions, and to adopt such means as were necessary for that purpose. There was no evidence that the slop used by defendant was such

Case name	Citation	Summary
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Hoffmann v. Marion County, Tex.	592 F. App'x 256 (5th Cir. 2014)	Plaintiffs operated a derelict-animal “sanctuary” on their ten-acre property in Marion County, Texas, where they held over one hundred exotic animals, including six tigers, several leopards, and a puma. Plaintiffs were arrested and charged with animal cruelty and forfeited the animals. Afterward, plaintiffs sued many of those involved in the events under a cornucopia of legal theories, all of which the district court eventually rejected. On appeal, plaintiffs argued Marion County and the individual defendants violated their Fourth Amendment rights by illegally searching their property and seizing the animals. The court held, however, that government officials may enter the open fields without a warrant, as the defendants did here, because “an open field is neither a house nor an effect, and, therefore, the government's intrusion upon the open fields is not one of those unreasonable searches proscribed by the text of the Fourth Amendment.” One plaintiff further alleged violation of the Americans with Disabilities Act; however, the court dismissed this claim because the plaintiff failed to allege how he was excluded from a government benefit or effective service as a result of not having an interpreter during the investigation or arrest. The other claims were either dismissed for lack of jurisdiction, not being properly appealed, or not stating a proper cause of action. The district court’s grant of summary judgment was therefore affirmed.
Hopson v. DPP	[1997] C.O.D. 229	The owner of a bird of prey had kept it in a wire aviary for at least six weeks, during which it had injured itself by repeatedly flying into the wire mesh. Having been convicted on these facts of an offence of cruelly ill-treating the bird contrary to the first limb of s 1(1)(a) of the Protection of Animals Act 1911, he appealed, contending that under that limb, unlike the second limb, he should only have been convicted if he was guilty of a positive act of deliberate cruelty. Dismissing the appeal, the Divisional Court held that a person could be guilty of cruel ill-treatment of an animal he was responsible for by allowing it to remain in a situation where it was continuing to injure itself, even if he did not desire to bring about the harm.
Horton v. State	Horton v. State, 27 So. 468 (Ala. 1900).	The defendant was charged under the Alabama cruelty to animal statute killing a dog. The trial court found the defendant guilty of cruelly killing the dog. The defendant appealed the descision to the Supreme Court for the determination if the killing of the dog with a rifle was cruel. The Supreme Court found that the killing of a dog without the showing of cruelty to the animal was not a punishable offence under the cruelty to animal statute. The Supreme Court reversed the lower court's descision and remanded it.
Houk v. State	316 So. 3d 788 (Fla. Dist. Ct. App. 2021)	Appellant Crystal Houk challenges her convictions and sentences for animal cruelty and aggravated animal cruelty on several grounds. Appellant contends her dual convictions for those crimes violate double jeopardy because animal cruelty and aggravated animal cruelty are degree variants under section 775.021(4)(b)2. The conviction stems from Houk leaving her dog Gracie May in a car in a Walmart parking lot with the windows closed on a hot, humid day in Florida for over an hour. Apparently, Appellant had pressed a PVC pipe against the accelerator to keep the car accelerating since there was something wrong with the air conditioner. When employees gained entry to her vehicle, they discovered the A/C was actually blowing hot air and the dog was in great distress. Gracie died soon thereafter from heat

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		stroke. A postmortem examination revealed her internal temperature was above 109.9 degrees. Houk was charged with aggravated animal cruelty and animal cruelty, tried by jury, and convicted. She was sentenced to concurrent terms of thirty-six months of probation on Count 1 and twelve months of probation on Count 2, each with a condition that she serve thirty days in jail. On appeal here, this court first found that the offenses of animal cruelty and aggravated animal cruelty satisfy the Blockburger same elements test and do not fall under the identical elements of proof or subsumed-within exceptions. However, as to the degree variant exception, the court agreed with Appellant that the offense of animal cruelty and aggravated animal cruelty are not based on entirely different conduct and a violation of one subsection would also constitute a violation of the other. Additionally, while another statutory section allows the charging of separate offenses for multiple acts or acts against more than one animal, the section does not authorize "the charging of separate offenses or the imposition of multiple punishments when a single act against one animal satisfies both subsections." Accordingly, the court agreed with Appellant and reversed her conviction for animal cruelty (while keeping the higher degree conviction of aggravated cruelty).
Hulsizer v. Labor Day Committee, Inc.	734 A.2d 848 (Pa.,1999)	This Pennsylvania case involves an appeal by allowance from orders of Superior Court which affirmed an order of the Court of Common Pleas of Schuylkill County and imposed counsel fees and costs upon the appellants, Clayton Hulsizer and the Pennsylvania Society for the Prevention of Cruelty to Animals (PSPCA). Hulsizer, an agent of the PSPCA, filed this action in equity seeking injunctive and declaratory relief against the appellee, Labor Day Committee, Inc., for their role in conducting an annual pigeon shoot. Hulsizer sought to have appellee enjoined from holding the shoot, alleging that it violates the cruelty to animals statute. At issue is whether Hulsizer has standing to bring an enforcement action in Schuylkill County. This court found no inconsistency in reading Section 501 and the HSPOEA (Humane Society Police Officer Enforcement Act) together as statutes that are in pari materia. Since the HSPOEA does not limit the jurisdiction of humane society police officers by requiring them to apply separately to the courts of common pleas in every county in Pennsylvania, the officer had standing to bring an enforcement action. The lower court's orders were reversed.
Humane Soc. of Rochester and Monroe County for Prevention of Cruelty to Animals, Inc. v. Lyng	633 F.Supp. 480 (W.D.N.Y.,1986)	Court decided that the type of branding mandated by Secretary of Agriculture constitutes cruelty to animals because other less painful and equally effective alternatives exist and therefore freed dairy farmers to use other branding methods like freeze branding.
Humane Soc. of U.S., Inc. v. Brennan	63 A.D.3d 1419, 881 N.Y.S.2d 533 (N.Y.A.D. 3 Dept.,2009)	In this New York case, the petitioners, various organizations and individuals generally opposed to the production of foie gras (a product derived from the enlarged livers of ducks and geese who were force fed prior to slaughter) submitted a petition to respondent Department of Agriculture and Markets seeking a declaration that foie gras is an adulterated food product within the meaning of Agriculture and Markets Law §§ 200. The respondent Commissioner of Agriculture and Markets refused to issue a statement to the requested declaration. On review to this court, petitioners sought a judicial pronouncement that foie gras is an adulterated food product. This court held that petitioners lacked standing because they did not suffer an injury within the zone of interests protected by State Administrative Procedure Act §§ 204.
Humane Society of United States v. State Board of Equalization	61 Cal.Rptr.3d 277 (Cal. App. 1 Dist., 2007)	Humane society and four state taxpayers brought action attacking government waste, requesting injunctive and declaratory relief that would bar implementation of tax exemptions for farm equipment and machinery as they applied to “battery cage” chicken coops that allegedly violated animal

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		cruelty laws. State Board of Equalization demurred. Superior Court sustained without leave to amend the complaint and dismissed the case, which the Court of Appeal affirmed, stating that the plaintiffs did not allege a valid cause of action attacking government waste.
I.B. Sirmans v. State	534 S.E.2d 862(Ga.App.,2000)	Defendant was convicted of four counts of animal cruelty and one count of simple assault. The portion of the sentence depriving defendant of animals which the State failed to demonstrate were abused vacated and case remanded; judgment affirmed in all other respects because the motion to suppress was properly denied, and defendant was not prejudiced by the trial court's refusal to sever the trial.
In re Clinton Cty.	56 Misc. 3d 1155, 57 N.Y.S.3d 367 (N.Y. Sur. 2017)	Synopsis from the court: County filed notice of claim, directed toward estate of cattle farmer who had passed away after he was charged with animal cruelty, seeking reimbursement for costs incurred in connection with care of seized cattle. The Surrogate's Court, Clinton County, Timothy J. Lawliss, J., held that: (1) county failed to establish that it was entitled to any relief based upon a theory of quantum meruit, and (2) even assuming that service providers, and thus county upon payment of service providers' bills, enriched farmer, county was not entitled to recover based upon a theory of unjust enrichment because criminal charges against farmer were dismissed upon his death. Notice of claim denied and dismissed.
In re Knippling	183 P.3d 365 (Wash.App. Div. 3,2008)	The Defendant was convicted in the Superior Court in Spokane County, Washington of second degree assault and first degree animal cruelty. The Defendant requested that he receive credit against his term of community custody for the extra 24 months' confinement time he served before he was re-sentenced. The Court of Appeals held that the Defendant was entitled to 24 months credit against his term of community custody.
In re Priv. Crim. Complaint Filed by Animal Outlook	271 A.3d 516 (2022), appeal granted, order vacated, 298 A.3d 37 (Pa. 2023)	Animal Outlook (“AO”) appealed from the order that dismissed its petition for review of the disapproval of the Franklin County District Attorney's Office (“DA”) of multiple private criminal complaints. The requested charges stem from information obtained from an undercover agent who was employed at Martin Farms, where she captured video of cruel mistreatment of animals on the farm that AO contends constituted criminal animal cruelty. These data were complied into a table of 327 incidents, a letter of support from a veterinarian, and a legal memorandum that detailed how these incidents violated Pennsylvania law. AO submitted the gathered information to the pertinent authorities in January 2019 and the Pennsylvania State Police (“PSP”) initiated an investigation which concluded more than a year later. Ultimately, the PSP issued a press release in March 2020 that indicated that the District Attorney had declined prosecution. After this, AO drafted private criminal complaints that were submitted to the Magisterial District Judge who concluded that the DA correctly determined that there was not enough evidence for prosecution. AO then filed a petition of review of the disapproval of its private complaints pursuant to Pa.R.Crim.P. 506(B)(1) before the trial court, which again dismissed AO petition for review. AO filed this appeal to the Superior Court of Pennsylvania. In reviewing the trial court's decision, the Superior Court found that the trial court committed multiple errors of law. First, the trial court did not view the evidence in the light most favorable to moving forward with a prosecution and gave too much credit to the evidence from the Martin Farms veterinarian versus the undercover agent's testimony. The trial court went beyond its role of determining whether the evidence proffered supported each element of the crime charged and instead gave impermissible weight and credibility to Martin Farms evidence. Second, the court made a point of noting that Martin Farms voluntarily changed its practices after the investigation, which had no bearing on the legal sufficiency for criminal charges. The trial court also addressed "only a hand-picked few of the alleged instances of abuse,"

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		especially with regard to ignoring the non-anesthetized dehorning of calves. Thus, this court found that AO provided sufficient evidence to show prima facie cases of neglect, cruelty, and aggravated cruelty with respect to the incidents. The court then analyzed whether the record supported a defense of "normal agricultural operations" defense that would counter the charges. This court found that incidents like the dehorning of cattle that already had horns fused to the skull and extreme tail twisting and shocking were sufficient to overcome the affirmative defense. The trial court's dismissal of AO's petition for review was reversed and the trial court was ordered to direct the DA to accept and transmit charges for prosecution.
In the MATTER OF the TITLE, BALLOT TITLE AND SUBMISSION CLAUSE FOR 2021-2022 #16	489 P.3d 1217 (Colo. 2021)	Opponents of an initiative in Colorado petitioned for a review of the Ballot Title Setting Board's decisions regarding the initiative's title, ballot title, and submission clause. The initiative proposed to amend the state's criminal animal cruelty statutes by ending certain exemptions for livestock, creating a safe harbor for their slaughter with certain conditions, and expanding the definition of "sexual act with an animal." The opponents alleged that the initiative violated the single subject requirement by covering multiple subjects. The Supreme Court reviewed the case and found that the central focus of the initiative was to extend animal cruelty statutes to cover livestock. The initiative's safe harbor provision for the slaughter of livestock did not violate the single subject rule. The initiative's expansion of the definition of "sexual act with an animal" violated the single subject rule. The Court reversed the lower court's decision.
IPPL v. Institute for Behavioral Research, Inc.	799 F.2d 934 (1986)	Private individuals and organizations brought action seeking to be named guardians of medical research animals seized from organization whose chief was convicted of state animal cruelty statute violations. The United States District Court for the District of Maryland, John R. Hargrove, J., dismissed action, and individuals and organizations appealed. The Court of Appeals, Wilkinson, Circuit Judge, held that: (1) individuals and organizations lacked standing to bring action, and (2) Animal Welfare Act did not confer private cause of action. Case discussed in topic: US Animal Welfare Act.
Isted v. CPS	(1998) 162 J.P. 513	The appellant was a keeper of livestock who had shot and injured a neighbor's dog that had strayed into the appellant's pig pen. He had been convicted of doing an act causing unnecessary suffering to the dog contrary to the Protection of Animals Act 1911, s 1(1)(a) (second limb). Dismissing the appeal, the Divisional Court held that the local justices were entitled to find as a matter of fact that it had not been reasonably necessary to shoot the dog.
Jenkins v. State	262 P.3d 552 (Wyo.,2011)	Defendant was convicted of misdemeanor animal cruelty. Defendant appealed, claiming ineffective assistance of counsel. The Supreme Court held that he was not entitled to a reversal, because he failed to demonstrate that his counsel failed to render reasonably competent assistance that prejudiced him to such an extent that he was deprived of a fair trial. The Court held that it was not ineffective assistance to 1) fail to object to testimony regarding defendant's arrest and incarceration, and 2) fail to object to defendant's brother testifying while wearing a striped prison suit.
Johnson v. Needham	[1909] 1 KB 626	The Court upheld a decision of local justices to dismiss an information that the defendant "did cruelly ill-treat, abuse, and torture a certain animal" contrary to the Cruelty to Animals Act 1849, s. 2 (1). The Act made it an offence to ill-treat, abuse, *or* torture an animal, and thereby established three separate offences from which the prosecutor should have elected. Note: Although the 1949 Act has been repealed, similar language appears in the Protection of Animals Act 1911, s 1(1)(a), and presumably the same reasoning applies to that statutory provision.

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Jones v. Beame	380 N.E.2d 277 (N.Y. 1978)	In this New York case, the plaintiffs, organizations concerned with the treatment of animals in the New York City zoos, sought injunctive and declaratory relief against city officials who were charged with operating the zoos. Due to a citywide fiscal crisis, the City had to make “Draconian” choices with its human and animal charges, according to the court. In granting a motion to dismiss, this court declined to accept the responsibility for matters that it found to be administrative in nature.
Joyce v Visser	[2001] TASSC 116	The appellant was convicted of failing to provide food and water to dogs who were chained to a spot. Citing the extreme nature of the neglect and the need for general deterrence, the trial judge sentenced the appellant to three months' imprisonment. On appeal, the appellate judge found the sentence to be manifestly excessive and reduced the sentence.
Justice by and through Mosiman v. Vercher	518 P.3d 131 (2022), review denied, 370 Or. 789, 524 P.3d 964 (2023)	The Oregon Court of Appeals, as a matter of first impression, considers whether a horse has the legal capacity to sue in an Oregon court. The Executive Director of Sound Equine Options (SEO), Kim Mosiman, filed a complaint naming a horse (“Justice”)as plaintiff with the Mosiman acting as his guardian, and claiming negligence against his former owner. In the instant appeal, Mosiman challenges the trial court's grant of defendant's motion to dismiss. In 2017, defendant's neighbor persuaded defendant to seek veterinary care for her horse. The veterinarian found the horse to be about 300 pounds underweight with significant walking difficulties and other maladies. The horse was voluntarily surrendered to Mosiman who eventually nursed the animal back to good health. In 2018, Mosiman filed a complaint on Justice's behalf for a single claim of negligence per se, alleging that defendant violated the Oregon anti-cruelty statute ORS 167.330(1) by failing to provide minimum care. Defendant moved to dismiss the complaint on the grounds that a horse lacks the legal capacity to sue and the court granted dismissal. Specifically, the trial court expressed concern over the "profound implications" of allowing a non-human animal to sue and stated that an appellate court could come to a different conclusion by "wad[ing] into the public policy debate involving the evolution of animal rights." Here, the appellate court first found no statutory authority for a court to appoint a guardian for an animal because "a horse inherently lacks self-determination and the ability to express its wishes in a manner the legal system would recognize." The animal has a "distinctive incapacity" that sets it apart from humans with legal disabilities that require appointment of a legal guardian. The court reaffirmed the law's treatment of animals as personal property and found no support in the precedent for permitting an animal to vindicate its own legal rights. While Oregon's animal welfare laws recognize animals as beings capable of feeling pain, this makes them a special type of property and imposes duties on the human owners rather than rights to the animal victims. The court held that only human beings and legislatively-created legal entities are persons with the capacity to sue under Oregon common law. The court emphasized that this holding does not prevent Oregon laws from ever recognizing an animal as a legal person, but the courts are not the appropriate vehicle to do that. Accordingly, this court affirmed the trial court's judgment dismissing the complaint with prejudice.
Justice v. State	532 S.W.3d 862 (Tex. App. 2017)	In this Texas appeal, defendant Brent Justice contends that his conviction for a single count of cruelty to a nonlivestock animal was based on insufficient evidence. The incident stemmed from defendant's filming of his co-defendant, Ashley Richards, torturing and killing of a newly-weaned puppy. Justice and Richards ran an escort business named "Bad Gurls Entertainment" that focused on the production and distribution of animal "crush" videos (fetish videos involving the stomping, torturing, and killing of various kinds of animals in a prolonged manner). The evidence that supported the conviction involved the confessions of both perpetrators and the video of the puppy being tortured and ultimately killed. On appeal, defendant argues that he cannot be found guilty since was not the principal

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		involved in the offense. This court was unconvinced, finding that the evidence was sufficient to support a state jail felony since "[t]here is no shortage of evidence that appellant aided Richards in her cruelty," including handing Richards the knife and filming the killing. The one issue in defendant's "hybrid" pro se and represented brief on appeal that the court granted was related to a finding that defendant used a "deadly weapon." After the filing of initial briefs, the Court of Criminal Appeals in Prichard v. State, No. PD-0712-16, --- S.W.3d ---, 2017 WL 2791524 (Tex. Crim. App. June 28, 2017), held that “a deadly weapon finding is disallowed when the recipient or victim is nonhuman.” Thus, in the case at hand, the court deleted the deadly weapon finding since it was directed at the puppy rather than a human. The case was remanded for a new hearing on punishment only since the conviction was affirmed for a state jail felony.
Kankey v. State	2013 Ark. App. 68, Not Reported in S.W.3d (Ark.App.,2013)	A district court found the appellant’s animals had been lawfully seized, and then divested appellant of ownership of the animals and vested custody to the American Society for Prevention of Cruelty to Animals (ASPCA). The appellant filed an appeal in the civil division of the circuit court, but the circuit court dismissed the appeal as untimely and not properly perfected. Upon another appeal, the Arkansas Court of Appeals found it had no jurisdiction and therefore dismissed the case.
Kervin v. State	195 So. 3d 1181 (Fla. Dist. Ct. App. 2016)	Donald Ray Kervin was found guilty of felony animal cruelty stemming from a 2012 incident at his residence. Animal control officers arrived to find defendant's dog "Chubbie" in a small, hot laundry room a the back of his house that emitted a "rotten-flesh odor." Chubbie was visibly wet, lying in his own feces and urine, with several open wounds infested with maggots. After questioning Kervin about the dog's injuries, defendant finally admitted to hitting Chubbie with a shovel for discipline. The dog was ultimately euthanized due to the severity of his condition. In this instant appeal, Kervin contends that the lower court erred in using the 2014 revised jury instruction to instruct the jury on the charged offense rather than the 2012 version of the instruction. Kevin argued that the 2014 version expanded the 2012 version to include the “failure to act” in felony animal cruelty cases. Also, Kervin argued that the 2012 version should have been used because it was in place at the time the offense occurred. Ultimately, the court found that the lower court did not err by using the 2014 jury instruction. The court held that the 2014 jury instructions merely “clarified” the 2012 jury instruction and that the “failure to act” was already present in the 2012 jury instruction. As a result, the court upheld Kervin’s guilty verdict.
Knox v. Massachusetts Soc. for Prevention of Cruelty to Animals	425 N.E.2d 393 (Mass.App., 1981)	In this Massachusetts case, the plaintiff, a concessionaire at the Brockton Fair intended to award goldfish as a prize in a game of chance. The defendant, Massachusetts Society for the Prevention of Cruelty to Animals (MSPCA), asserted that such conduct would violate G.L. c. 272, s 80F. In the action for declaratory relief, the court considered whether the term "animal" in the statute includes goldfish. The court concluded in the affirmative that, "in interpreting this humane statute designed to protect animals subject to possible neglect by prizewinners," former G.L. c. 272, s 80F applies to goldfish.
Larobina v R	[2009] NSWDC 79	The appellant appeal against a conviction for animal cruelty sustained in a lower court. After an examination of the elements of the statutory offense, it was found that the charge upon which the conviction was sustained was unknown to law.
Lawson v. Pennsylvania SPCA	124 F. Supp. 3d 394 (E.D. Pa. 2015)	Upon an investigation of numerous complaints, the Pennsylvania Society for the Prevention of Cruelty obtained a warrant and searched plaintiffs’ house. As a result, plaintiffs were charged with over a hundred counts that were later withdrawn. Plaintiffs then filed the present case, asserting violations of

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		their federal constitutional rights, as well as various state-law tort claims. Defendants moved for summary judgment, claiming qualified immunity. The district court granted the motion in part as to: (1) false arrest/false imprisonment, malicious prosecution of one plaintiff and as to 134 of the charges against another plaintiff, negligent and intentional infliction of emotional distress, defamation, and invasion of privacy; and (2) to the following claims in Count One: verbal abuse, security of person and property, false arrest/false imprisonment, due process and equal protection, and failure to train or discipline as the result of a policy or custom. The District Court denied the motion with respect to (1) the following claim in Count One: unreasonable search and seizure and the individual defendants' request for qualified immunity in connection with that claim; and (2) with respect to one plaintiff's malicious prosecution claim, but only to the charge relating to the puppy's facial injuries.
Lay v. Chamberlain	2000 WL 1819060 (Ohio Ct. App. Dec. 11, 2000) (Not Reported in N.E.2d)	Chamberlain owned a dog breeding kennel with over one hundred fifty dogs. An investigation was conducted when the Sheriff's Office received complaints about the condition of the animals. Observations indicated the kennel was hot, overcrowded, and poorly ventilated. The dogs had severely matted fur, were sick or injured, and lived in cages covered in feces. Dog food was moldy and water bowls were dirty. Many cages were stacked on top of other cages, allowing urine and feces to fall on the dogs below. A court order was granted to remove the dogs. The humane society, rescue groups, and numerous volunteers assisted by providing food, shelter, grooming and necessary veterinary care while Chamberlain's criminal trial was pending. Chamberlain was convicted of animal cruelty. The organizations and volunteers sued Chamberlain for compensation for the care provided to the animals. The trial court granted the award and the appellate court affirmed. Ohio code authorized appellees' standing to sue for the expenses necessary to prevent neglect to the animals. The evidence was sufficient to support an award for damages for the humane society, the rescue groups, and the individual volunteers that protected and provided for the well-being of the dogs during the months of the trial.
Leider v. Lewis	243 Cal. App. 4th 1078 (Cal. 2016)	Plaintiffs, taxpayers Aaron Leider and the late Robert Culp, filed suit against the Los Angeles Zoo and Director Lewis to enjoin the continued operation of the elephant exhibit and to prevent construction of a new, expanded exhibit. Plaintiffs contend that the Zoo's conduct violates California animal cruelty laws and constitutes illegal expenditure of public funds and property. The case went to trial and the trial court issued limited injunctions relating to forms of discipline for the elephants, exercise time, and rototilling of the soil in the exhibit. On appeal by both sides, this court first took up whether a taxpayer action could be brought for Penal Code violations or to enforce injunctions. The Court held that the earlier Court of Appeals' decision was the law of the case as to the argument that the plaintiff-taxpayer was precluded from obtaining injunctive relief for conduct that violated the Penal Code. The Court found the issue was previously decided and "is not defeated by raising a new argument that is essentially a twist on an earlier unsuccessful argument." Further, refusing to apply this Civil Code section barring injunctions for Penal Code violations will not create a substantial injustice. The Court also found the order to rototill the soil was proper because it accords with the "spirit and letter" of Penal Code section 597t (a law concerning exercise time for confined animals). As to whether the exhibit constituted animal cruelty under state law, the Court found no abuse of discretion when the trial court declined to make such a finding. Finally, the Court upheld the lower court's ruling that declined further injunctive relief under section 526a (a law that concerns actions against state officers for injuries to public property) because the injury prong could not be satisfied. As stated by the Court, "We agree with the trial court that there is no standard by which to measure this type of harm in order to justify closing a multi-million dollar public exhibit."

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Let the Animals Live Assiciation;et al. v. Israel Institute of Technology et al. (in Hebrew)	No. 54789-12-11 (Hebrew version)	After pressures from multiple animal rights organizations, an Israeli airline stopped flying monkeys to Israeli research institutions. Multiple Israeli research institutions then filed suit, asking the court to present the airline with a permanent order to fly animals as per their requests, including monkeys, for bio-medical research purposes. In the present case, the question to be decided was whether to allow several animal protection organizations to be added to the claim (whether the airline was bound to fly animals for experiments or not) as defendants or as amicus curiae. The court held that the animal protection organizations should be allowed to join the proceedings as defendants because they could bring before the court a more complete picture of the issue before it was decided; they filed their request at a very early stage; and they spoke and acted for the animals in the face of a verdict that might directly affect the legal rights of the animals.
Let the Animals Live v. Hamat Gader	LCA 1684/96	The petitioner, an organization for the protection of animal rights, petitioned the magistrate court to issue an injunction against the respondents, which would prohibit the show they presented, which included a battle between a man and an alligator. The magistrate court held that the battle in question constituted cruelty to animals, which was prohibited under section 2 of the Cruelty to Animals Law (Protection of Animals)-1994. The respondents appealed this order to the district court, which cancelled the injunction. The petitioners requested leave to appeal this decision to this Court. The Court held that the show in question constituted cruelty against animals, as prohibited under section 2 of the Cruelty to Animals Law (Protection of Animals)-1994.
Let the Animals Live v. Hamat Gader Recreation Enterprises	LCa 1684?96	Court held that holding a fighting match between a human and an alligator was a violation of the Israel Anti-Cruelty laws.
Lindsey v. Texas State Board of Veterinary Medical Examiners	Not Reported in S.W. Rptr., 2018 WL 1976577 (Tex. App., 2018)	In 2015, Kristen Lindsey, who is a licensed veterinarian, killed a cat on her property by shooting it through the head with a bow and arrow. Lindsey had seen the cat fighting with her cat and defecating in her horse feeders and believed the cat to be a feral cat. However, there was evidence that the cat actually belonged to the neighbor and was a pet. Lindsey posted a photo of herself holding up the dead cat by the arrow. The photo was shared repeatedly and the story ended up reported on several news outlets. The Board received more than 700 formal complaints and more than 2,700 emails about the incident. In 2016 the Texas State Board of Veterinary Medical Examiners (the Board) initiated disciplinary proceedings against Lindsey seeking to revoke her license and alleging violations of the Veterinary Licensing Act and Administrative Rules. While the proceeding was pending, Lindsey filed a petition for declaratory judgment and equitable relief in the trial court. The grand jury declined to indict her for animal cruelty. Due to this, Lindsey asserted that the Board lacked the authority to discipline her because she had not been convicted of animal cruelty and her act did not involve the practice of veterinary medicine. The administrative law judges in the administrative-licensing proceeding issued a proposal for decision and findings of fact and conclusions of law which the Board adopted and issued a final order suspending Lindsey's license for five years (with four years probated). Lindsey then filed a petition for judicial review in trial court after the Board denied her motion for a rehearing. The trial court affirmed the Board's final order. This case involves two appeals that arise from the disciplinary proceeding filed against Lindsey by the Board. Lindsey appeals the first case (03-16-00549-CV) from the trial court denying her motion for summary judgment and granting the Board's motion for summary judgment and dismissing her suit challenging the Board's authority to bring its disciplinary action. In the second case (17-005130-CV), Lindsey appeals from the trial court affirming the Board's final decision in the disciplinary proceeding. Even though Lindsey was not convicted of animal cruelty, the Court of Appeals held that the Board possessed the authority to determine

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		that the offense of animal cruelty was sufficiently connected to the practice of veterinary medicine. Lindsey also did not have effective consent from the neighbor to kill the cat. The Board had sufficient evidence that Lindsey tied her profession to the shooting of the cat through the caption that she put on the photo that was posted on social media. The Court of Appeals ultimately overruled Lindsey's challenges to the Board's authority to seek disciplinary action against her veterinary license in both appeals as well as her challenges regarding the findings of fact and conclusions by the administrative law judges. The Court affirmed the judgment in both causes of action.
Long v. The State of Texas	823 S.W.2d 259 (Tex. Crim. App. 1991)	Appellant, who was convicted of capital murder and sentenced to death, raised 35 points of error in a direct appeal in which he challenged the trial court's voir dire rulings and its evidentiary rulings. The court held that the admission into evidence of photographs was within the discretion of the lower court, which properly determined that the photographs served a proper purpose in enlightening the jury.
Lopez v. State	720 S.W.2d 201 (Tex. App. 1986).	The court convicted the defendant of cruelty to animals where the defendant left his dog in the car on a hot, sunny, dry day with the windows only cracked an inch and a half. Such action was deemed "transporting or confining animal in a cruel manner."
Mack v. State of Texas (unpublished)	2003 WL 23015101 (Not Reported in S.W.3d)	The Texas Appeals Court affirmed the trial court's decision that failure to adequately provide for cattle such that they suffered from malnourishment constituted animal cruelty offense under Texas law. The court found that the evidence was legally sufficient to establish that malnourished cow was one of the many domesticated living creatures on defendant's ranch, and was therefore an “animal” under the state law.
Mackley v. State	481 P.3d 639 (Wyo. 2021)	The Wyoming Supreme Court considers whether the jury was properly instructed on the charge of aggravated animal cruelty. The case stems from an incident where a dog escaped his owner and attacked the defendant's dogs at his front door. A local teenager grabbed the offending dog ("Rocky") and dragged him into the street as the dog fight carried on. The defendant responded by grabbing his gun and shooting Rocky as he was held by the teenager. A jury convicted defendant of both aggravated animal cruelty and reckless endangering. At the trial, defendant moved for judgment of acquittal on both charges, arguing that the Wyoming Legislature has established that humanely destroying an animal is not animal cruelty and that the State did not provide evidence that he intentionally pointed a firearm at anyone, which defendant contends is necessary for the reckless endangering charge. On appeal here, the court first observed that defendant's challenge to a confusing or misleading jury instruction was waived because he negotiated with the prosecution to draft it. Further, the Supreme Court did not find an abuse of discretion where the district court refused defendant's additional instructions on the humane destruction of an animal in the jury instructions on the elements for the aggravated cruelty to animals charge. While defendant argued that the instructions should include subsection m from the statute, he only now on appeal contends that the subsection should have been given as a theory of defense. Thus, reviewing this argument for plain error, the Court found that defendant's theory that his killing was "humane" and thus excluded from the crime of aggravated cruelty was not supported by the language of the statute. In fact, such an interpretation not only goes against the plain language, but "then any animal could be killed, under any circumstances, as long as it is killed quickly." Defendant presented no evidence that the dog he shot was suffering or distressed and needed euthanasia. The trial court did not commit error when it declined to instruct the jury on subsection m. As to the reckless endangering conviction, the court also affirmed this charge as defendant showed a conscious disregard

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		for the substantial risk he placed the teenager in regardless of whether he pointed the gun at the victim. Affirmed.
Madero v. Luffey	439 F. Supp. 3d 493 (W.D. Pa. 2020), clarified on denial of reconsideration, No. 2:19-CV-700, 2020 WL 9815453 (W.D. Pa. Mar. 13, 2020)	Ronald Madero allegedly took care of abandoned cats in his neighborhood by giving them food, shelter, and occasional medical care. Madero lived in a duplex in which his son owned both halves of the building. A neighbor contacted Animal Care and Control (ACC) and complained about abandoned kittens in front of her residence. On or about June 15, 2017, Officer Christine Luffey of the Pittsburgh Police Department arrived at Madero's residence with a non-officer volunteer, Mary Kay Gentert. Officer Luffey requested to inspect the inside of both sides of the duplex. Madero refused and Luffey claimed she had a search warrant. Madero believed that Gentert was present to assist with spay and neuter services for the cats and consented to allow Gentert to inspect the premises while Luffey waited outside. Gentert took photographs inside. Some time afterwards, Luffey executed a search warrant. Madero asserted that the information gathered and photographs taken by Gentert were used to obtain the search warrant. A total of forty-two cats were seized. Madero asserts that after the cats were seized the cats were left for hours on the hot concrete in direct sunlight with no water and that snare catch poles were used to strangle the cats and force them into carriers or traps. Madero further asserted that the cats were not provided with veterinary care for several weeks and were kept in small cages in a windowless room. Some of the cats were ultimately euthanized. On August 7, 2017, Officer Luffey filed a criminal complaint against Madero accusing him of five counts of misdemeanor cruelty to animals and thirty-seven summary counts of cruelty to animals. Madero pled nolo contendere to twenty counts of disorderly conduct and was sentenced to ninety days of probation for each count with all twenty sentences to run consecutively. Madero filed a complaint asserting various causes of action under 42 U.S.C. 1983 and state law alleging illegal search and wrongful seizure of the cats against Officer Luffey, Homeless Cat Management Team ("HCMT"), Provident, and Humane Animal Rescue ("HAR"). The defendants each filed Motions to Dismiss. Madero pled that the cats were abandoned or stray cats, however, he also pled that the cats were his property and evidenced this by pleading that he fed the cats and provided shelter as well as veterinary care. The Court found that Madero pled sufficient facts to support ownership of the cats to afford him the standing to maintain his claims under section 1983 and common law. The Court held that Madero pled a plausible claim against Luffey on all counts of his complaint. Madero alleged that Officer Luffey violated his Fourth Amendment rights by lying about having a search warrant and securing consent by threatening to bust his door down. As for Madero's state law claims, the court dismissed his negligent misrepresentation claim against Luffey as well as his claims for concerted tortious conduct. Madero failed to plead a threshold color of state law claim against the HAR defendants. There can be no violation of constitutional rights without state action. Madero's claims for conversion and trespass to chattel against the HAR defendants were also dismissed. All claims against Provident were dismissed, however, Madero's claim against HCMT for conspiracy was able to proceed. The Court ultimately denied in part and granted in part Officer Luffey's Motion to Dismiss, Granted HAR's Motion to Dismiss, and denied in part and granted in part HCMT's and Provident's Motion to Dismiss.
Mahan v. State	51 P.3d 962, 963 (Alaska Ct. App. 2002)	Mahan had over 130 animals on her property. Alaska Equine Rescue went to check on the condition of the animals at the request of her family members. The animals were in poor health and were removed by Alaska State Troopers and the Rescue. The animals were then placed in foster homes. The defendant's attorney requested a writ of assistance to require law enforcement to assist and force the foster families to answer a questionnaire. The appellate court held that the families were under no legal obligation to answer the questionnaire unless the court were to issue a deposition order and the families were to be properly subpoenaed. The district court's denial of the writ was upheld. Mahan's attorney also asked for

Case name	Citation	Summary
		a change of venue due to the publicity the case garnered. The court held the defendant was not entitled to a change of venue when 15 jurors had been excused and there was no reason to doubt the impartiality of the jurors who were left after the selection process. There was no indication that the jurors were unable to judge the case fairly. Mahan's attorney also filed a motion to suppress a majority of the evidence, claiming that the Rescue and law enforcement unlawfully entered the property. The judge stated he would rule on the motion if it was appropriate to do so. The judge never ruled on the motion. To preserve an issue for appeal, the appellant must obtain an adverse ruling, thus it constituted a waiver of the claim. Mahan was also prohibited from owning more than one animal. She offered no reason why this condition of probation was an abuse of the judge's discretion, therefore it was a waiver of this claim. Lastly, although the Rescue received donations from the public to help care for the animals, that did not entitle Mahan to an offset. Restitution is meant to make the victims whole again and also to make the defendant pay for the expense caused by their criminal conduct.

Case name	Citation	Summary
Maldonado v. Franklin	Not Reported in S.W. Rptr., 2019 WL 4739438 (Tex. App. Sept. 30, 2019)	Trenton and Karina Franklin moved into a subdivision in San Antonio, Texas in September of 2017. Margarita Maldonado lived in the home immediately behind the Franklins' house and could see into the Franklins' backyard. Maldonado began complaining about the Franklins' treatment of their dog. The Franklins left the dog outside 24 hours a day, seven days a week no matter what the weather was like. Maldonado also complained that the dog repeatedly whined and howled which kept her up at night causing her emotional distress. Maldonado went online expressing concern about the health and welfare of her neighbor's dog, without naming any names. Mr. Franklin at some point saw the post and entered the conversation which lead to Mr. Franklin and Maldonado exchanging direct messages about the dog. Maldonado even placed a dog bed in the backyard for the dog as a gift. In December of 2017, the Franklins filed suit against Maldonado for invasion of privacy by intrusion and seclusion alleging that Maldonado was engaged in a campaign of systemic harassment over the alleged mistreatment of their dog. While the suit was pending, Maldonado contacted Animal Control Services several times to report that the dog was outside with the heat index over 100 degrees. Each time an animal control officer responded to the call they found no actionable neglect or abuse. In June of 2018, Maldonado picketed for five days by walking along the neighborhood sidewalks, including in front of the Franklins' house, carrying signs such as "Bring the dog in," and "If you're hot, they're hot." The Franklins then amended their petition adding claims for slander, defamation, intentional infliction of emotional distress, and trespass. The trial court granted a temporary injunction against Maldonado, which was ultimately vacated on appeal. Maldonado filed a Anti-SLAPP motion and amended motion to dismiss the Franklins' claims as targeting her First Amendment rights. The trial court did not rule on the motions within thirty days, so the motions were denied by operation of law. Maldonado appealed. The Court began its analysis by determining whether Maldonado's motions were timely. Under the Texas Citizen's Participation Act (TCPA) a motion to dismiss must be filed within sixty days of the legal action. The sixty-day deadline reset each time new factual allegations were alleged. Due to the fact that the Franklins had amended their petition three times and some of the amended petitions did not allege any new factual allegations, the only timely motions that Maldonado filed were for the Franklins' claims for slander and libel. The Court then concluded that Maldonado's verbal complaints to the Animal Control Service and online posts on community forums about the Franklins' alleged mistreatment of their dog were communications made in connection with an issue related to a matter of public concern and were made in the exercise of free speech. Therefore, the TCPA applied to the Franklins' slander and libel claims. The Court ultimately concluded that although Maldonado established that the TCPA applied to the slander and libel claims, the Franklins met their burden to establish a prima facie case on the slander and libel claims. Therefore, the Court ultimately concluded that Maldonado's motion to dismiss the slander and libel claims were properly denied. The Court affirmed the trial court's order and remanded the case to the trial court.
Malloy v. Cooper	592 S.E.2d 17 (N.C. 2004)	Plaintiff owned a Gun Club and sponsored a pigeon shoot. He challenged the constitutionality of a statute prohibiting the intentional wounding or killing of animals. Held: unconstitutionally vague.
Maloney v. State	1975 OK CR 22 (Ok. App. 1975)	The State charged defendant with maliciously placing a dog in a pit with another dog and encouraging the dogs to fight, injure, maim, or kill one another. The trial court convicted defendant of cruelty to animals pursuant to *Okla. Stat. tit. 21, § 1685* (1971) and fined defendant. Defendant appealed. On appeal, the court held that *Okla. Stat. tit. 21, § 1682* (1971) was constitutional as applied to the case but reversed and remanded the case because the court determined that the defendant had been improperly convicted under the anti-cruelty statute rather than the dogfighting statute.

Case name	Citation	Summary
Mansbridge v Nichols	[2004] VSC 530	The appellant was convicted of seven offences under the Prevention of Cruelty to Animals Act 1986 (Vic) related to the appellant's treatment of merino sheep in her care. The appellant was successful in overturning three of the charges on the basis that they were latently duplicitous or ambiguous. The appellant was unsuccessful in arguing that the trial judge failed to give adequate reasons.
Martinez v. State	48 S.W.3d 273 (Tex. App. 2001).	A jury may infer a culpable mental state ("intentionally and knowingly") from the circumstances surrounding the offense of cruelty to animals.
Matter of Ricco v Corbisiero	565 N.Y.S.2d 82 (1991)	Petitioner harness race-horse driver was suspended by the New York State Racing and Wagering Board, Harness Racing Division for 15 days for failing to drive his horse to the finish. The driver argued that whipping the horse had not improved his performance. Considering that the horse had equaled his best time, and had lost by only two feet, and that it would have been a violation of the New York anti-cruelty law (Agriculture and Markets Law (§ 353) to overdrive the horse, the court overturned the suspension.
Matter of Ware	--- P.3d ----, 2018 WL 3120370 (Wash. Ct. App. June 26, 2018)	After the Lewis County Prosecuting Attorney's Office's decided not to issue charges in an animal abuse case, two private citizens sought to independently initiate criminal charges. One person filed a petition for a citizen's complaint in district court and, after that was denied, another person filed a petition to summon a grand jury. On appeal, those appellants argue that the lower court erred in not granting their petitions. The animal cruelty claim stems from an incident in 2016, where a woman filed a report with police stating that a neighbor had killed her mother's cat by throwing a rock at the cat and stabbing it with a knife. Witnesses gave similar account of the abuse of the cat by the neighbor. The responding police officer then determined that there was probable cause to arrest the suspect for first degree animal cruelty. The officer found the cat's body and photographed the injuries, although the officer could not determine whether the cat had been stabbed. Subsequently, the prosecuting attorney's office declined to file charges because the actions related to the animal's death were unclear. Additionally, the cat's body was not collected at the scene to sustain a charge.
McCall v. Par. of Jefferson	178 So. 3d 174 (La.App. 5 Cir. 2015)	Defendant appeals a judgment from the 24th Judicial District Court (JDC) for violations of the Jefferson Parish Code. In 2014, a parish humane officer visited defendant's residence and found over 15 dogs in the yard, some of which were chained up and others who displayed injuries. Initially, defendant received a warning on the failure to vaccinate charges as long as he agreed to spay/neuter the animals. Defendant failed to do so and was again found to have numerous chained dogs that did not have adequate food, water, shelter, or veterinary care. He was ordered to surrender all dogs in his possession and was assessed a suspended $1,500 fine. On appeal, defendant claims he was denied a fair hearing because he was denied the opportunity to cross-examine witnesses and present evidence. This court disagreed, finding that the JDC functioned as a court of appeal on the ordinance violations and could not receive new evidence. Before the JDC hearing, this court found defendant was afforded a hearing that met state and local laws. The JDC judgment was affirmed.
McCall v. State	540 S.W.2d 717 (Tex. Crim. App. 1976).	Open fields doctrine; warrantless seizure. It was not unreasonable for humane society members to enter defendant's land and seize dogs where the dogs were kept in an open field clearly in view of neighbors and others, and where it was apparent that the dogs were emaciated and not properly cared for.
McCausland v. People	McCausland v. People, 145 P. 685 (Colo. 1914)	**Action by the People of the State of Colorado against William J. McCausland. From a judgement overruling defendant's motion to dismiss and finding him guilty of cruelty to animals, he brings error. Affirmed.**

Case name	Citation	Summary
McClendon v. Story County Sheriff's Office	403 F.3d 510 (8th Cir. 2005)	A farmer was neglecting her horses and the entire herd confiscated by animal control officers. The farmer brought a section 1983 claim against the animal control officers for acting outside of the scope of their warrant by removing more than just the sick horses. The Court of Appeals affirmed the trial court in part, holding the animal control officers were entitled to qualified immunity and seizure of all the horses was not unreasonable or outside the scope of the warrant.
McDonald v. State	64 S.W.3d 86 (Tex. App. 2001)	The act of finding a sick puppy and intentionally abandoning it in a remote area, without food or water or anyone else around to accept responsibility for the animal, was unreasonable and sufficient to support a conviction for animal cruelty.
McGinnis v. State	541 S.W.2d 431 (Tex. Crim. App. 1976).	In an animal cruelty prosecution, the trial court should first instruct the jury on the definition of torture of an animal. Then, the court can permit the jury to determine whether the acts and circumstances of the case showed the torture of an animal.
McNeely v. U.S.	874 A.2d 371 (D.C. App. 2005)	Defendant McNeely was convicted in a jury trial in the Superior Court of violating the Pit Bull and Rottweiler Dangerous Dog Designation Emergency Amendment Act. On appeal, t he Court of Appeals, held that the Act did not deprive defendant of fair warning of the proscribed conduct, as the defendant here was required to know that he owned pit bulls in order to be convicted under the Act; and the prosecutor's improper comment was rendered harmless by the trial court's curative instructions.
Mejia v. State	681 S.W.2d 88 (Tex. App. 1984).	Rooster fighting case. Testimony from the defendant's witness, a sociologist that argued cockfighting is not generally thought of as an illegal activity, was irrelevant in cruelty to animals conviction. Statute is not unconstitutionally vague.
Milburn v. City of Lebanon	221 F. Supp. 3d 1217 (D. Or. 2016)	Plaintiff Milburn was acquitted of misdemeanor animal abuse on appeal, but a Lebanon police officer removed Milburns' dog from her possession. While the appeal was pending, the Defendant, City of Lebanon, gave the dog to an animal shelter. The dog was later adopted by a new owner. The Linn County Circuit Court ordered the City to return the dog to Milburn after the acquittal but the Defendant City failed to comply. Milburn then brought this action pursuant to 42 U.S.C. §§ 1981 and 1983 against the City of Lebanon. The City moved for dismissal for failure to state a claim, and the United States District Court, for the District of Oregon, granted that motion while giving leave for Milburn to amend her complaint. In the Amended Complaint, Milburn contended that the City's refusal to return her dog pursuant to the state court order deprived her of property without due process of law, in violation of the Fourteenth Amendment. Milburn also asserted a violation of her procedural due process rights. The United States District Court, for the District of Oregon, reasoned that while Milburn alleged a state-law property interest in her dog, she failed to allege that the Defendant City deprived her of that interest without adequate process. Milburn also did not allege state remedies to be inadequate. Those two omissions in combination were fatal to Miburn's procedural due process claim. Also, Milburn's assertion that the court issued an order and that the City did not comply with, is an attack on the result of the procedure. The court reasoned that attacking the result instead of the process of a procedure does not state a procedural due process claim. Milburn's procedural due process claim was then dismissed. The Court also held that it did not have jurisdiction over Milburn's injunctive relief claim. Therefore, Milburn's request for injunctive relief was dismissed with prejudice. However, the court held that Milburn could seek monetary damages. While Defendant City's second motion to dismiss was granted, Milburn was granted leave to amend her complaint within 90 days with regard to her claim for actual and compensatory damages.

Case name	Citation	Summary
Mills v. State	802 S.W.2d 400 (Tex. App. 1991).	In criminal conviction for cruelty to animals, statute requires that sentences arising out of same criminal offenses be prosecuted in single action and run concurrently.
Mills v. State	848 S.W.2d 878 (Tex. App. 1993).	In an animal cruelty conviction, the law requires that sentences arising out of same criminal offenses be prosecuted in single action and run concurrently.
Mississippi State University v. People for Ethical Treatment of Animals, Inc.	992 So.2d 595 (Miss., 2008)	PETA, an animal rights group, sought disclosure of records pursuant to the Public Records Act from Mississippi State University regarding the IAMS's company care of animals used in research, which was conducted at university. After the lower court granted the request, the University and company appealed. The Supreme Court of Mississippi held that substantive portions of company's Institutional Animal Care and Use Committee protocol forms were exempt from disclosure under the Public Records Act. The court found that PETA failed to rebut the evidence presented by MSU and Iams that the data and information requested in the subject records constituted trade secrets and/or confidential commercial and financial information of a proprietary nature developed by MSU under contract with Iams. Therefore, the data and information requested by PETA is exempted from the provisions of the Mississippi Public Records Act.
Mitchell v. State	118 So.3d 295 (Fla. Dist. Ct. App. 2013)	The defendant in this case was convicted of animal cruelty for injuries his dog sustained after his dog bit him. Upon appeal, the court found that the prosecutor had erred by framing the argument in a manner that improperly shifted the burden of proof from whether the defendant had intentionally and maliciously inflicted injuries on the dog to whether the State's witnesses were lying. Since the court found this shift in burden was not harmless, the court reversed and remanded the defendant's conviction.
Mogensen v. Welch	--- F.Supp.3d ----, 2023 WL 8756708 (W.D. Va. Dec. 19, 2023)	Plaintiffs owned and operated a zoo containing about 95 animals. Following complaints about suspected abuse and neglect of these animals, defendant executed a search warrant of the zoo. The search led to the seizure of many of these animals, including a tiger in such poor health that it needed to be euthanized. Following the seizure of these animals, plaintiffs filed a motion to argue that their due process rights were violated because a civil forfeiture hearing must be held no more than ten business days after the state seized the animals, and plaintiffs argue that ten days is too little time to prepare for the hearing. To succeed on the claim, plaintiffs must show that they are likely to suffer irreparable harm in the absence of preliminary relief, which they were unable to do because plaintiffs still have the right to appeal if the hearing does not go in their favor. Therefore, the court denied plaintiff's motion for a preliminary injunction.
Morgan v. State	656 S.E.2d 857(Ga.App., 2008)	Deputy removed sick and malnourished animals from Defendant's property, initiated by a neighbor's call to the Sheriff. Defendant was convicted in a jury trial of cruelty to animals. He appealed, alleging illegal search and seizure based on lack of exigent circumstances to enter his property. The court found that deputy's entry into the home was done with Morgan's lawful consent, and, as such, the subsequent seizure of the dogs in the home was based on the deputy's plain view observations in a location where he was authorized to be.
Moser v. Pennsylvania Soc. for Prevention of Cruelty to Animals	Slip Copy, 2012 WL 4932046 (E.D. Penn.)	After the defendants confiscated mare without a warrant and required that the plaintiff surrender another mare and a few other animals in order to avoid prosecution, the plaintiffs sued the defendants for violating the U.S. Constitution, the U.S. Civil Rights Act and Pennsylvania statutory and common law. However, the plaintiffs lost when the district court granted the defendants motion for summary judgment on all counts.

Case name	Citation	Summary
Mostek v. Genesee County Animal Control	Slip Copy, 2012 WL 683430 (E.D., Mich. 2012)	Defendant officer removed a gravely-ill cat that needed veterinary care from Plaintiff's backyard. Plaintiff sued alleging Fourth Amendment claims pursuant to 42 U.S.C. § 1983. Plaintiff disclaimed ownership of the cat, thus her property rights were not violated by the seizure. Officer was shielded by the doctrine of qualified immunity, because animal control officers may enter property and remove animals that appear to be in danger.
Mouton v. State	2008 WL 4709232 (Tex.App.-Texarkana)	Defendant was convicted of cruelty to an animal, and sentenced to one year in jail, based upon witness testimony and photographs depicting several dogs in varying states of distress. On appeal, the Court of Appeals of Texas, Texarkana, found that the trial court did not err in denying Defendant's motions for a directed verdict or for a new trial to the extent that both motions challenged evidentiary sufficiency, and that ineffective assistance of counsel had not been shown, because the Court could imagine strategic reasons on Defendant's counsel's part for not calling a particular witness to testify on Defendant's behalf, and for allowing Defendant to testify in narrative form during the punishment phase.
Mouton v. State	513 S.W.3d 679 (Tex. App. 2016)	San Antonio Animal Care Services (ACS) responded to a call about 36 pit bull terriers that were chained, significantly underweight, and dehydrated. The dogs also had scarring consistent with fighting. Police obtained a search warrant and coordinated with ACS to seize the dogs. While the dogs were being secured, Appellant Terrence Mouton arrived at the residence. He told the officers that he had been living at the residence for a couple of weeks, but that he did not own all of the dogs and was holding them for someone else. Mouton was convicted in the County Court of cruelty to non livestock animals. On appeal, Mouton argued that the trial court erred in denying his motion for directed verdict because the Appellee, the State of Texas, failed to prove that the animals were in his custody. The Court of Appeals affirmed the trial court's judgment. The court held that there was sufficient evidence for a reasonable jury to find that Mouton was responsible for the health, safety, and welfare of the dogs on his property and that the dogs were subject to his care and control, regardless of whether he was the actual owner of each animal. A reasonable jury could have also found that Mouton was "aware of, but consciously disregarded, a substantial and unjustifiable risk" that he failed to provide proper nutrition, water, or shelter for the dogs.
New Jersey Society for Prevention of Cruelty to Animals v. Board of Education	219 A.2d 200 (N.J. Super. Ct. 1966)	In this action, the New Jersey Society for the Prevention of Cruelty to Animals, sought recovery against the Board of Education of the City of East Orange of penalties of the rate of $100 per alleged violation arising out of cancer-inducing experiments conducted by a student in its high school upon live chickens. By permission of the court, defendants, New Jersey Science Teachers' Association and National Society for Medical Research Inc. were permitted by the court to participate as amicus curiae. The court found that because the board did not obtain authorization from the health department, an authorization which the health department did not think was needed, it was not thereby barred from performing living animal experimentation. The court concluded that the experiment at issue was not per se needless or unnecessary, and that such experiment did not fall within the ban of N.J. Stat. Ann. § 4:22-26 against needless mutilation, killing, or the infliction of unnecessary cruelty.
North Carolina v. Nance	149 N.C. App. 734 (2002)	The appellate court held that the trial court erred in denying the motion to suppress the evidence seized by animal control officers without a warrant. Several days passed between when the officers first came upon the horses and when they were seized. The officers could have obtained a warrant in those days; thus, no exigent circumstances were present.
Nye v. Niblett	[1918] 1 KB 23	Three boys who had killed two farm cats were charged with an offence which could only have been committed if the cats were kept for a "domestic purpose". Local justices had acquitted the boys, in part because there no evidence was

Case name	Citation	Summary
		before them that the cats that were killed had been kept for a domestic purpose. Allowing the prosecutor's appeal, the Divisional Court held that there was no need to prove that a particular animal was in fact kept for a domestic purpose if it belonged to a class of animals which were ordinarily so kept.
Ohio v. Hale	2005 WL 3642690 (Ohio App. 7 Dist.)	Defendant-Appellant, Norman Hale, appeals the decision of the Monroe County Court that found him guilty of multiple counts of cruelty to animals in violation of R.C. 959.13(A)(4). Hale argues that this statute is unconstitutionally vague, that his conviction is against the manifest weight of the evidence, and that the trial court imposed improper sanctions upon him. The court disregard Hale's constitutional argument since he failed to provide legal argument in support of this claim. Hale's argument that his conviction is against the manifest weight of the evidence also is meritless since the evidence in the record supports the trial court's decision that he recklessly failed to provide these dogs with wholesome exercise. Finally, the trial court did not abuse its discretion when imposing the sanctions since the conditions of his probation were related to the underlying offense and served the ends of rehabilitation. For these reasons, the trial court's decision was affirmed.
Oshannessy v Heagney	[1997] NSWSC 482	The case focuses primarily on the procedural requirements for stating a case. However, there is also discussion concerning what are the appropriate steps that a motor vehicle driver, who has hit and injured an animal with their vehicle, must take. In this case, the trial judge found that a refusal to stop and inspect the animal did not constitute a failure to take reasonable steps to alleviate that animal's pain.
Pearson v Janlin Circuses Pty Ltd	[2002] NSWSC 1118	The defendant deprived an elephant in a circus of contact with other elephants for years. On a particular day, the defendant authorised three other elephants to be kept in the proximity of the elephant for a number of hours. It was claimed that this act constituted an act of cruelty as it caused distress to the elephant. On appeal, it was determined that mens rea was not an element of a cruelty offence under the statute.
Peck v. Dunn	574 P.2d 367 (Utah 1978)	Subsequent to the game cockfighter's conviction for cruelty to animals, she sought a declaratory judgment that the ordinance was unconstitutional on the grounds: (1) that it was vague and uncertain in that innocent conduct of merely being a spectator could be included within its language; and (2) that presence at such a cockfight was proscribed, without requiring a culpable mental state. On review the court held that the board, in the exercise of its police power, had both the prerogative and the responsibility of enacting laws which would promote and conserve the good order, safety, health, morals and general welfare of society. The courts should defer to the legislative prerogative and should presume such enactments were valid and should not strike down legislation unless it clearly and persuasively appeared that the act was in conflict with a constitutional provision.
People v Arcidicono	360 N.Y.S.2d 156 (1974)	The defendant was properly convicted of cruelty when a horse in his custody and care had to be destroyed due to malnutrition. The defendant was in charge of feeding the gelding, and was aware of his loss of weight. He knew the diet was inadequate but failed to provide more food. The defendant was guilty of violating Agriculture and Markets Law § 353 for failing to provide proper sustenance to the horse.
People v. Alvarado	2005 WL 120218 (Cal. 2005)	A man stabbed and killed his two dogs while drunk. His girlfriend called the police after being informed of the situation by her brother. The trial court convicted the man of violating an anti-cruelty statute (Sec. 597 of the Penal Code). The Court of Appeals affirmed defendant's conviction, finding that Sec.

Case name	Citation	Summary
		597 is a general intent crime and did not require a showing of specific intent to kill or harm the dog.
People v. Arcidicono	75 Misc. 2d 294 ((N.Y.Dist.Ct. 1973)	The court held the bailee of a horse liable for failing to provide necessary sustenance to the horse, even though the owner of the horses had refused to pay for the necessary feed.
People v. Arroyo	777 N.Y.S.2d 836 (N.Y. 2004)	This case presents the court with a novel question: Does a pet owner commit an act of cruelty, for which he or she could be prosecuted criminally, by not providing an ill pet (in this case, terminally ill) with medical care? Defendant charged with violation of New York's anticruelty statute and moved for dismissal. In engaging in statutory interpretation, the Court held that: (1) provision prohibiting the deprivation of "necessary sustenance" was vague when applied to defendant, and (2) that the provision prohibiting "unjustifiably" causing pain to an animal was also vague when applied to defendant. Motion granted.
People v. Baniqued	101 Cal.Rptr.2d 835 (Cal.App.3 Dist.,2000).	Defendant appealed from a judgment of the Superior Court of Sacramento County, California, ordering their conviction for cockfighting in violations of animal cruelty statutes. The court held that roosters and other birds fall within the statutory definition of "every dumb creature" and thus qualify as an "animal" for purposes of the animal cruelty statutes.
People v. Berry	1 Cal. App. 4th 778 (1991)	In a prosecution arising out of the killing of a two-year-old child by a pit bulldog owned by a neighbor of the victim, the owner was convicted of involuntary manslaughter (Pen. Code, § 192, subd. (b)), keeping a mischievous animal (Pen. Code, § 399), and keeping a fighting dog (Pen. Code, § 597.5, subd. (a)(1)). The Court of Appeal affirmed, holding that an instruction that a minor under the age of five years is not required to take precautions, was proper. The court further held that the trial court erred in defining "mischievous" in the jury instruction, however, the erroneous definition was not prejudicial error under any standard of review. The court also held that the scope of defendant's duty owed toward the victim was not defined by Civ. Code, § 3342, the dog-bite statute; nothing in the statute suggests it creates a defense in a criminal action based on the victim's status as a trespasser and on the defendant's negligence.
People v. Brinkley	--- N.Y.S.3d ----, 2019 WL 3226728 (N.Y. App. Div. July 18, 2019)	Defendant was convicted of aggravated cruelty to animals. The Defendant appealed the judgment. Defendant and his nephew had purchased a puppy and continually used negative reinforcement, such as paddling or popping the dog on the rear end with an open hand, for unwanted behavior. On one occasion, when the dog was approximately 15 months old, the Defendant's nephew found that the dog had defecated in the apartment. The nephew attempted to paddle the dog and the dog bit the nephew's thumb as a result. When the Defendant had returned home, the nephew explained to him what had happened. The Defendant proceeded to remove the dog from his crate, put the dog's face by the nephew's injured thumb, and told him he was a bad dog. The dog then bit off a portion of the Defendant's thumb. The Defendant attempted to herd the dog onto the back porch, but the dog became aggressive and continued to bite him. As a result, the Defendant repeatedly kicked the dog and used a metal hammer to beat the dog into submission. The dog later died due to his injuries. The Defendant argued that he had a justifiable purpose for causing the dog serious physical injury. The Defendant testified that he was in shock from the injury to his thumb and that he was trying to protect himself and his nephew. However, other evidence contradicted the Defendant's testimony. The dog was in a crate when the Defendant got home, and the Defendant could have left him there rather than take the dog out to discipline him. The Defendant was at least partially at fault for creating the situation that led him to react in such a violent manner. The Court reviewed several of the Defendant's contentions and found them all to be without merit. The judgment was ultimately affirmed.

Case name	Citation	Summary
People v. Brunette	124 Cal.Rptr.3d 521 (Cal.App. 6 Dist.)	Defendant was convicted of animal cruelty, and was ordered to pay restitution to the Animal Services Authority ("Authority") that cared for the dogs. The appellate court held that the imposition of an interest charge on the restitution award was not authorized by the statutes. It also held that the Authority was an indirect victim, and was not entitled to direct victim restitution. The Court held that the trial court had discretion to decline to apply comparative fault principles to apportion defendant's liability for restitution and also acted within its discretion in declining to apply an offset for adoption fees the Authority might have collected against the restitution award.
People v. Chung	185 Cal. App. 4th 247 (Cal.App. 2 Dist.), 110 Cal. Rptr. 3d 253 (2010), as modified on denial of reh'g (July 1, 2010)	Defendant appealed the denial of his motion to suppress evidence in an animal cruelty case. Defendant claimed officers violated his Fourth Amendment rights when they entered his residence without a warrant or consent to aid a dog in distress. The Court of Appeals affirmed, holding that the exigent circumstances exception to the warrant requirement applied because officers reasonably believed immediate entry was necessary to aid a dog that was being mistreated.
People v. Collier	160 N.E.3d 137 (Ill.App. 1 Dist., 2020)	Chicago police officers, while investigating reports of animal abuse, visited Samuel Collier's place of residence and observed a dog chained up outside in 15-degree weather. On a second visit, the same dog was observed chained up outside in the cold. The dog happened to match the description of a dog that had been reported stolen in the neighborhood. Office Chausse executed a search warrant on Collier's property and was welcomed by the smell of urine and feces. The house had feces everywhere. The house was also extremely cold with no running water. A total of four dogs were found that were kept in rooms without food or water. One of the dogs found was a bulldog that had been stolen from someone's backyard. Collier was subsequently arrested. Collier was found guilty of one count of theft and four counts of cruel treatment of animals and was sentenced to two years in prison. Collier subsequently appealed. Collier argued that there was insufficient evidence to prove his guilt at trial because despite the photographs of his house the dogs were found to be in good health. The Court held that the poor conditions in which the dogs were kept along with the condition of the dogs and the premises was sufficient to prove that the dogs were abused or treated cruelly under Illinois law. Collier also attempted to argue that the charging instrument failed to adequately notify him of the offense he was charged with. The Court found no merit in this argument. Lastly, Collier argued that the animal cruelty statute violated due process because it was unconstitutionally vague and potentially criminalized innocent conduct. The Court, however, stated that the statute did not capture innocent conduct, instead, it captured conduct that can be defined as cruel or abusive. Cruel and abusive conduct is clearly not innocent conduct. The statute sufficiently informed reasonable persons of the conduct that was prohibited. The Court ultimately affirmed the judgment of the trial court.
People v. Curcio	874 N.Y.S.2d 723 (N.Y.City Crim.Ct.,2008)	In this New York case, Defendant moved to dismiss the complaint of Overdriving, Torturing and Injuring Animals and Failure to Provide Proper Sustenance for Animals (Agriculture and Markets Law § 353), a class A misdemeanor. The charge resulted from allegedly refusing to provide medical care for his dog, Sophie, for a prominent mass protruding from her rear end. This Court held that the statute constitutional as applied, the complaint facially sufficient, and that the interests of justice do not warrant dismissal. Defendant argued that the Information charges Defendant with failure to provide medical care for a dog, and that A.M.L. § 353 should not be read to cover this situation. However, the Court found that the complaint raises an "omission or neglect" permitting unjustifiable pain or suffering, which is facially sufficient.

Case name	Citation	Summary
People v. Curtis	944 N.E.2d 806 (Ill.App. 2 Dist., 2011)	Defendant owned five cats and housed 82 feral cats in her home. One of her pet cats developed a respiratory infection and had to be euthanized as a result of unsanitary conditions. Defendant was convicted of violating the duties of an animal owner, and she appealed. The Appellate Court held that the statute requiring animal owners to provide humane care and treatment contained sufficiently definite standards for unbiased application, and that a person of ordinary intelligence would consider defendant's conduct toward her pet cat to be inhumane.
People v. Flores	2007 WL 1683610 (Cal. App. 4 Dist.)	Defendants were tried for allegedly invading an eighty-year-old woman's home and stealing, at gun point, and holding ransom eight seven-week-old puppies and two adult female Yorkshire terriers which she bred for the American Kennel Club for about $3,000 each. The jury held the defendants responsible for 18 counts of various crimes, including robbery, grand theft dog, elder abuse, conspiracy and cruelty to animals, inter alia. The appellate court reversed the counts of grand theft dog which were improperly based on the same conduct as the robbery conviction, reduced the sentence on the counts for abuse of an elder, and otherwise found no additional errors.
People v. Garcia	777 N.Y.S.2d 846 (N.Y. 2004)	Defendant was convicted for violating the anti-cruelty statute toward animals. On appeal, the Court held that the statute was not unconstitutionally vague when applied to defendant's crimes. Motion denied.
People v. Garcia	29 A.D.3d 255 (N.Y.A.D. 1 Dept., 2006)	In this New York case, the court, as a matter of first impression, considered the scope of the aggravated cruelty law (§ 353-a(1)) in its application to a pet goldfish. Defendant argued that a goldfish should not be included within the definition of companion animal under the statute because there is "no reciprocity in affection" similar to other companion animals like cats or dogs. In finding that the statute did not limit the definition as such, the court held that defendant's intentional stomping to death of a child's pet goldfish fell within the ambit of the statute. Accordingly, the judgment of the Supreme Court, New York County that convicted defendant of attempted assault in the second degree, criminal possession of a weapon in the third degree, criminal mischief in the third degree, assault in the third degree (three counts), endangering the welfare of a child (three counts), and aggravated cruelty to animals in violation of Agriculture and Markets Law § 353-a(1) was affirmed.
People v. Gordon	85 N.Y.S.3d 725, (N.Y.Crim.Ct. Oct. 4, 2018)	This New York case reflects Defendant's motion to dismiss the "accusatory instrument" in the interests of justice (essentially asking the complaint to be dismissed) for violating Agricultural and Markets Law (AML) § 353, Overdriving, Torturing and Injuring Animals or Failure to Provide Proper Sustenance for Animals. Defendant's primary argument is that she is not the owner of the dog nor is she responsible for care of the dog. The dog belongs to her "abusive and estranged" husband. The husband left the dog in the care of their daughter, who lives on the second floor above defendant. When the husband left for Florida, he placed the dog in the backyard attached to his and defendant's ground floor apartment. The dog did not have proper food, water, or shelter, and slowly began to starve resulting in emaciation. While defendant asserts she has been a victim of domestic violence who has no criminal record, the People counter that defendant was aware of the dog's presence at her residence and allowed the dog to needlessly suffer. This court noted that defendant's motion is time-barred and must be denied. Further, despite the time bar, defendant did not meet her burden to dismiss in the interests of justice. The court noted that, even viewing animals as property, failure to provide sustenance of the dog caused it to suffer needlessly. In fact, the court quoted from in Matter of Nonhuman Rights Project, Inc. v. Lavery (in which denied a writ of habeas corpus for two chimpanzees) where the court said "there is not doubt that [a chimpanzee] is not merely a thing." This buttressed the court's decision with regard to the dog here because "he Court finds that their protection from abuse and neglect are very important

Case name	Citation	Summary
		considerations in the present case." Defendant's motion to dismiss in the interest of justice was denied.
People v. Harris	--- P.3d ---- 2016 WL 6518566 (Colo.App.,2016)	Harris was convicted for twenty-two counts of cruelty to animals after dozens of malnourished animals were found on her property by employees of the Humane Society. On appeal, Harris raised two main issues: (1) that the animal protection agent who was an employee of the Humane Society was not authorized to obtain a search warrant to investigate her property and (2) that the mistreatment of the twenty-two animals constituted one continuous course of conduct and that the lower court violated her rights under the Double Jeopardy Clause by entering a judgment on twenty-two counts of animal cruelty. The Court of Appeals reviewed the issue of whether the animal protection agent had the authority to obtain a search warrant to investigate the property and determined that the agent did not have the proper authority. The Court looked to the state statute that specifically stated that only “state employees” were able to investigate livestock cases. In this case, the animal protection agent was employed by the Humane Society and was not a state employee; therefore, he did not have the authority to obtain a search warrant to investigate the property. However, the Court found that there was no constitutional violation with regard to the search warrant because it was still obtained based on probable cause. For this reason, the Court denied Harris’ request to suppress evidence that was submitted as a result of the search warrant. Finally, the Court reviewed Harris’ argument regarding her rights under the Double Jeopardy Clause. The Court found that under the statute dealing with animal cruelty, the phrases “any animal” and “an animal” suggests that a person commits a separate offense for each animal that is mistreated. Essentially, the Court held that the language of the statute “demonstrates that the legislature perceived animal cruelty not as an offense against property but as an offense against the individual animal.” As a result, Harris’ rights under the Double Jeopardy Clause were not violated and the Court upheld the lower court’s decision.

Case name	Citation	Summary
People v. Haynes	760 N.W.2d 283 (Mich.App.,2008)	In this Michigan case, the defendant pleaded no contest to committing an “abominable and detestable crime against nature” with a sheep under MCL 750.158. In addition to sentencing consistent with being habitual offender, the trial court found that defendant's actions evidenced sexual perversion, so the court ordered defendant to register under the Sex Offenders Registration Act (“SORA”). The Court of Appeals reversed the order, holding that while sheep was the “victim” of the crime, registration was only required if the victim was a human being less than 18 years old. SORA defines “listed offense” as including a violation of section 158 if a victim is an individual less than 18 years of age. Relying on the plain and ordinary meaning of "victim," the court concluded that an animal was not intended to be considered a victim under the statute.
People v. Henderson	765 N.W.2d 619 (Mich.App.,2009)	The court of appeals held the owner of 69 emaciated and neglected horses liable under its animal cruelty statute, even though the owner did not have day-to-day responsibility for tending to the horses.
People v. Hock	919 N.Y.S.2d 835 (N.Y.City Crim.Ct., 2011)	Defendant was denied his motion to set aside convictions under New York animal cruelty statute. The Criminal Court, City of New York, held that the 90 day period for prosecuting a Class A misdemeanor had not been exceeded. It also held that the jury was properly instructed on the criminal statute that made it a misdemeanor to not provide an animal with a sufficient supply of good and wholesome air, food, shelter, or water. It would be contrary to the purpose of the law and not promote justice to require that all four necessities be withheld for a conviction.
People v. Iehl	299 N.W.2d 46 (Mich. 1980)	Defendant appealed his conviction for killing another person's dog. On appeal, defendant contended that the term "beast" provided by the anti-cruelty statue did not encompass dogs. The court disagreed, finding the statute at issue covered dogs despite its failure to explicitly list "dogs" as did a similar statute.
People v. Johnson	305 N.W.2d 560 (Mich. 1981)	Defendant claimed the evidence was insufficient to support his conviction of cruelty to animals, arguing that there was not proof that the horses were under his charge or custody. While the court agreed and reversed his conviction because he could not be convicted under the statute merely as the owner of the horses, absent proof of his care or custody of the horses, it further explained that the "owner or otherwise" statutory language was designed to punish cruelty to animals without regard to ownership.
People v. Koogan	256 A.D. 1078 (N.Y. App. Div. 1939)	Defendant was guilty of cruelty to animals for allowing a horse to be worked he knew was in poor condition.
People v. Land	955 N.E.2d 538 (Ill.App. 1 Dist., 2011)	In 2009, Jenell Land was found guilty by jury of aggravated cruelty to a companion animal, a Class 4 felony under Illinois’ Humane Care for Animals Act. Specifically, Land placed a towing chain around the neck of her pit bull, which caused a large, gaping hole to form in the dog’s neck (the dog was later euthanized). The Appellate Court of Illinois affirmed the defendant’s conviction and, in so doing, rejected each of Land’s four substantive arguments on appeal. Among the arguments raised, the appellate court found that the trial court’s failure to instruct the jury that the State had to prove a specific intent by Land to injure her dog did not rise to the level of "plain error."

Case name	Citation	Summary
People v. Larson	885 N.E.2d 363 (Ill.App. 2008)	In December 2005, defendant Alan J. Larson was found guilty of possession of a firearm without a firearm owner's identification card and committing aggravated cruelty to an animal when he shot and killed the Larsons' family dog Sinai in October 2004. Evidence included conflicting testimony among family members as to the disposition of the dog and whether he had a history of biting people, and a veterinarian who concluded that a gunshot to the brain was a conditionally acceptable method of euthanasia. Defendant appealed his conviction on the grounds that the aggravated-cruelty-to-an-animal statute was unconstitutionally vague because it fails to address how an owner could legally euthanize their own animal. The appellate court rejected this argument and affirmed defendant's conviction.
People v. Leach	Not Reported in N.W.2d, 2006 WL 2683727 (Mich.App.)	Defendant's conviction arises from the killing of a rabbit during the execution of a civil court order at defendant's home on April 15, 2004. Because the court did not find MCL 750.50b unconstitutionally vague and further found sufficient evidence in support of defendant's conviction, defendant's conviction was affirmed. The evidence showed that defendant killed the rabbit in a display of anger arising from the execution of a court; thus, the terms, "[m]alicious", "willful", and "without just cause" are sufficiently specific terms with commonly understood meanings such that enforcement of the statute will not be arbitrary or discriminatory."
People v. Lewis	23 Misc.3d 49, 881 N.Y.S.2d 586 (N.Y.Sup.App.Term,2009)	Defendants were charged in separate informations with multiple counts of injuring animals and failure to provide adequate sustenance. Plaintiff, the People of the State of New York, appealed the lower court's decision to grant Defendants' motion to suppress evidence obtained when a special agent of the American Society for the Prevention of Cruelty to Animals approached one of the defendants at his home upon an anonymous tip and inquired about the condition of the animals and asked the defendant to bring the animals outside for inspection, while the incident was videotaped by a film crew for a cable television show. The Supreme Court, Appellate Term, 2nd and 11th, 13 Judicial Districts reversed the lower court's decision, finding that Plaintiff met its burden of establishing that the defendant voluntarily consented to the search based on the fact that the defendant was not in custody or under arrest at the time of the search, was not threatened by the special agent, and there was no misrepresentation, deception or trickery on the special agent's part.
People v. Lohnes	112 A.D.3d 1148, 976 N.Y.S.2d 719 (N.Y. App. Div., 2013)	After breaking into a barn and stabbing a horse to death, the defendant plead guilty to charges of aggravated cruelty to animals; burglary in the third degree; criminal mischief in the second degree; and overdriving, torturing and injuring animals. On appeal, the court found a horse could be considered a companion animal within New York's aggravated cruelty statute if the horse was not a farm animal raised for commercial or subsistence purposes and the horse was normally maintained in or near the household of the owner or the person who cared for it. The appeals court also vacated and remitted the sentence imposed on the aggravated cruelty charge because the defendant was entitled to know that the prison term was not the only consequence of entering a plea.
People v. McKnight	302 N.W.2d 241 (Mich. 1980)	Defendant was convicted of willfully and maliciously killing animals for kicking a dog to death. Defendant argued on appeal that dogs were not included under the statute punishing the willful and malicious killing of horses, cattle, or *other beasts* of another. The court found that the term "other beasts" includes dogs. Further, defendant argued that the evidence was insufficient to support a finding of the requisite willful and malicious intent to kill the dog. The court disagreed and held that

Case name	Citation	Summary
		inferences from the surrounding circumstances were sufficient to support a finding of malicious intent. The court affirmed his convictions.
People v. Meadows	54 Misc. 3d 697, 46 N.Y.S.3d 843 (N.Y. City Ct. 2016), rev'd, No. 17-AP-002, 2017 WL 4367065 (N.Y. Co. Ct. Aug. 3, 2017)	Defendant Amber Meadows allegedly neglected to provide dogs Athena, Buddy, and Meeko, with air, food, and water, and confined them in a bedroom where feces was found on the floor and furniture. Meadows was prosecuted for three counts of the unclassified misdemeanor of failure to provide proper food and drink to an impounded animal in violation of § 356 of the Agriculture and Markets Law (AML). Meadows moved to dismiss the Information as facially insufficient and stated that the Supporting Deposition indicated that the dogs were “in good condition.” The People of the State of New York argued that the allegations in both the Information and Deposition, taken together, provide a sufficient basis to establish the elements of the crime. The Canandaigua City Court, Ontario County, held that: (1) “impounded” as stated in § 356 of the Agriculture and Markets Law does not apply to individual persons, and (2) even if the statute applied to individual persons, the allegations in the Information were not facially sufficient. The court reasoned § 356 does not apply to individual persons, but instead applies only to “pounds” operated by not-for-profit organizations, or kennels where animals are confined for hire. The court also stated that even if § 356 were to apply to individuals, under no construction of the facts here could the charge be sustained, as it appeared that the animals were properly cared for in the Defendant's apartment up to the point where she was forcibly detained. The conditions observed by law enforcement authorities on the date alleged in the Information were apparently several days after Meadow's incarceration and after which she was unsuccessful in securing assistance for the dogs while incarcerated. The Information was dismissed with prejudice, and the People's application for leave to file an amended or superseding Information was denied.
People v. Minney	119 N.W. 918 (Mich. 1909)	Defendant was convicted of mutilating the horse of another. He argued on appeal that the trial court's jury instructions, which read that malice toward the owner of the horse was not necessary, were incorrect. The court agreed and found that although the general malice of the law of crime is sufficient to support the offense, the trial court must instruct that malice is an essential element of the offense.
People v. Minutolo	215 A.D.3d 1260, 188 N.Y.S.3d 297 (2023)	Defendant appealed from a judgment convicting him of animal cruelty in violation of New York Agriculture and Markets Law § 353. The conviction stemmed from defendant's action in repeatedly striking one of his dogs out of "frustration" after the dog failed to come when called. On appeal, defendant called into question the authentication of surveillance video from a nearby gas station showing him striking the dog. The Supreme Court, Appellate Division found the portion of surveillance video showing defendant repeatedly striking one of his dogs was sufficiently authenticated. Further, other evidence established that he "cruelly beat" the dog by punching the dog with a closed fist three to five times. Finally, defendant's challenge to the penalty imposed under Agriculture and Markets Law § 374 (8)(c) (the possession ban provision) that prohibits defendant from owning or otherwise having custody of any other animals for 10 years was rejected by the court. The judgment was unanimously affirmed.
People v. O'Rourke	83 Misc.2d 175 (N.Y.City Crim.Ct. 1975)	The owner of a horse was guilty of cruelty to animals for continuing to work a horse he knew was limping. The court found that defendant owner was aware that the horse was unfit for labor, and was thus guilty of violating N.Y. Agric. & Mkts. Law § 353 for continuing to work her.

Case name	Citation	Summary
People v. Olary	160 N.W.2d 348 (Mich. 1968)	Defendant argued that there was not sufficient evidence to sustain his conviction of cruelty to animals. Specifically, he pointed out that there was no direct testimony with regard to the cause of the injuries to his cows. The court disagreed and held that inattention to the condition of the animals was sufficient to constitute the offense of cruelty to animals.
People v. Olary (On Appeal)	170 N.W.2d 842 (Mich. 1969)	Defendant argued that the evidence was insufficient to support his conviction of cruelty to animals. Specifically, defendant argued that the Court of Appeals erroneously upheld the conviction because of his inattention to the condition of the cows and failure to provide medical treatment, when such action or failure to act was not punishable under the anti-cruelty statute. The Supreme Court held that the evidence was sufficient to sustain a conviction of cruelty to animals because as a farmer, defendant could have realized that his conduct was cruel.
People v. Panetta	--- N.Y.S.3d ----, 2018 WL 6627442, 2018 N.Y. Slip Op. 28404 (N.Y. App. Term. Dec. 13, 2018)	Defendant was convicted of animal cruelty, inadequate shelter, and failing to seek veterinary care for her numerous dogs. After an initial seizure of two dogs, defendant was served with a notice to comply with care and sheltering of her remaining dogs. Following inspections about a month later, inspectors found that defendant had failed to comply with this order, and dogs suffering from broken bones and other injuries (including one dog with "a large tumor hanging from its mammary gland area") were seized and subsequently euthanized. As a result, defendant was arrested and charged with 11 violations of Agriculture and Markets Law § 353 and local code violations. Defendant then moved to suppress the physical evidence and statements taken during the initial warrantless entry onto her property and the evidence obtained after that during the execution of subsequent search warrants, arguing that the initial warrantless entry tainted the evidence thereafter. At the suppression hearing, a building contractor who had visited defendant's residence testified that he contacted the Office for the Aging because he had concerns for defendant. An official at the Office for the Aging also testified that the contractor told her that he observed 6 dogs in the home and about 50-100 dogs in outdoor cages. The investigating officer who ultimately visited defendant's property reported that there were nearly 100 dogs living in "unhealthy conditions" on defendant's property. Upon encountering defendant that day, the officer testified that defendant demanded a search warrant for further investigation (which the officer obtained and executed later that day). Following this hearing, the City Court held that while the officer's entry violated defendant's legitimate expectation of privacy, his actions were justified under the emergency exception warrant requirement and, thus, denied defendant's motion to suppress. On appeal here, defendant argues that the prosecution failed to establish the officer had reasonable grounds to believe there was an immediate need to protect life or property and that all the evidence obtained thereafter should have been suppressed. Relying on previous holdings that allow the emergency exception in cases where animals are in imminent danger of health or need of protection, this court found that the prosecution failed to establish the applicability of the emergency doctrine. In particular, the court was troubled by the fact that, on the first visit, the officers crossed a chain fence that was posted with a no trespassing sign (although they testified they did not see the sign). Because the officers only knew that there were "unhealthy conditions" on defendant's property in a house that the contractor testified that he thought should be "condemned," this did not support a conclusion of a "substantial threat of imminent danger" to defendant or her dogs. While in hindsight there was an emergency with respect to the dogs, the court "cannot retroactively apply subsequently obtained facts to justify the officers' initial entry onto defendant's property." As a result, the court remitted the matter to the City Court for a determination of whether the seizures of evidence after the initial illegal entry occurred under facts

Case name	Citation	Summary
		that were sufficiently distinguishable from the illegal entry so to have purged the original taint.
People v. Peters	79 A.D.3d 1274(N.Y.A.D. 3 Dept.,2010)	A veterinarian was convicted of animal cruelty and sentenced to three years of probation based upon his alleged unjustifiable failure under Agriculture and Markets Law § 353 to provide a mare and her foal with necessary sustenance, food and drink in September 2005. After conviction by jury, the lower court denied defendant-veterinarian's motion to vacate judgment of conviction. The Supreme Court, Appellate Division found that while defendant failed to preserve his challenge for sufficiency of the evidence, the jury verdict was against the weight of the evidence. In particular, the court found that the expert testimony contradicted the evidence that the foal was mistreated.
People v. Preston	300 N.W. 853 (Mich. 1941)	Defendant was convicted of wilfully and maliciously killing three cows. The issue considered on review was: "Are the circumstances and testimony here, aliunde the confession of the respondent, sufficient to create such a probability that the death of the cattle in question was intentionally caused by human intervention and to justify the admission in evidence of the alleged confession of the respondent?" The court held that the evidence was sufficient to sustain the conviction.
People v. Proehl (unpublished)	Not Reported in N.W.2d, 2011 WL 2021940 (Mich.App.)	Defendant was convicted of failing to provide adequate care to 16 horses. On appeal, Defendant first argued that, to him, nothing appeared to be wrong with his horses and, consequently, no liability can attach. The court disagreed, explaining: "Defendant's personal belief that his horses were in good health . . . was therefore based on fallacy, and has no effect on his liability under the statute." Defendant also maintained that he is an animal hoarder, which is a "psychological condition" that mitigates his intent. Rejecting this argument, the court noted that Defendant's "hoarding" contention is based upon a non-adopted bill which, in any event, fails to indicate whether animal hoarding may serve as a proper defense.
People v. Restifo	--- N.Y.S.3d ----, 220 A.D.3d 1113, 2023 WL 7028284 (N.Y. App. Div. 2023)	This is an appeal of a verdict to convict defendant of aggravated cruelty to animals. Defendant was walking his two pit bull dogs and allowed the dogs enough leash space to reach a pet cat resting on the steps of its owner's porch. The cat's owners, who were witnesses to this event, watched as the pit bulls mauled their pet cat. When the witnesses asked defendant to stop his dogs, defendant attempted to flee with his dogs still carrying the cat's body in its mouth. The witnesses pursued and eventually, the dog dropped the deceased cat's body. Defendant was charged with aggravated cruelty to animals and overdriving, torturing and injuring animals, and failure to provide proper sustenance. Defendant was convicted, and appealed the aggravated animal cruelty charge. Defendant argues that the verdict was not supported by sufficient evidence. The court here found that defendant was well aware that the dogs were aggressive, even keeping them separate from his young son because of their propensity to attack smaller animals. There was also testimony from another neighbor of defendant allowing his dogs to chase feral cats off her porch without stopping them, and testimony regarding defendant's dog previously mauling a smaller dog without defendant intervening to stop them. Defendant was warned by animal control to muzzle them, but refused to do so. Defendant also bragged to co-workers about how he let his pit bulls go after other dogs and attack wild and old animals. Accordingly, the court found that defendant was aware of the dogs' aggressive behavior and affirmed the holding of the lower court.

Case name	Citation	Summary
People v. Robards	97 N.E.3d 600 (Ill. App. Ct. Mar. 12, 2018)	This case is an appeal from an animal cruelty conviction against defendant Ms. Regina Robards. She seeks appeal on the grounds that the State failed to prove her guilty beyond a reasonable doubt. Robards was charged with aggravated animal cruelty when her two dogs, Walker and Sparky, were discovered in her previous home emaciated, dehydrated, and dead. She had moved out of the home and into Ms. Joachim's home in July 2014, telling Joachim that she was arranging for the dogs to be taken care of. However, when Joachim went over to the prior home in November 2014, she discovered Walker's emaciated body on the living room floor. She called the police, who discovered Sparky's body in a garbage bag in the bedroom. Robards' conviction required that it was proven beyond a reasonable doubt that she intentionally committed an act that caused serious injury or death to her two dogs, and failing to seek adequate medical care for them. On appeal, Robards concedes that the dogs both died from dehydration and starvation, and that she was the only person responsible for the dogs' care. However, she argues that for her conviction to stand, the prosecutor must prove that she intended to cause serious injury or death to the dogs. The court disagrees, stating that for conviction only the act need be intentional, and that the act caused the death or serious injury of an animal. Notably, the court observed that "defendant is very fortunate to have only received a sentence of 12 months' probation for these heinous crimes," and criticized the circuit court for its "unjustly and inexplicably lenient" sentence simply because defendant only caused harm to an animal and not a human being.
People v. Rogers	708 N.Y.S.2d 795 (N.Y. 2000)	Defendant was convicted following jury trial in the Criminal Court of the City of New York of abandonment of animals. On appeal, the Supreme Court, Appellate Term, held that the warrantless entry into pet shop was justified under emergency doctrine and sufficient evidence supported his convictions.
People v. Romano	908 N.Y.S.2d 520 (N.Y.Sup.App.Term,2010)	Defendant appealed a conviction of animal cruelty under Agriculture and Markets Law § 353 for failing to groom the dog for a prolonged period of time and failing to seek medical care for it. Defendant argued that the term "unjustifiably injures" in the statute was unconstitutionally vague, but the Court held the term was not because a person could readily comprehend that he or she must refrain from causing unjustifiable injury to a domestic pet by failing to groom it for several months and seeking medical care when clear, objective signs are present that the animal needs such care.
People v. Sanchez	114 Cal. Rptr. 2d 437 (Cal. App. 2001)	Defendant on appeal challenges six counts of animal cruelty. The court affirmed five counts which were based on a continuing course of conduct and reversed one count that was based upon evidence of two discrete criminal events.
People v. Scott	71 N.Y.S.3d 865 (N.Y. Crim. Ct. Mar. 13, 2018)	This case dealt with a man charged with two counts of Overdriving, Torturing and Injuring Animals and Failure to Provide Sustenance, in violation of section 353 of the Agriculture and Markets Law ("AML"). On September 11, 2017, two Police Officers were called to an apartment building because tenants of the apartment building were complaining about a foul odor coming from the defendant's apartment unit. It was suspected that a dead body might be in the apartment based on the Officers' experience with dead body odors. Upon arrival the Officers could hear a dog on the other side of the door pacing and wagging its tail against the door. The Officers entered the apartment after getting no response from the tenant under the emergency doctrine. The Officers searched the apartment for a dead body but did not find one, but instead found a male German Shepard dog and a domestic shorthair cat, both of which were malnourished and emaciated. Their food and

Case name	Citation	Summary
		water bowls were empty and there was wet and dry feces and urine saturating the apartment unit floor. The police seized the animals and the vet that examined the animals concluded that the animals were malnourished and emaciated, and had been in those conditions for well over 12 hours. The defendant challenged the seizure of the animals and the subsequent security posting for costs incurred by the ASPCA for care of the dog for approximately 3 months. The court held that the defendant did violate a section of Article 26 of the AML, and that there was a valid warrant exception applicable to this case. Further, the court held that $2,567.21 is a reasonable amount to require the respondent/defendant to post as security.
People v. Speegle	62 Cal.Rptr.2d 384 (Cal.App.3.Dist. 1997)	The prosecution initially charged defendant with 27 counts of felony animal cruelty (Pen. Code, § 597, subd. (b)) and 228 counts of misdemeanor animal neglect (Pen. Code, § 597f, subd. (a)). Ultimately, the jury convicted her of eight counts of felony animal cruelty, making the specific finding that she subjected the animals to unnecessary suffering (Pen. Code, § 599b), and one count of misdemeanor animal neglect. Following a hearing, the court ordered her to reimburse the costs of impounding her animals in the amount of $265,000. The Court of Appeal reversed the misdemeanor conviction for instructional error and otherwise affirmed. The court held that the prohibitions against depriving an animal of “necessary” sustenance, drink, or shelter; subjecting an animal to “needless suffering”; or failing to provide an animal with “proper” food or drink (Pen. Code, § 597, subd. (b)) are not unconstitutionally vague. The court also held that the confiscation of defendant's animals for treatment and placement, and the filing of a criminal complaint afterward, did not amount to an effort to punish her twice for the same conduct in violation of double jeopardy principles.
People v. Tessmer	137 N.W. 214 (Mich. 1912)	Defendant was convicted of wilfully and maliciously killing the horse of another. Defendant argued that the evidence was insufficient to support the conviction because there was no proof of malice toward the owner of the horse. The court held that the general malice of the law of crime was sufficient to support the conviction.
People v. Tinsdale	10 Abbott's Prac. Rept. (New) 374 (N.Y. 1868)	This case represents one of the first prosecutions by Mr. Bergh of the ASPCA under the new New York anti-cruelty law. That this case dealt with the issue of overloading a horse car is appropriate as it was one of the most visible examples of animal abuse of the time. This case establishes the legal proposition that the conductor and driver of a horse car will be liable for violations of the law regardless of company policy or orders.Discussed in Favre, History of Cruelty
People v. Tom	231 Cal. Rptr. 3d 350 (Ct. App. Apr. 13, 2018)	Defendant stabbed, beat, strangled, and then attempted to burn the dead body of his girlfriend's parent's 12-pound dog. Police arrived on the scene as defendant was trying to light the dead dog on fire that he had placed inside a barbeque grill. Defendant was convicted of two counts of animal cruelty contrary to Pen. Code, § 597, subds. (a) and (b), as well as other counts of attempted arson and resisting an officer. While defendant does not dispute these events underlying his conviction, he contends that he cannot be convicted of subsections (a) and (b) of Section 597 for the same course of conduct. On appeal, the court considered this challenge as a matter of first impression. Both parties agreed that subsection (a) applies to intentional acts and subsection (b) applies to criminally negligent actions. Subsection (b) contains a phrase that no other court has examined for Section 597: “Except as otherwise provided in subdivision (a) . . .” Relying on interpretations of similar phrasing in other cases, this court found that the plain language of section 597, subdivision (b) precludes convictions

Case name	Citation	Summary
		for violating subdivisions (a) and (b) based on the same conduct. The court was unconvinced by the prosecutor's arguments on appeal that the two convictions arose from separate conduct in this case. However, as to sentencing, the court found that defendant's subsequent attempt to burn the dog's body involved a different objective than defendant's act in intentionally killing the dog. These were "multiple and divisible acts with distinct objectives" such that it did not violate section 645 or due process in sentencing him for both. The court held that defendant's conviction for violating section 597, subdivision (b) (count two) was reversed and his modified judgment affirmed.
People v. Williams	15 Cal. App. 5th 111 (Cal. Ct. App. 2017), reh'g denied (Sept. 20, 2017)	In this case, defendants were convicted of felony dog fighting and felony animal cruelty. On appeal, defendants sought to suppress evidence and to quash and traverse the search warrant that led to their convictions. Police officers responding to a report of a thin, loose, horse near the defendants' home entered the property in order to make reasonable attempts to secure the loose horse and determine if there was a suitable corral on the property. The officers knew there had been prior calls to the property in response to reported concerns about the conditions of horses and pit bulls on the property. Further, one officer heard puppies barking inside the home when she knocked on the door trying to contact defendants, and another officer heard a dog whining from inside the garage. There were strong odors of excessive fecal matter reasonably associated with unhealthful housing conditions. Under those circumstances, it was reasonable for the officers to be concerned there was a dog in distress inside the garage and possibly in need of immediate aid, and the court found there was nothing unreasonable about one officer standing on the front driveway and simply looking through the broken window in the garage door to determine whether the dog he heard making a whining bark was in genuine distress. Nor was it unreasonable for the officers to then proceed to the back yard after having looked in the garage. As a result, the court ruled that the information the officers had justified the issuance of the search warrant, and thus the order denying the motion to suppress evidence and to quash and traverse the warrant was affirmed. The defendants' judgments of conviction were also affirmed.
People v. Youngblood	109 Cal.Rptr.2d 776 (2001)	Defendant was convicted of animal cruelty for keeping 92 cats in a single trailer, allowing less than one square foot of space for each cat. The court found that the conviction could be sustained upon proof that defendant either deprived animals of necessary sustenance, drink, or shelter, or subjected them to needless suffering. Further, the court found that the defense of necessity (she was keeping the cats to save them from euthanasia at animal control) was not available under circumstances of case.
Pet Fair, Inc. v. Humane Society of Greater Miami	583 So.2d 407 (Fl. 1991)	The owner of allegedly neglected or mistreated domestic animals that were seized by police could not be required to pay for costs of animals' care after it was determined that owner was in fact able to adequately provide for the animals, and after the owner declined to re-possess the animals. The Humane Society can require an owner to pay it costs associated with caring for an animal if the owner re-claims the animal, but not if the animal is adopted out to a third party.
Phillip v. State	721 S.E.2d 214 (Ga.App., 2011)	Defendant was sentenced to 17 years imprisonment after entering a non-negotiated guilty plea to 14 counts of dogfighting and two counts of aggravated cruelty to animals. Upon motion, the Court of Appeals held that the sentence was illegal and void because all counts, which were to run concurrently, had the maximum prison sentence of five years.
Pine v. State	889 S.W.2d 625 (Tex. App. 1994).	Mens rea in cruelty conviction may be inferred from circumstances. With regard to warrantless seizure, the Fourth Amendment does not prohibit

Case name	Citation	Summary
		seizure when there is a need to act immediately to protect and preserve life (i.e. "emergency doctrine").
Pitts v. State	918 S.W.2d 4 (Tex. App. 1995).	Right of appeal is only available for orders that the animal be sold at public auction. The statutory language does not extend this right to seizure orders.
Porter v. DiBlasio	93 F.3d 301 (Wis.,1996)	Nine horses were seized by a humane society due to neglect of a care taker without giving the owner, who lived in another state, notice or an opportunity for a hearing. The owner filed a section 1983 suit against the humane society, the county, a humane officer and the district attorney that alleged violations of substantive and procedural due process, conspiracy, and conversion. The district court dismissed the claims for failure to state a viable claim. On appeal, the court found that the owner had two viable due process claims, but upheld the dismissal for the others.
Price v. State	911 N.E.2d 716 (Ind.App.,2009)	In this Indiana case, appellant-defendant appealed his conviction for misdemeanor Cruelty to an Animal for beating his 8 month-old dog with a belt. Price contended that the statute is unconstitutionally vague because the statute's exemption of “reasonable” training and discipline can be interpreted to have different meanings. The court held that a person of ordinary intelligence would also know that these actions are not “reasonable” acts of discipline or training. Affirmed.
Qaddura v. State	2007 Tex. App. LEXIS 1493	The court held that the owner of livestock who placed them in the care of his tenant while he was on vacation for a month, but failed to provide his tenant with enough food for the livestock could be found guilty under the animal cruelty statute.
R (on the application of Patterson) v. RSPCA	EWHC 4531	The defendants had been convicted of a number of counts of animal cruelty in 2011, to include unnecessary suffering pursuant to Section 4, and participation in a blood sport under Section 8 of the Animal Welfare Act 2006. Mr Patterson was found to have breached an attached disqualification order under Section 34 of the Animal Welfare Act 2006, on which this appeal is based. The order covered all types of animals for a period of five years. This prohibited him from owning, keeping, participating in the keeping of, or being a party to an arrangement under which he would be entitled to control or influence the way in which animals are kept. A number of animals were found and seized at the home. The appeal was allowed on the basis that Mr Patterson was not entitled to control or influence the way in which the animals were kept by his wife on the facts.
R v D.L.	R. v. D.L., 1999 ABPC 41	In R v D.L. (1999 ABPC 41) the phrase “wilfully and without lawful excuse” found in s.446 was at issue. In this case, two individuals were charged under s. 445(a) s.446 (1)(a) for killing a cat after the cats’ owner told them to “get rid of it” which they took to mean kill it. The judge in this case found that having permission to kill an animal was not a sufficient “lawful excuse” and did not lawfully give the authority to cause unnecessary pain and suffering to the animal. The accused was found not guilty on count 1 and guilty on count 2.
R v. Menard	R v. Menard 1978 CarswellQue 25	The accused in R v. Menard had a business euthanizing animals by use of motor exhaust which caused pain and burns to the mucous membranes of the animals he was euthanizing. In a decision written by future Canadian Supreme Court Chief Justice, Lamer J. overturned a decision from the lower courts and reinstated the original conviction.

Case name	Citation	Summary
		Lamer J. statements about the animal-human relationship have been influential in Canadian Animal case law.
R v. Shand	R. v. Shand, 2007 ONCJ 317	In R v Shand 2007 ONCJ 317 (CanLII), the court examined the necessary elements required to established the “willful” mens rea component present in Canadian Federal Criminal Statute s. 429. The accused was charged with three counts of animal cruelty contrary to s.446 of the Criminal Code in relation to a dog in her care. The court found that on two of the counts that the accused was had acted "wilfully" because she was either "reckless or indifferent as to her dog's condition."
R. (on the application of Petsafe Ltd) v Welsh Ministers	2010 WL 4503327	Pet product manufacturer challenged a Welsh ban on the use of electric collars on cats and dogs under the Animal Welfare Regulations 2010. The High Court held that the Regulations were not beyond the powers of the Welsh Ministers, and that the ban was not irrational, unreasonable or perverse. The High Court also held that any restriction on the free movement of goods under Article 34 of the EU Treaty was proportional and necessary, due to the fact that it was not targeted at trade, but rather meant to further social policy promoting animal welfare. Similarly, any interference with Article 1 of the First Protocol of the European Convention on Human Rights (ECHR) was also justifiable.
R. v. Kirklees Metropolitan Borough Council, ex parte Tesco Stores Ltd.	CO/467/93	Although a local authority may not adopt a policy of not enforcing certain laws or not enforcing them against certain types of parties, it may nevertheless make rational choices with respect to the use of its enforcement powers in order to deploy its limited resources in the most efficient and effective manner.
R. v. McConkey	2008 CarswellAlta 156	In this case, the defendants pleaded guilty to violations of the Animal Protection Act after a peace officer for the humane society found four dogs in distress due mainly to a lack of grooming. On appeal, the defendants did not contest the amount of the fines, but suggested that the court should consider the economic status of the defendants (both were on government assistance). The court found that the conduct of the defendant and the level of the distress experienced by the dogs over a long period of time was an aggravating factor in determining the fine. With regard to a Section 12(2) prohibition to restrain future animal ownership, the court was reluctant to inflict stress on the animals still residing at the home by removing them from their long-time home.
R. v. Senior	[1899] 1 QB 283	Held: The word "wilfully", when used in the context of an offence prohibiting cruelty to children, "means that the act is done deliberately and intentionally, not by accident or inadvertence, but so that the mind of the person who does the act goes with it" (*per* Lord Russell of Killowen C.J.). Note: the word "wilfully" is occasionally an element of animal welfare offences, such as that of wilfully, without any reasonable cause or excuse, administering a poisonous drug or substance to an animal (Protection of Animals Act 1911, s 1(1)(d)).
Re Wildlife Protection Association of Australia Inc. and Minister for the Environment, Heritage and the Arts	[2004] AATA 1383	The Minister for the Environment approved plans for the 'harvesting' of Kangaroos in South Australia, Western Australia and Queensland. The Tribunal found that the killing of joeys, where the mother was also killed, was sanctioned by the Model Code relating to kangaroos and that any licences issued under the plans authorised those killings. The Tribunal found that the likelihood of compliance with the code, which stipulated the manner of killing of kangaroos, would be in the range of 95-99%.

Case name	Citation	Summary
		The Tribunal approved each of the plans but made a recommendation that future plans should involve a greater element of public consultation.

Case name	Citation	Summary
Reams v. Irvin	561 F.3d 1258 (C.A.11 (Ga.),2009)	On Plaintiff's civil rights § 1983 action against Defendant, the Commissioner of the Georgia Department of Agriculture, based on the impoundment of forty-six horses and three donkeys from Plaintiff's property following an investigation into potential violations of the Georgia Humane Care for Equines Act (the "Act"), Plaintiff appealed the District Court's decision to grant Defendant's motion for summary judgment, arguing that Defendant is not entitled to qualified immunity because Defendant failed to provide Plaintiff with an opportunity to be heard prior to the seizure of her equines, adequate notice of Plaintiff's right to and procedure for requesting a hearing, and adequate post-deprivation process. The United States Court of Appeals, Eleventh Circuit affirmed the lower court's decision, finding that the risk of erroneous deprivation in this case was minimal in light of the State's compliance with the standards and procedures for inspection and impoundment prescribed by the Act, that the statutory notice of the right to contest the impoundment was reasonably calculated to provide Plaintiff with notice of her right to a hearing, and that the Act provided adequate power to review and to remedy violations of due process.
Recchia v. City of Los Angeles Dep't of Animal Servs.	889 F.3d 553 (9th Cir. 2018)	Petitioner Recchia sued the City of Los Angeles and animal control officers for violations of the Fourth and Fourteenth Amendment and claims for state law tort violations. The claims arise from the 2011 warrantless seizure of Recchia's 20 birds (18 pigeons, one crow, and one seagull) kept in boxes and cages on the sidewalk where he lived (Recchia was homeless at the time). Animal control officers investigated Recchia after a complaint that a homeless man had birds at his campsite. Officers found cramped and dirty cages with several birds in "dire physical condition," although there is evidence the birds were in that condition before Recchia possessed them. After officers impounded the birds, a city veterinarian decided that all the pigeons needed to be euthanized due to concerns of pathogen transmission. Recchia discovered that the birds had been euthanized at his post-seizure hearing that was four days after impounded of the animals. At that hearing, the magistrate found the seizure was justified under the operative anti-neglect law (California Penal Code § 597.1(a)(1)). This § 1983 and state claim action followed. The district court adopted the magistrate judge's report and granted summary judgment for the defendants. On appeal, this court first examined whether the seizure of the healthy-looking birds was justified. The court held that hold that there was a genuine factual dispute about whether the healthy-looking birds posed any meaningful risk to other birds or humans at the time they were seized (it affirmed the dismissal as to the seizure of the birds that outwardly appeared sick/diseased). With regard to seizure of the birds without a pre-seizure hearing, the court applied the Matthews test to determine whether Recchia's rights were violated. Looking at the statute under which the birds were seized (Section 597.1), the court found that the law does afford adequate due process for Fourteenth Amendment purposes. As to other claims, the court granted Recchia permission to amend his complaint to challenge the city policy of not requiring a blood test before euthanizing the birds. The court also agreed with the lower court that the officers had discretionary immunity to state tort law claims of in seizing the animals. The district court's summary judgment was affirmed on Fourteenth Amendment and state tort claims against the officers, but vacated summary judgment on the Fourth Amendment claims against the animal control officers and constitutional claims against the city.
RECURSO DE NULIDAD RECHAZADO. VÍCTIMA EN EL DELITO DE MALTRATO ANIMAL		Defendant was found guilty of animal cruelty for killing Donnkan y Káiser, two German Shepherds that were attacking a calf belonging to defendant's neighbor. The lower court sentenced him to 21 days of imprisonment and, suspension from public office during this time, and a fine of two monthly tax units. Defendant appealed but the appeal was rejected. However, he was granted a suspended sentence. This decision talks about the victims of animal cruelty . the court states that under the criminal code, victims are those offended by the crime. "Although it is true that it can be considered that much progress has been made in the legal protection of animals and, fundamentally, in the protection of those, it has not come to be considered that they have the quality of victims as such of a criminal

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		act because they are not people, and continue to be controlled by human beings who, as their owner, is the one who can be considered the victim."
Republic v. Teischer	Republica v. Teischer, 1 Dall. 335 (Penn. 1788)	The Defendant had been convicted in the county of Berks upon an indictment for maliciously, wilfully, and wickedly killing a Horse; and upon a motion in arrest of Judgment, it came on to be argued, whether the offence, so laid, was indictable? The court affirmed the trial court's conviction of defendant for killing a horse.
Resolución 063/2018 - Comisión Derechos Humanos del Estado de Guerrero, Mexico	Resolución 063/2018	Resolution 063/2018 by the Human Rights Commission of Guerrero, Mexico addresses concerns raised by members of the civil association "Responsible Citizen" and a professor and students from the Master's in Law program at the Autonomous University of Guerrero against the Director of Zoochilpan Zoo. The complaint alleged violations to the state animal protection statute, the Rights of Nature (Recognized in the constitution since 2014), and the right to a healthy environment due to inadequate conditions for the animals. After an inspection, the commission noted various issues such as animals of diverse species living together, dirty water in a pond, and animals in small enclosures. The zoo also failed to meet the standards of the Association of zoos, breeders, and aquariums "AZCARM," leading to recommendations for improvement. Resulting from these inspections, the commission found that the animals were housed inadequately, violating the state anti-cruelty law. They also highlighted potential impacts on the human right to a healthy environment for visitors and zoo staff. The Commission's recommendations include advising the Secretary of the Environment to implement recommendations for the welfare of exhibited animals, suggesting ongoing training for zoo staff to ensure dignified treatment, and advising the Zoo Director to implement legal and administrative measures for the animals' well-being, including budget allocation for necessary infrastructure and optimal conditions.
Robertson v Department of Primary Industries and Fisheries	[2010] QCA 147	An Inspector of the RSPCA entered premises occupied by the respondent and seized 104 dogs under the Animal Care and Protection Act 2001 which were then forfeited to the state. These actions were confirmed when the respondent sought an administrative review of the decisions and leave to appeal was refused. The respondent sought to raise numerous grounds of appeal against the prior refusal of leave to appeal, however, the appeal was struck out.
Robledo, Leandro Nicolás y otros s/ resistencia o desobediencia a la autoridad	Id SAIJ: FA21370027	Coco was a 6-year-old male howler monkey (an endangered species) that was found in the defendant's house in a neglected condition. He had bone deformities, was malnourished, and had restricted mobility as his limbs were not moving properly. His canines were extracted to keep him from injuring humans, he had no light or ventilation, and no visible access to food or water. His health was so deteriorated that the veterinarians recommended that he was not reinserted as he would not have the ability to survive in the wild. The judge, in this case, held that the defendants had taken Coco from his natural habitat without a proper permit or authorization, causing Coco unnecessary suffering. In the same line as other courts in Argentina, the judge also held that Coco was a non-human animal, subject of rights based on "Ley 14.346" which grants animals the status of victims. The judge ordered his "total and absolute freedom," ordering Coco's relocation to a facility specializing in treatment and rehabilitation, "Proyecto Carayá." regarding standing, the judge stated that "as animals cannot file a lawsuit by themselves and therefore, it is the duty of human beings to represent them in court when their rights are violated." The court found in this particular case the prosecutor to be the right person to reestablish Coco's rights.
Rogers v. State	760 S.W.2d 669 (Tex. App. 1988).	Dog fighting case. Where the dog fighting area was in an open section of woods near the defendant's home, police officers were not required to obtain a search warrant before entering the defendant's property because of the "open fields" doctrine.

Case name	Citation	Summary
Rohrer v. Humane Soc'y of Washington Cty.	163 A.3d 146 (Md., 2017)	In this Maryland appeal, appellant Rohrer questions the authority of the Humane Society to act under CR § 10–615 (the law that allows an officer of a humane society to take possession of an animal from its owner). Rohrer also challenges the legal ownership of the animals in state custody. The seizure of Rohrer's animals began in 2014, when an anonymous tip led humane investigators to Rohrer's farm. Field officers and a local veterinarian observed cattle that were "extremely thin" on Rohrer's farm. These concerns led to a search warrant of appellant's property. Due to the presence of dead animal bodies intermingled with the living, high piles of animal feces, and goats with hooves so overgrown they could not walk, the Humane Society (HS) and Sheriff's office seized all the animals under the warrant. The actual "seizure" resulted in a transfer of some animals to foster farms and an agreement between HS and Rohrer to adequately care for remaining animals on the property. Rohrer was charged with 318 misdemeanor counts of animal cruelty, eventually being found guilty on only 5 counts and sentenced to supervised probation. During the initial proceedings, Rohrer filed a "petition for return of seized animals" under CR § 10–615(d)(2). When the District Court gave conclusions on the petition, it lamented on the "lack of guidance" in the statute and noted that that the "statute really doesn't say" whether Rohrer would lose ownership of the animals. After the criminal trial, Rohrer again sought return of the animals after negotiations with the HS failed. The Circuit Court upheld the District Court's denial of the Petition for Return, finding the ruling was not clearly erroneous and it was not in the best interests of the animals to return to Rohrer. On a writ of certiorari to this court, Rohrer raises three issues: (1) can the HS seize an animal already in state custody from a search warrant; (2) must the seizure by the HS be justified by the conditions at the time of seizure or may it be based on previously observed conditions; and (3) how does a denial of a petition to return the animals affect the owner's property rights in the animals? In looking at prior codifications of the law as well as surrounding legislative history, the court first held that a HS officer may notify the owner of animal seized by the state in connection with a criminal warrant of its intent to take possession of the animal upon its release from state custody. Secondly, a HS officer may rely on previously-observed conditions to justify seizure under Section 10-615. The court noted that, similar to a search warrant, the factors justifying seizure can become weaker with time. So, when an owner files a petition for return, the HS has the burden of showing the court the seizure was necessary under the statute. In Rohrer's case, this Court found the District and Circuit Courts did not reach the question of whether the necessity supporting HS' possession of the animals continued. Since the animals were released after the criminal trial concluded, this Court stated that the District Court may now consider this question. Finally, the Court weighed in on whether the denial of a Petition for Return affects ownership interests. This Court declined to adopt the standard of "best interests" of the animals. Instead, the Court found that the function of the Petition for Return is to determine who has the right to temporarily possess an animal in question and this does not vest ownership rights in the animal if the petition is denied. This case was remanded to Circuit Court so that court can determine whether the final disposition of the criminal case and subsequent release of the animals held under the search warrant affects the disposition of Rohrer's Petition for Return of this animals.
ROL:293-15 “La arrastrada de Freirina”	RIT No. 323-2014	This is the case of a pregnant dog dragged by a truck. The defendants also assaulted and threatened two people that witnessed the event and attempted to stop it. The court found the three defendants guilty of animal cruelty and sentenced them to 61 days in jail and a fine of 2 UTM for these charges. Additional jail time and penalties were given on the charges of assault, threatening, and damage to property.
Roose v. State of Indiana	610 N.E.2d 256 (1993)	Defendant was charged with criminal mischief and cruelty to an animal after dragging it with his car. The court concluded that, although some of the photos admitted were gruesome, the municipal court validly admitted the photos of the dog that defendant injured into evidence because the photos clearly aided the

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		jury in understanding the nature of those injuries and the veterinarian's testimony as to the medical attention that the dog received.
Rossi v. Mohawk and Hudson River Humane Soc.	Slip Copy, 2009 WL 960204 (N.D.N.Y.)	Petitioner-Debtor challenged the Bankruptcy Court's denial of Petitioner's application for a Temporary Restraining Order and for a stay pending appeal after the Mohawk and Hudson River Humane Society seized 23 cats from Petitioner's prior home for failure to provide proper sustenance/cruelty to animals and subsequently obtained a bond against Petitioner for the cost of providing animal care. The United States District Court, N.D. New York denied Petitioner's motion for leave to appeal requesting relief identical to that which was denied by the Bankruptcy Court, finding that the exhibits submitted show that Petitioner was currently charged with four misdemeanors, and that the commencement of the criminal charges against Petitioner and the posting of security pending the disposition of such criminal charges fall within the exception to the automatic stay under federal law.
Rowley v. Murphy	[1964] 2 QB 43	A deer being hunted with a pack of hounds jumped onto a road and fell under a stationery vehicle. Members of the hunt dragged the deer from under the vehicle to a nearby enclosure, where the Master of the hunt slit the deer's throat and killed it. The Divisional Court held that the Master could not be convicted of an offence of cruelty under the 1911 Act because, for the purposes of that Act, which protects only captive and domestic animals, a mere temporary inability to escape did not amount to a state of captivity.
Royal Society for the Prevention of Cruelty to Animals Western Australia Inc v Hammarquist	(2003) 138 A Crim R 329	The respondents were charged with nine counts of inflicting unnecessary suffering on an animal, a cow, and one count of of subjecting 50 cows to unnecessary suffering. The trial judge found the respondents wrongly charged and dismissed the charges without the prosecution clearly articulating its case. The trial judge was incorrect to dismiss the charges for want of particulars. The trial magistrate was also incorrect to dismiss the tenth charge for duplicity. In some circumstances it is possible to include multiple offences in the same charge where the matters of complaint are substantially the same.
RSPCA v Harrison	(1999) 204 LSJS 345	The respondent was the owner of a dog which was found with skin ulcerations, larval infestations and saturated in urine. On appeal, it was found that the trial judge failed to give proper weight to cumulative circumstantial evidence as to the respondent's awareness of the dog's condition. It was also found that 'illness' was intended to cover a wide field of unhealthy conditions and included the larval infestation. The respondent was convicted and fined.
RSPCA v O'Loughlan	[2007] SASC 113	The appellant, the RSPCA, relied on the fact that a horse, once in RSPCA care, had a significantly improved condition in comparison to that described as 'emaciated' while in the respondent's care. The respondent claimed that the horse's condition fluctuated depending on the presence of mares in heat during summer and that she had tried several changes to the feed to counter a loss in weight. On appeal, the appellate judge did not disturb the trial judge's finding and confirmed that the respondent's conduct was reasonable in the circumstances.
RSPCA v. Stojcevski	2002 WL 228890, 134 A Crim R 441	Appeal against the order of the Magistrate dismissing a complaint - prevention of cruelty to animals - respondent charged with ill treating an animal in that failed to take reasonable steps to alleviate any pain suffered by the animal who had a fractured leg bone contrary to sec 13(1) of the Prevention of Cruelty to Animals Act 1985. Dismissal was upheld and court found that defendant did not understand dog was in pain and had and was going to take reasonable steps.

Case name	Citation	Summary
Salzer v. King Kong Zoo	773 S.E.2d 548 (N.C. Ct. App. July 7, 2015)	The Plaintiffs appeal from an order granting dismissal of their complaint for lack of subject matter jurisdiction. In 2014, Plaintiffs filed a civil suit under North Carolina's anti-cruelty "citizen suit" provision, N.C. Gen.Stat. § 19A–1, against King Kong Zoo. Plaintiffs contended that the zoo kept animals in "grossly substandard" conditions. King Kong Zoo is an Animal Welfare Act (“AWA”) licensed exhibitor of wild and domestic animals. The district court granted Defendants' motion to dismiss for lack of subject matter jurisdiction, finding that the applicable law here is the AWA and “N.C. Gen.Stat. § 19A–1 ... has no application to licensed zoo operations.” On appeal, this Court found in a matter of first impression that the AWA does not expressly preempt claims under N.C. Gen.Stat. § 19A. Instead, the AWA "empowers Section 19A to work in conjunction with the AWA." The Court also found no conflict of law that would preclude bringing the action. The matter was reversed and remanded to the Cherokee County District Court for determination consistent with this opinion.
Savage v. Prator	921 So.2d 51 (La., 2006)	Two Louisiana "game clubs" filed an action for declaratory judgment and injunctive relief against parish commission and parish sheriff's office after being informed by the sheriff that an existing parish ordinance prohibiting cockfighting would be enforced. The clubs contended that the ordinance was violative of the police power reserved explicitly to the state (the state anti-cruelty provision is silent with regard to cockfighting). The First Judicial District Court, Parish of Caddo granted the clubs' request for a preliminary injunction. The Supreme Court reversed the injunction and remanded the matter, finding that the parish ordinance prohibiting cockfighting did not violate general law or infringe upon State's police powers in violation of Constitution.
Savage v. Prator	921 So.2d 51 (La. 2006)	After being informed by the Caddo Sheriff's Office that a 1987 Parish ordinance prohibiting cockfighting would be enforced, two organizations, who had held cockfighting tournaments since the late 1990s and the early 2000s, filed a petition for declaratory judgment and injunctive relief. After the trial court granted the organizations' request for a preliminary injunction, the Parish commission appealed and the court of appeals affirmed. Upon granting writ of certiorari and relying on the home rule charter, the Supreme Court of Louisiana found that local governments may authorize or prohibit the conduct of cockfighting tournaments within municipal boundaries. The case was therefore reversed and remanded to the district court with the injunction being vacated.
Scales v. State	601 S.W.3d 380 (Tex. App. 2020)	Defendant, Jade Derrick Scales, was convicted of two counts of cruelty to non-livestock animals which constituted a state felony. Michelle Stopka had found two puppies in an alley and took them in. On February 8, 2015, Defendant confronted Stopka in her front yard holding a knife and wearing a mask and brass knuckles. Leonard Wiley, the man Stopka was residing with, confronted the Defendant and a brief confrontation ensued which resulted in both individuals sustaining a cut. Stopka soon discovered that both puppies had been sliced open and were bleeding. The puppies did not survive their injuries. Defendant’s sentence was enhanced to a second-degree felony based on the finding of use or exhibition of a deadly weapon during the commission of, or during immediate flight following, the commission of the offense and the fact that the Defendant had a previous conviction for a second-degree-felony offense of burglary of a habitation. Defendant was sentenced to seven years and a fine of $2,000. The Defendant subsequently appealed. The first issue raised on appeal by the Defendant was the deadly weapon finding which the the Court found was appropriate. The second issue regarded a jury instruction error. The Defendant contended that the trial court erred by failing to instruct the jury that a deadly-weapon finding is only appropriate when the weapon is used or exhibited against a human being. The Court found that although a deadly-weapon instruction should not have been given, the error was not egregious and therefore overruled the issue because a jury could have reasonably believed that the Defendant used the same knife to both inflict wounds upon the puppies and Leonard. The failure to provide such a jury instruction did not materially affect the jury’s deliberations or verdict. The third issue raised by the Defendant was that he was provided ineffective assistance of

Case name	Citation	Summary
		counsel. The Court overruled this issue as well. The Fourth issue raised by Defendant was that his prosecution was based on two identical indictments for the same conduct committed in one criminal episode which violated double jeopardy and due process principles. The Defendant did not preserve his claim of double jeopardy and the Court further found that two separate dogs were the object of the criminal act and each dog could have been prosecuted separately. No double jeopardy violation was found on the face of the record and, therefore, the Defendant did not qualify for an exception to the preservation rule. The fifth issue Defendant raised was that his sentence was illegal because the range of punishment for the offense for which he was convicted was illegally enhanced. The Court overruled this issue because his conviction was not illegally enhanced. The trial court's judgment was ultimately affirmed.
Scott v. Jackson County	403 F.Supp.2d 999 (D.Or.,2005)	On July 22, 2003, plaintiff filed suit alleging violations of her constitutional rights under 42 U.S.C. § 1983, various state common law claims, and violation of the Oregon Property Protection Act (plaintiff's neighbor complained to animal control in May 2001 after hearing the rabbits "screaming and dying"). Plaintiff's claims arise from the seizure of over 400 rabbits from her property, and the subsequent adoption and/or euthanasia of these rabbits. Defendants move for summary judgment on grounds of qualified immunity, failure to allege the proper defendant, and failure to provide notice under the Oregon Tort Claims Act. In granting defendants' motion for summary judgment, the Court found that even if the officers' entry and seizure of plaintiff's property was unlawful, they reasonably believed their actions to be lawful, therefore affording them qualified immunity protection. Further, the court found no taking occurred where the rabbits were euthanized and/or adopted out as part of a initial criminal forfeiture action.
Sebek v. City of Seattle	290 P.3d 159 (Wash.App. Div. 1,2012)	Two Seattle taxpayers filed a taxpayer action lawsuit against the city of Seattle for violating Washington's animal cruelty statute and Seattle's animal cruelty ordinance with regard to a zoo's elephant exhibit. After the lawsuit was dismissed by the King County Superior Court for lack of taxpayer standing, plaintiffs appealed the court's decision. The appeals court affirmed the lower court's decision because the plaintiffs' complaint alleged the zoological society, not the city, acted illegally and because the operating agreement between the city and the zoological society made it clear that the zoological society, not the city, had exclusive control over the operations of the elephant exhibit. Significantly, the appeals court found that a city's contractual funding obligations to a zoological society that cares and owns an animal exhibit at a zoo is not enough to allege a city violated animal cruelty laws.
Sentencia C-041, 2017	Sentencia C-041, 2017	Sentencia C-041 is one of the most important court decisions on bullfighting. On this occasion, the court held unconstitutional Article 5 of Ley 1774 of 2016 that referred to the Article 7 of the Statute of Animal Protection. Article 7 contains the seven activities that involve animals for entertainment that are exempted from the duty of animal protection. The practices permitted correspond to rejoneo, coleo, bullfighting, novilladas, corralejas, becerradas and tientas (all variations of bullfighting), cockfighting and all the related practices. Even though the court held that the legislature had fallen into a lack of constitutional protection towards animals, and stated that bullfighting was cruel and inhumane, it deferred the effects of its sentence and gave Congress a two-year period to decide whether bullfighting and the other exception established in Article 7 of the Statute of Animal Protection will continue to be legally allowed. If after this period, the Congress has not legislated on the matter, decision C-041, 2017 will take full effect and bullfighting along with all the practices established in Article 7 will be considered illegal.
Sentencia C-148, 2022	Sentencia C-148, 2022	In this opportunity, the Colombian Constitutional Court deemed national recreational fishing regulations unconstitutional three years after banning recreational hunting. Specifically, the Court determined that provisions pertaining to this matter, contained in the Code of Natural Renewable Resources, the General Statute of Animal Protection, and the Fishing Statute, violated the

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		government's constitutional obligation to protect the environment, the right to environmental education, and the prohibition of animal cruelty. The Court recognized constitutional limitations on the prohibition of animal cruelty that were based on religious freedom, eating habits, medical research and experimentation, and deeply rooted cultural manifestations. Consequently, the Court held that fishing for recreational purposes was a cruel practice that did not fall within any of these exceptions.
Sentencia caso elefante Ramba	Sentencia caso elefante Ramba	Ramba was known as the last circus elephant in Chile. She was an Asian elephant that spent 40 years of her life alone, being forced to perform. Her owner was found guilty of animal mistreatment and was sentenced to 100 days in jail and to pay a fine of 10 monthly tax units (UTM). Ramba was forced to perform difficult tricks and was not provided medical care. In addition, she was kept chained in a small enclosure without adequate space, temperature, or enrichment. Ramba was officially “confiscated” in 1997 due to abuse and neglect. However, she remained with the circus but was not allowed to perform. She was removed from the circus and temporarily relocated to "Parque Safari in Rancagua" in 2011. In 2019, Ramba was relocated to Global Sanctuary for Elephants in Brazil. Unfortunately, Ramba died a few months later after arriving at the sanctuary due to kidney disease.
Settle v. Commonwealth	55 Va.App. 212, 685 S.E.2d 182 (Va.,2009)	The defendant-appellant, Charles E. Settle, Jr., was convicted of two counts of inadequate care by owner of companion animals and one count of dog at large under a county ordinance, after Fauquier County Sherriff's officers were dispatched to his home on multiple occasions over the course of one calendar year in response to animal noise and health and safety complaints from his neighbors. Consequently, all of the affected dogs were seized from Settle and relocated to local animal shelters. The trial court also declared three of the animals to be dangerous dogs pursuant to another county ordinance. The Court of Appeals of Virginia held that: (1) because the forfeiture of dogs was a civil matter the Court of Appeals lacked subject matter jurisdiction and was not the proper forum to decide the case; (2) that Settle failed to join the County as an indispensible party in the notice of appeal from conviction for the county ordinance violation; and (3) that the evidence was sufficient to identify Settle as the owner of the neglected companion animals.
Shotts v. City of Madison	170 So. 3d 554 (Miss. Ct. App. 2014)	Defendant was charged with animal cruelty after burning his girlfriend's dog while giving it a bath. He said it was an accident. There were no other witnesses, and the attending veterinarian testified that the dog's injuries were consistent with defendant's account. Defendant was nevertheless convicted after the county court suggested he could be guilty of animal cruelty if he had “carelessly” hurt the dog. Instead, the appeals court found the lower court applied the wrong legal standard. The 2011 animal cruelty statute, since repealed, that applied in this case required proof beyond a reasonable doubt that defendant acted maliciously. Since the prosecution failed to meet that burden, the Mississippi Court of Appeals reversed and rendered the defendant's conviction. Justice James dissents finding that there was sufficient evidence to support the conviction.
Sickel v. State	363 P.3d 115 (Alaska Ct. App. 2015)	Defendant was convicted of cruelty to animals under AS 11.61.140(a) after one of her horses was found starving, without shelter, and frozen to the ground (it later had to be euthanized). On appeal, defendant claims that she did not act with the requisite "criminal negligence" under the statute unless she had a duty of care to prevent the specified harm. The court noted that while the statute does not specify the exact nature of this duty to care for particular animals, common law fills the gap. In looking to similar laws and cases from other states, the court found that AS 11.61.140(a)(2) applies only to people who have assumed responsibility for the care of an animal, either as an owner or otherwise. The jury instructions taken as a whole and the prosecutor's argument and rebuttal demonstrated that Sickel assumed the duty of care with regard to the horses and was the person tending the horses in the last three days before the now-deceased horse collapsed. The judgment of the district court was affirmed.

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Siegel v. State	635 S.W.3d 313 (Ark., 2021), reh'g denied (Jan. 13, 2022)	Defendant Karen Siegel was convicted of 31 misdemeanor counts of animal cruelty based on 31 breeding dogs that were seized from her home. At issue here on appeal by defendant is whether the underlying statutes that allows seizure of the animals, Arkansas Code Annotated sections 5-62-106 and 5-62-111, are constitutional. In addition, defendant argues that by not ordering return of the seized dogs to defendant and compensating defendant for her loss of property was error. The first circuit court criminal case was dismissed on speedy-trial grounds and that ruling was upheld in later appeal. The issues on the instant appeal relate to the status of the seized dogs. Siegel argues that the circuit court erred by not ordering the return of her seized property and also not assigning a value for the property that was destroyed or damaged. The court here looked at the language of the seizure statute and found that Siegel failed to post a bond to care for the dog as is contemplated by the statute. The statute provides no award of damages to a defendant and the county that seized the dog is not a party in the criminal action brought by the state. Thus, the lower court was correct in stating that Siegel's remedy was a separate civil action. As to Siegel's challenges to the constitutionality of those statutes, this court found the argument moot since review of the issue would have no practical legal effect upon a then-existing controversy. The case was affirmed in part and dismissed as moot in part.
Silver v. State	23 A.3d 867 (Md. App., 2011)	Defendants were sentenced by the District Court after pleading guilty to one count of animal cruelty. After defendants were convicted in the Circuit Court, they petitioned for a writ of certiorari. The Court of Appeals held that the Circuit Court could order that defendants pay restitution for the euthanasia cost for the deceased horse, but it was beyond the court's authority to order defendants pay restitution for costs of caring for the two surviving horses because defendants had not been convicted in those cases. The court also held that the trial court did not abuse its discretion in refusing to strike officer's testimony for prosecutor's failure to provide the officer's written report prior to trial. Finally, photos and testimony regarding the surviving horses were "crime scene" evidence and not inadmissible "other crimes" evidence because the neglect of the surviving horses was part of the same criminal episode.
Silver v. United States	726 A.2d 191 (D.C. App. 1999)	Appellants were each convicted of cruelty to animals, in violation of *D.C. Code Ann. § 22-801* (1996), and of engaging in animal fighting, in violation of § 22-810. On appeal, both appellants contended that the evidence was insufficient to support convictions of animal cruelty, and of animal fighting. The appellate court found that the proof was sufficient. Each appellant also contended that his convictions merged because animal cruelty was a lesser-included offense of animal fighting. The appellate court found that each crime required proof of an element that the other did not. Appellants' convictions did not merge.
Simons v. State	217 So. 3d 16 (Ala. Crim. App. 2016)	In this case, defendant was convicted of a Class C felony of cruelty to a dog or cat and was sentenced to twenty years in prison (the conviction stems from the beating a kitten to death with his bare fists). The lower court applied the Habitual Felony Offender Act (HFOA) which allowed the court to sentence defendant beyond the maximum penalty (defendant had 16 prior felony convictions). Defendant appealed his sentence, arguing that HFOA did not apply to his Class C felony of cruelty to a dog or cat. Ultimately, the court held that HFOA did not apply to the Class C felony here. The court maintained that the animal cruelty statue was plainly written and explicitly stated that a first degree conviction of animal cruelty would not be considered a felony under HFOA. As a result, defendant's conviction was upheld but remanded for new sentencing.

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SIRMANS v. THE STATE	244 Ga. App. 252 (2000)	Criminal defendant was convicted of four counts of animal cruelty and one count of simple assault. The motion to suppress was properly denied, because the search was authorized under the "plain view" doctrine and any objections regarding photographs were subsequently waived when they were tendered into evidence without objection. The trial court did not have authority to deprive defendant of animals which the State failed to demonstrate were neglected or abused, because such animals were not contraband or evidence of a crime.
Smith v. Com.	Not Reported in S.E.2d, 2013 WL 321896 (Va.App.,2013)	The defendant was charged for violation of Virginia's Code § 3.2–6570(F) after he shot the family dog; he was later convicted by a jury. Upon appeal, the defendant argued the trial court erred in denying his proffered self-defense jury instructions. The appeals court agreed, reasoning that more than a scintilla of evidence supported giving the proffered self-defense instructions, that determining whether this evidence was credible and actually supported a conclusion that the defendant acted in self-defense or defense of others was the responsibility of the jury, not that of the trial court, and that the proffered jury instructions properly stated the law. The case was thus reversed and remanded.
Snead v. Society for Prevention of Cruelty to Animals of Pennsylvania	929 A.2d 1169 (Pa.Super., 2007)	This Pennsylvania case involves cross-appeals following a jury trial in which defendant SPCA, was found liable for euthanizing the dogs belonging to plaintiff Snead, who was awarded damages in the amount of $154,926.37, including $100,000 in punitive damages. The facts stemmed from a seizure several dogs at a seemingly abandoned property owned by Snead where Snead was arrested on dog fighting charges, which were then dropped the next day. However, Snead was not aware that the charges were dropped and that the dogs were therefore available to be reclaimed. The dogs were ultimately euthanized *after* Snead went to reclaim them. On appeal, this court first held that the SPCA does not operate as a branch of the Commonwealth and therefore, does not enjoy the protection of sovereign immunity or protection under the Pennsylvania Tort Claims Act. The court held that there was sufficient evidence presented for Snead's Sec. 1983 to go to the jury that found the SPCA has inadequate procedures/policies in place to safeguard Snead's property interest in the dogs. As to damages, the court found the there was no evidence to impute to the SPCA evil motive or reckless indifference to the rights of Snead sufficient for an award of punitive damages.
Song v Coddington	(2003) 59 NSWLR 180	The appellant was charged and convicted of being a person in charge and authorising the carriage of a number of goats in cages which did not allow those goats to stand upright. The appellant was a veterinary doctor employed by the Australian Quarantine Inspection Service and authorised under the Export Control (Animals) Orders 1987 to certify animals for export. On appeal, it was determined that for the purposes of the Prevention of Cruelty to Animals (General) Regulation 1996, the appellant was not a person in charge of the goats.
Stanton v. State	395 S.W.3d 676 (Tenn. 2013)	The defendant, a self-employed oil distributor, was charged with 16 counts of animal cruelty for intentionally or knowingly failing to provide food and care for his horses. After being denied a petition for pretrial division and a petition for a writ of certiorari, the defendant appealed to the Supreme Court of Tennessee, who granted the defendant permission to appeal, but affirmed the lower court's decision that the assistant district attorney general did not abuse his discretion and that the trial court did not err in denying the defendant's petition for writ of certiorari.
State ex rel Del Monto v. Woodmansee	State ex rel Del Monto v. Woodmansee, 72 N.E.2d 789 (Ohio 1946).	In an action in mandamus, relator property owner sought a writ ordering respondent building commissioner of the City of Euclid to issue a building permit for the construction of a store building. The store building would be used for the slaughter of chicken. The state tired to oppose the building by stating the use would be against Ohio's cruelty to animal statute. The Court ruled that the term "animals" as thus used meant a quadruped, not a bird or fowl. Thus, the court

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		ruled in favor of the property owner in his mandamus action against the commissioner.
State ex rel. Griffin v. Thirteen Horses	Not Reported in A.2d, 2006 WL 1828459 (Conn.Super.)	Defendant's horses were seized on December 14, 2005 pursuant to a search and seizure warrant signed by the court. The warrant was sought, in part, on affidavits that alleged possible violations of the Cruelty to Animals statutory provisions. Defendant Rowley filed the instant motion to dismiss for lack of subject matter jurisdiction arguing that the court lacks jurisdiction because the state has failed to comply with the provisions of § 22-329a and because the search and seizure warrant is invalid. Specifically, defendant maintains that the phrase in subsection (a) authorizing the chief animal control officer to "lawfully take charge of any animal found neglected or cruelly treated" merely allows the officer to enter the owner's property to care for the animal, but does not authorize seizure of the animal without a prior judicial determination. This court rejected Rowley's interpretation of the phrase "lawfully take charge." The court found that, as a practical matter, it is inconceivable that animal control officers, having found animals that are neglected or cruelly treated, would then leave them at the property.
State ex rel. William Montgomery v. Brain	422 P.3d 1065 (Ariz. Ct. App., 2018)	The special action considers whether a person who uses a dangerous instrument in committing an animal cruelty offense may be sentenced as a dangerous offender. The facts in the underlying case are as follows. A witness in an apartment complex heard a dog crying and observed Shundog Hu using a rod to hit a dog that was inside a pet enclosure. Hu was charged with both intentionally or knowingly subjecting an animal to cruel mistreatment, a felony, and under the "dangerous offense" laws because the animal cruelty "involved the discharge, use, or threatening exhibition of a pole and/or rod, a deadly weapon or dangerous instrument, in violation of A.R.S. §§ 13-105 and 13-704." Hu moved to dismiss the dangerous offense allegation stating that, as a matter of law, "a dangerous offense cannot be committed against an animal." Hu contended that the legislature's inclusion of the phrase "on another person" in the statutory definition for "dangerous offense" evinces this intent. The State, on the other hand, argued that sentencing enhancement is based on the use of the dangerous instrument rather than the target of the instrument. The superior court granted Hu's motion and the State petitioned for this special action. This court accepted jurisdiction because " the State has no adequate remedy on appeal and the petition presents a legal issue of statewide importance." This court first examined the statutory definition for a "dangerous" felony offense: "an offense involving the discharge, use or threatening exhibition of a deadly weapon or dangerous instrument or the intentional or knowing infliction of serious physical injury on another person.” The State's contention is that the "or" in the definition is disjunctive and, thus, the phrase "on another person" only applies to the second independent clause. Hu counters that such an interpretation would cover harm to anything and lead to absurd results. This court first noted that the statutory definitions are silent as to whether they only apply to humans. Applying principles of secondary interpretation and sensible construction, the court held that legislature's purpose in drafting the dangerous offense definition and the related statutes was to enhance crimes to “dangerous offenses” to protect human life. The State cannot charge a crime as a dangerous offense unless the target is against another person. In reaching this conclusion, the court contemplated extreme examples involving felony damage to vegetation as well as comparison to a recent decision in Texas where a deadly weapon finding was limited to human victims only.
State ex rel. Zobel v. Burrell	167 S.W.3d 688 (Mo. 2005)	After a judge granted two humane societies permission to dispose of nearly 120 severely emaciated and malnourished horses, the horses' owner, instead of posting a bond or security, filed for a writ of mandamus with the court of appeals. The appeals court issued a stop order and transferred the case to the Missouri Supreme Court. Here, the horses’ owner argued two points, but the Missouri Supreme Court found that (1) the spoliation of evidence doctrine does not apply at this juncture and that (2) the statute was not unconstitutionally vague, nor does the owner allege that the statute discriminates based upon classification or that

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		the statute discriminates in its application so as to violate the equal protection clause. The stop order was therefore dissolved and the petition for the writ of mandamus was denied.
State ex rel. Zobel v. Burrell	167 S.W.3d 688 (Mo., 2005)	Police seized 120 neglected horses pursuant to a search warrant and a Circuit Court Judge allowed humane societies to dispose of the horses. The owner of the horses sought a writ of mandamus against the Circuit Court Judge. The Missouri Supreme Court held the Circuit Court Judge had jurisdiction to permit the seized horses to be disposed of and the impoundment statute was not unconstitutionally vague.
State ex rel. Zobel v. Burrell	2005 WL 957908 (Mo. App. S.D. 2005)	A trial court granted a local humane society permission to humanely dispose of horses placed in their custody by the Sheriff. A man filed petition for a writ of mandamus against the the trial judge and humane society to challenge the judge's order. The Court of Appeals reversed the trial court holding the trial court lacked jurisdiction over the Humane Society of Missouri. **Opinion transferred to *State ex rel. Zobel v. Burrell* , 167 S.W.3d 688 (Mo., 2005).**
State of Ohio v. Jane Smith	83 N.E.3d 302 (Ohio Ct. App., 2017)	Jane Smith was charged with 47 counts of animal cruelty after 47 dogs and other animals were seized from her property where she operated a private dog rescue. Smith was ultimately sentenced to jail time and required to compensate the Humane Society for the money that was spent to care for the 47 dogs that were seized from Smith's property. Smith appealed her sentence, arguing that the lower court had made five errors in coming to its decision. The Court of Appeals only addressed four of the five arguments made by Smith. First, the Smith argued that the court erred in not suppressing evidence on the basis that her 4th Amendment rights had been violated. The Court of Appeals dismissed this argument, holding that Smith's 4th Amendment rights had not been violated because the information that led to the seizure of Smith's dogs was provided by a private citizen and therefore not applicable to the 4th Amendment protections. Secondly, Smith argued that the court violated her due process rights when it made multiple, erroneous evidentiary rulings that deprived her of her ability to meaningfully defend herself at trial. The Court of Appeals found that Smith had not provided enough evidence to establish that her due process rights had been violated, so the Court of Appeals dismissed the argument. Thirdly, Smith made a number of arguments related to constitutional violations but the Court of Appeals found that there was not evidence to support these arguments and dismissed the claim. Lastly, Smith argued that she had made a pre-indictment, non-prosecution agreement that was not followed by the court. The Court of Appeals also dismissed this argument for a lack of evidence. Ultimately, the Court of Appeals upheld the lower court's decision and sentencing.
State of Washington v. Zawistowski	82 P.3d 698 (Wash. 2004)	Defendants were convicted of animal cruelty with regard to underweight and malnourished horses. The Superior Court reversed, holding that the evidence was insufficient to sustain a jury finding, and the State appealed. Held: reversed.
State v. Abdi-Issa	504 P.3d 223 (2022)	The Washington Supreme Court examined whether the trial court correctly considered whether animal cruelty may be designated as a crime of domestic violence. The incident stems from an evening after defendant insisted on taking his girlfriend's dog, a small Chihuahua and Dachshund mix, for a walk. The girlfriend testified that defendant had a history of disliking the dog and had previously threatened to kill both her and her dog. On that evening, two witnesses heard "a sound of great distress" and saw defendant making "brutal stabbing" motions toward the dog and then saw him kick the dog so hard that she flew into the air. After the witnesses called the police, the witnesses found the dog, still alive, in the bushes. Officers then transported the dog to a veterinary clinic where the dog subsequently died. One of the two witnesses had a panic attack at the scene and testified later that she continued to have panic attacks thereafter with flashbacks of the experience. Defendant was charged with first degree animal

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		cruelty with a domestic violence designation and also two sentencing aggravators. The jury found defendant guilty of animal cruelty. The jury also found that Abdi-Issa and Fairbanks were in a domestic relationship prior to the crime, which allowed for a domestic violence designation. The jury returned mixed verdicts on the sentencing aggravators, finding that the crime involved a destructive and foreseeable impact on persons other than the victim, but they did not find that it manifested deliberate cruelty or intimidation of the victim. The court then imposed the maximum 12-month sentence for the crime of animal cruelty and an additional 6-month sentence for the aggravator. On appeal, the Court of Appeals vacated the domestic violence designation and the impact on others sentence aggravator. On appeal here, the Supreme Court found that animal cruelty could be designated a crime of domestic violence. The statute defining domestic violence has a non-exhaustive list of what crimes can constitute domestic violence. While animal cruelty is not listed, the court found that testimony of defendant's prior controlling behavior coupled with research showing how abusers use violence toward their victims' pets to manipulate and terrorize victims was sufficient. As to the sentencing aggravator, the court found that defendant's actions had a destructive and foreseeable impact on the witnesses who saw the animal cruelty. Thus, under these facts, the Court ruled that animal cruelty can be designated a crime of domestic violence and that the jury was properly instructed that it could find the impact on others sentencing aggravator. The judgment of Court of Appeals reversed and remanded.
State v. Acker	160 Conn. App. 734 (2015)	Defendant, the director of the Society for the Prevention of Cruelty to Animals of Connecticut, Inc., was charged with 63 counts of animal cruelty for failing to give animals “proper care by exposing [them] to conditions that placed [them] at risk of hypothermia, dehydration, or to conditions injurious to [their] well-being....” Defendant was the director of a nonprofit animal rescue organization and housed rescued dogs in an uninsulated outdoor barn heated solely by space heaters. After a trial, Defendant was convicted of 15 counts and acquitted of the remaining 48 counts of animal cruelty. On appeal, the defendant claimed that (1) there was insufficient evidence to support the conviction and (2)C.G.S.A. § 53-247(a) was unconstitutionally vague as applied to the facts of this case. The appellate court rejected defendant’s claims and affirmed the trial court’s decision.
State v. Agee	--- N.E.3d ---- , 2019 WL 3504010 (Ohio App., 2019)	The Humane Society brought this action in response to a complaint regarding a dog tangled in a tether. Three German Shepherds were discovered that belonged to the Defendant, Shawn Agee, Jr. The dogs were suffering from maltreatment. All three had been restrained without access to water or food and one of the dog’s tethers was wrapped so tightly that its leg had started to swell. Two of the dogs were suffering from fly strike. The State charged the Defendant with 12 criminal misdemeanors relating to the treatment of the three animals. The trial court acquitted the Defendant of 10 of those counts because of his unrebutted testimony that he had been out of town for the weekend and had left the dogs in the care of his mother. The Defendant was found guilty to two second-degree misdemeanors relating to the two dogs suffering from fly strike because those particular injuries were long time, very painful injuries that were not being treated and the Defendant was the dogs’ “confiner, custodian, or caretaker.” The Defendant was sentenced to community control, a fine of $100, a suspended jail sentence of 180 days, the surrender of the two dogs with fly strike, and the proviso that the remaining dog be provided with regular vet appointments and various other conditions. This appeal followed. The Defendant asserted that the Court erred by finding that he had in fact violated the statute that he was found guilty of and that his convictions were not supported by legally sufficient evidence. The Defendant argued that he did not qualify as the type or class of persons subject to criminal liability merely as an owner. The Court noted that the trial court did not impose liability due to his status as the dogs’ owner, but rather due to this having served as the two dogs’ confiner, custodian, or caretaker when they developed fly strike and should have been but were not properly treated. As for the second assignment of error, the Court found that there was sufficient evidence to find that the Defendant had violated the statute. The Defendant had admitted that he knew that the two dogs had fly strike “two or three weeks before

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		he left town for the weekend." The dogs were not treated before he left town. The Court ultimately affirmed both convictions.
State v. Allison	State v. Allison, 90 N.C. 733 (1884).	The defendant was indicted at spring term, 1883, for a violation of the act of assembly in reference to cruelty to animals. The indictment is substantially as follows: The jurors, &c., present that the defendant, with force and arms, &c., "did unlawfully and wilfully overdrive, torture, torment, cruelly beat and needlessly mutilate a certain cow, the property of, &c., by beating said cow and twisting off her tail," contrary, &c. The jury found the defendant guilty, and on his motion the judgment was arrested and the state appealed. The Supreme Court reversed the lower court's descision to arrest the judgment.

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State v. Amos	17 N.E.3d 9 (2017)	After witnessing the 73 year old defendant-appellant emerge from area by the veterinary's dumpster holding an empty, wire cage animal trap, an employee of the clinic followed the defendant-appellant's car and obtained the vehicle's license plate number. Upon returning to the dumpster, the employee found a kitten with matted eyes that seemed unhealthy. The defendant-appellant was charged with one count of animal abandonment in violation of R.C. 959.01 and was found guilty. Defendant-appellant appealed her conviction and sentence on the grounds that the court erred in finding beyond a reasonable doubt that she was a keeper or, if she was a keeper, the court erred in determining that she abandoned the animal. The Ohio Court of Appeals held that once the defendant captured the animal in a cage, she assumed the responsibility that she would treat the animal humanely and could therefore be considered a “keeper.” Since Amos captured the animal and released it in another location without taking steps to make sure the animal would be found, the Ohio Court of Appeals also held that a reasonable person could have found beyond a reasonable doubt that the defendant-appellant had “abandoned” the animal. The judgment was therefore affirmed.
State v. Anello	Not Reported in N.E.2d, 2007 WL 2713802 (Ohio App. 5 Dist.)	In this Ohio case, after police received a complaint about possible neglect of dogs located in a barn, an officer went to investigate and entered the barn through an unlocked door. The Humane Society then assisted the department in seizing forty-two dogs. Defendant-Anello was convicted by jury of two counts of animal cruelty. On appeal, defendant contended that the trial court erred in denying the motion to suppress illegally obtained evidence: to wit, the dogs from the barn. The appellate court disagreed, finding that the barn was not included within the curtilage of the residence since it was leased by a different person than the owner of the house (who had moved out of state). Further, the plain view/exigent circumstances exceptions came into play where the officers heard barking, smelled "overwhelming" urine odors, and observed through a window seventeen animals confined in cages that were stacked three high while the temperature outside was eighty degrees with high humidity.
State v. Archer	--- So.3d ----, 2018 WL 6579053 (Fla. Dist. Ct. App. Dec. 14, 2018)	This appeal concerns the lower court's granting of a motion to suppress evidence in an animal cruelty case. In April of 2017, a Ponce Inlet Police Department officer responded to defendant's residence after receiving a call about possible animal abuse. The caller described hearing sounds of a dog yelping and being beaten. Upon arrival, Officer Bines heard dog commands and the sounds of "striking flesh." He then knocked on defendant Archer's front door and began speaking with him on the front porch. Officer Bines told Archer that he was there to investigate a complaint of possible animal abuse to which Archer acknowledged that his dog bit him after he disciplined the dog for making a mess, so he "hit him a couple times." The officer then told Archer he had "probable cause" to enter the house or he could seek a warrant. Ultimately, Bines followed Archer to the backyard where Archer pointed to a dog in the corner that had its tongue out and was bloodied. Shortly thereafter, Bines determined the dog was dead. Archer was then cuffed and advised of his Miranda rights. After placing Archer in the police vehicle, Bines and other officers re-entered the home and yard to take pictures of the crime scene and to secure the canine's remains. After being charged with violating the cruelty to animals law (Section 828.12), Archer moved to suppress the evidence obtained from the warrantless entry of his home. The trial court granted and denied the motion in part, finding that while there were exigent circumstances to justify the warrantless entry, the exigency was over once it was determined that the dog was dead. The State of Florida appeals here. The appellate court first noted that while warrantless searches of homes are presumed illegal, an officer may enter when there are exigent circumstances including medical emergencies related to animals. Despite Archer's attempts to distinguish the instant facts from previous cases because there were no signs of blood or smells to indicate an emergency, the totality of the facts showed police received a call of animal cruelty in progress and the Officer Bines heard sounds of striking flesh. In addition, Archer advised Bines that he had struck the dog. Thus, the court found the officer "had reasonable

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		grounds to believe that there was an urgent and immediate need to check on the safety and well-being of the dog and to connect the feared emergency to the house that they entered." As to suppression of the evidence found in plain view after entry onto the property, the appellate court also found the lower court erred in its decision. Under existing case law, once entry is allowed based on exigent circumstances, items found in plain view may be lawfully seized. The officer saw the dog in the corner before he knew the dog was dead, and thus, the exigency still existed. With respect to the photographs taken and the bodycam footage, the court held that re-entry into the home after Archer was in the patrol car did not require a warrant. Once an exigency that justified a warrantless search is over, law enforcement cannot go back and conduct further searches. However, in this case, the re-entry into Archer's house was a continuation of photographing evidence that was already found in plain view while the exigency existed (e.g., before the officers knew the dog was dead). The motion to suppress was affirmed in part and reversed in part.
State v. Avella	--- So.3d ----, 2019 WL 2552529 (Fla. Dist. Ct. App. June 21, 2019)	The Defendant was charged with practicing veterinary medicine without a license and for cruelty to animals. The Defendant made a homemade device attempting to treat his dog for a problem because he did not have the money to take his dog to the vet. The home treatment ended up injuring the dog and he took the dog to a veterinarian for treatment. The veterinarian stated that the dog needed to be taken to an advanced care veterinary facility, however, the Defendant could not do so due to lack of funds. The trial court dismissed the charges brought against the Defendant and the State of Florida appealed. Florida law forbids a person from practicing veterinary medicine without a license. The Defendant was not a veterinarian. The Defendant relied upon statutory exemptions in Florida's statue that permit a person to care for his or her own animals and claims that he was just trying to help his dog, Thor. The Defendant also argued that the purpose of the statute was to prevent unlicensed veterinary care provided to the public rather than to criminalize the care an owner provides to his or her animals. The Court held that the trial court did not err in dismissing Count I for unlicensed practice of veterinary medicine given the stated purpose of the statute and the statutory exemptions. As for Count II, animal cruelty, the State argued that the Defendant's conduct in using a homemade tool to remove bone fragments from the dog's rectum and then failing to take the dog to an advanced care clinic fits under the Florida animal cruelty statute. Although the Defendant argued that he had no intention of inflicting pain upon his dog and was only trying to help him, the Court agreed with the State's argument that "the statute does not require a specific intent to cause pain but punishes an intentional act that results in the excessive infliction of unnecessary pain or suffering." Ultimately the Court affirmed the trial court's dismissal of Count I, reversed the trial court's dismissal of Count II and remanded for further proceedings on the animal cruelty charge.
State v. Avery	State v. Avery, 44 N.H. 392 (1862)	The Defedant was convicted of the charge of cruelty to animals for the beating of his own horse. The Defendant appealed this descision to the Supreme Court of New Hampshire on two grounds. First, the lower court failed to instructe the jury that intoxication was a defense to the charge. Second, the lower court instructed the jury that the beating of an animal for training may at some point become malicious and illegal under that statute. The Court held the lower court was not in error and affirmed the decision.
State v. Beekman	State v. Beckman, 27 N.J.L. 124 (1858)	The defendant was convicted, in the Somerset Oyer and Terminer, of malicious mischief. The indictment charges that the defendant unlawfully, willfully, and maliciously did wound one cow, of the value of $ 50, of the goods and chattels of J. C. T. The defendant appealed the conviction contending that the act charged in the indictment didn't constitute an indictable offence in this state. The Court held that the facts charged in this indictment constitute no indictable offence, and the Court of Over and Terminer should be advised accordingly.

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State v. Betts	397 S.W.3d 198 (Tex. Crim. App. 2013)	This Texas case represents the State's discretionary petition for review after the lower court and Waco Court of Appeals granted defendant's motion to suppress evidence. The evidence at issue involved the seizure of defendant's 13 dogs from his aunt's backyard property, which then led to his indictment on felony cruelty to animals. As to the first issue, this court found that defendant has a reasonable expectation of privacy in his aunt's backyard despite the fact he did not have an ownership interest. Secondly, the court found that the officers were not authorized by the plain view doctrine to make a warrantless entry into the backyard to seize the dogs. Finally, the court found that the community caretaking doctrine was not argued by the State at trial or at the court of appeals; thus, the State was barred from advancing that argument in this appeal.
State v. Branstetter	29 P.3d 1121 (Or. 2001)	In a state prosecution for animal neglect, the trial court ordered forfeiture of the animals to a humane agency. An appeal by the owner of the animals was dismissed by the Court of Appeals for lack of jurisdiction. The Oregon Supreme Court reversed the lower courts and held that the statutes controlling appealable judgments allowed the animal owner to appeal the forfeiture of the animals.
State v. Browning	State v. Browning, 50 S.E. 185 (S.C. 1905).	The defendant was convicted of cruelty to animals for the overworking of his mule. The defendant appealed the desicision by the lower court to the circuit court. The circuit court affirmed the lower court and the defendant agained appealed. The Supreme Court of South Carolina held that jursidiction was proper against the defendant and the evidence supported a finding of ownership by the defendant. Thus, the Court affirmed the lower court's decision.
State v. Bruner	State v. Bruner 12 N.E. 103 (Ind. 1887).	The Defendant was charged with unlawfully and cruelly torturing, tormenting, and needlessly mutilating a goose under Ind. Rev. Stat. § 2101 (1881). At issue was the ownership status of the goose. The affidavit alleged that the goose was the property of an unknown person, and thus was the equivalent of an averment that the goose was a domestic fowl, as required by Ind. Rev. Stat. § 2101 (1881). The court noted that whenever the ownership of the animal is charged, such ownership becomes a matter of description and must be proved as alleged. Interestingly, the court in this case also observed that there is "a well defined difference between the offence of malicious or mischievous injury to property and that of cruelty to animals," with the latter only becoming an indictable offense within recent years. The Supreme Court held that the motion to quash should have been overruled and reversed and remanded the case for further proceedings.
State v. Butler	175 N.H. 444, 293 A.3d 191 (2022)	Defendant Kevin Butler was convicted of criminal negligence after he left his dog inside a parked vehicle for 45 minutes when the temperature was over 90 degrees outside. The charge came after a neighbor noticed a dog in the vehicle that was "scratching at the windows and the door" and appeared to be in distress. After calling the police, an animal control officer removed the animal from the unlocked car and transported the distressed dog to a local veterinary clinic. At trial, the defendant testified that he was out running errands on a "very hot" day, and asked his son to get the dog out of the car as Defendant's hands were full. An important phone call distracted him from following up on the dog's removal and only after the police knocked on his door did he realize the dog must still be in the car. On appeal here, Defendant contends that the evidence was insufficient to establish the mens rea of criminal negligence for both charges. The State must prove that a defendant “fail[ed] to become aware of a substantial and unjustifiable risk that the material element exists or will result from his conduct" and that this risk constitutes a gross deviation from conduct performed by a reasonable person. Here, the court found that the record supports the trial court's conclusion that the defendant failed to become aware of a substantial and unjustifiable risk that the dog would overheat in the car and that his failure to perceive this risk constituted a gross deviation from reasonable care. The temperature was high that day, the car was parked in direct sunlight with all the windows up, and the dog was left for around an hour. The fact

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		that Defendant relied upon his 8-year-old son to remove the dog under these circumstances constituted a gross deviation from reasonable care. This was not "mere inattention" as Defendant claimed. The conviction was affirmed.
State v. Chilinski	330 P.3d 1169 (Mont. 2014)	After a call reporting the poor health of over 100 dogs at a large Malamute breeding operation and the recruitment of the Humane Society of the United States, including several volunteers, to help execute a warrant, defendant was charged with one misdemeanor count of cruelty to animals and 91 counts of felony cruelty to animals pursuant to § 45–8–211, MCA. Defendant was convicted by a jury of 91 counts of animal cruelty and sentenced to the Department of Corrections for a total of 30 years with 25 years suspended. A prohibition from possessing any animals while on probation was also imposed on the defendant, as well as an order to forfeit every seized dog and all puppies born after the execution of the warrant. On appeal to the Supreme Court of Montana, defendant argued the District Court erred in denying his motion to suppress the evidence obtained from the search on Fourth Amendment grounds. The Supreme Court held, however, that the search warrant authorizing seizure of “any and all dogs” and “any and all records pertaining to dogs” was not impermissibly overbroad; that the participation by civilian volunteers and Humane Society personnel in execution the warrant was not prohibited by the Fourth Amendment or the Montana Constitution; and that the use of civilian volunteers to assist in execution of search did not violate defendant's right to privacy. The Supreme Court therefore held that the lower court did not err in denying the motion to suppress the evidence. Next, the defendant argued that the District Court abused its discretion when it improperly determined that the results of an investigation of his kennels in 2009 were irrelevant pursuant to M.R. Evid. 403. The court, however, agreed with the District Court, despite defendant's claim that 2009 inspection would show that the poor conditions of the kennels and the dogs in 2011 were justified due to economic hardship and health issues. Finally, defendant argued that the District Court was not authorized to order forfeiture of the defendant’s dogs that were not identified as victims of animal cruelty. The Supreme Court, however, held that the statute authorizing forfeiture of “any animal affected” as part of sentence for animal cruelty did not limit forfeiture of defendant's dogs to only those that served as basis for underlying charges, nor did it implicate the defendant's right to jury trial under the Apprendi case. The Supreme Court therefore held that the District Court did not abuse its discretion in requiring the defendant to forfeit all of his dogs. The lower court’s decision was affirmed.
State v. Claiborne	State v. Claiborne, 505 P.2d 732 (Kan. 1973)	Animals -- *Cruelty to Animals -- Cockfighting -- Gamecocks Not Animals -- No Statutory Prohibition Against Cockfights -- Statute Not Vague.* In an action filed pursuant to K. S. A. 60-1701 in which the state seeks a construction of K. S. A. 1972 Supp. 21-4310 (cruelty to animals) making its provisions applicable to cockfighting, the record is examined and for reasons appearing in the opinion it is *held:* (1) Gamecocks are not animals within the meaning or contemplation of the statute. (2) There is no clear legislative intent that gamecocks be included within the category of animals protected by the statute. (3) The statute does not apply to or prohibit the conducting of cockfights. (4) As construed, the statute is not so vague, indefinite and uncertain as to violate the requirements of due process.
State v. Cleve	980 P.2d 23 (N.M. 1999)	Defendant was convicted of two counts of cruelty to animals, two counts of unlawful hunting, and negligent use of firearm. On appeal, the Supreme Court held that "any animal," within meaning of animal cruelty statute, applied only to domesticated animals and wild animals previously reduced to captivity, and thus, the animal cruelty statute did not apply to defendant's conduct in snaring two deer. The court also held that even if the Legislature had intended to protect wild animals in Section 30-18-1, New Mexico's laws governing hunting and fishing preempt the application of Section 30-18-1 to the taking of deer by Cleve in this case.
State v. Cochran	365 S.W.3d 628 (Mo.App. W.D., 2012)	Prompted by a phone call to make a return visit to the defendant's house, the Missouri Department of Agriculture and Animal Control were asked, by the defendant, to wait at the door. After waiting by the door for some time, the officers

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		discovered the defendant in the backyard, where she housed at least eleven dogs, trying to remove dog excrement from a pen and trying to remove ice from dog bowls. After further investigation, the defendant was charged with one count of animal abuse and with one count of violating a city ordinance for failure to vaccinate. At the trial, the defendant was convicted on both accounts. On appeal, however, the defendant was found guilty of animal abuse, but was cleared from the ordinance violation.
State v. Criswell	305 P.3d 760 (Mont.,2013)	Defendants were convicted of aggravated animal cruelty for subjecting ten or more animals (cats) to mistreatment or neglect by confining them in a cruel manner and/or failing to provide adequate food and water. On appeal, defendants raise two main issues: (1) whether the State presented sufficient evidence and (2) whether the District Court abused its discretion in denying their motions for mistrial. As to the sufficiency argument, the Supreme Court held that the testimony from veterinary experts as well as the individuals involved in the rescue of the 400-plus cats removed from the three travel trailers was sufficient. On the mistrial issue, the Supreme Court agreed with the District Court that the remarks were improper. However, there was no abuse of discretion by the trial court's ruling that the comments were not so egregious to render the jury incapable of weighing the evidence fairly.
State v. Crosswhite	273 Or. App. 605 (2015)	After being tipped off about a dog fight, authorities seized several dogs from a home. Defendant was charged with one count of second-degree animal abuse and four counts of second-degree animal neglect. After the presentation of the state's evidence in circuit court, defendant moved for a judgment of acquittal on all counts, arguing, as to second-degree animal neglect, that the state had failed to present sufficient evidence from which a jury could conclude that defendant had custody or control over the dogs. Circuit court denied the motion and defendant was convicted on all counts. Defendant appealed the denial of the motion, again arguing that the state failed to prove that he had “custody or control” over the dogs. The appeals court concluded that the plain text and context of ORS 167.325(1), together with the legislature's use of the same term in a similar statute, demonstrated that the legislature intended the term “control” to include someone who had the authority to guide or manage an animal or who directed or restrained the animal, regardless if the person owned the animal. Given the facts of the case, the court concluded that based on that evidence, a reasonable juror could find that defendant had control over the dogs, and the trial court had not erred in denying defendant’s motion for judgment of acquittal.
State v. Crow	429 P.3d 1053 (2018)	This Oregon case discusses whether 11 miniature horses, multiple cats, and a dog are separate victims for purposes of merger into one conviction. Defendant appeals a judgment of conviction for 13 counts of unlawful possession of an animal by a person previously convicted of second-degree animal neglect. The facts are not at issue: Defendant was previously convicted of multiple counts of second-degree animal neglect involving dogs and miniature horses and was subsequently found to be in possession of those animals. On appeal, defendant's primary argument is that "the public is the single collective victim" for purposes of the violation, so the trial court erred in entering 13 separate convictions for unlawful possession of an animal. In support, defendant analogizes it to unlawful possession of a firearm by a felon, where the public is deemed the collective victim for purposes of merger. The State counters with the fact animals are living beings, unlike firearms, and that living beings can be victims of crimes. Further, the State contends that the language of ORS 161.067(2) and legislative history demonstrate an intent to protect individual animal victims. The court found that the text of statute shows an intent to protect individual animals of the same genus as previous crimes rather than protection of the public, generally. The court was not persuaded by defendant's contention that established links between animal cruelty and domestic violence show that the legislature intended to protect the public rather than individual animals when it enacted ORS 167.332(1). Legislative testimony for amendments to ORS 167.332 from animal experts detailed how difficult it was for

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		judges to impose bans on possession before the passage of the amendment due to the way the law was previously written. Thus, the court concluded that the principal purpose of ORS 167.332(1) was to protect individual animals from further abuse and neglect, and to deter animal abuse and neglect where those individuals convicted show "an identifiable threat to a particular genus of animal." Here, in defendant's case, the trial court did not err when it entered 13 separate convictions for unlawful possession of an animal. Affirmed.
State v. Dan	20 P.3d 829 (Or. 2001)	This is an appeal of a circuit court decision in an aggravated animal abuse case. A defendant was convicted in circuit court of aggravated animal abuse and other charges. On appeal, the Court of Appeals held that the defendant's testimony that he loved his children more than the dog he shot was not evidence of his character, thus the evidence offered by the state in rebuttal (that the defendant assaulted his spouse) was not admissible and not harmless error by the trial court.
State v. Davidson	Slip Copy, 2006 WL 763082 (Ohio App. 11 Dist.), 2006-Ohio-1458	In this Ohio case, defendant was convicted of 10 counts of cruelty to animals resulting from her neglect of several dogs and horses in her barn. On appeal, defendant argued that the evidence was insufficient where the prosecution witness did not state the dogs were "malnourished" and said that a couple were reasonably healthy. The appellate court disagreed, finding that defendant mischaracterized the veterinarian's testimony and that there was no requirement to prove malnourishment. Further, the dog warden testified that she did not find any food or water in the barn and that the animals' bowls were covered with mud and feces.
State v. DeMarco	5 A.3d 527 (Conn.App., 2010)	Defendant appeals his conviction of two counts of cruelty to animals—specifically, cruelty to several dogs found within his home. Evidence supporting the conviction came from a warrantless entry into defendant's home after police found it necessary to do a "welfare check" based on an overflowing mailbox, 10-day notices on the door, and a "horrible odor" emanating from the home. In reversing the convictions, the appellate court determined that the facts did not suggest that defendant or the dogs were in *immediate* danger supporting the emergency exception to the warrant requirement of the Fourth Amendment.
State v. Dicke	258 Or. App. 678, 310 P.3d 1170 review allowed, 354 Or. 597, 318 P.3d 749 (2013)	This case is the companion case to State v. Fessenden,258 Or. App. 639, 310 P.3d 1163 (2013) review allowed, 354 Or. 597, 318 P.3d 749 (2013) and aff'd, 355 Or. 759, 333 P.3d 278 (2014). Defendant was convicted of first-degree animal abuse, ORS 167.320, in association with having allowed her horse to become so severely emaciated that it was at imminent risk of dying. On appeal, defendant challenged the trial court's denial of her motion to suppress evidence obtained through a warrantless search of the horse. In affirming the lower court, this court found that the warrant exception that allows officers to assist seriously injured people extends to animals under certain circumstances. Citing Fessenden, this court found that a warrantless seizure will be valid when officers have "objectively reasonable belief, based on articulable facts, that the search or seizure is necessary to render immediate aid or assistance to animals that have suffered, or which are imminently threatened with suffering . . ."
State v. Fackrell	277 S.W.3d 859 (Mo.App. S.D.,2009)	In this Missouri case, defendant appealed her conviction for animal abuse. The facts underlying defendant's conviction involve her care of her dog from July 2004 to December 2004. When defendant's estranged husband stopped by her house to drop off their children for visitation in December, he noticed that the dog was very sick and offered to take the dog to the vet after defendant stated she could not afford a vet bill. Because it was the worst case the vet had seen in twenty-seven years of practice, he contacted law enforcement. On appeal, defendant claimed that there was insufficient evidence presented that she “knowingly” failed to provide adequate care for Annie. The court disagreed. Under MO ST 578.012.1(3), a person is guilty of animal abuse when he or she fails to provide adequate care including "health care as necessary to maintain good health." Evidence showed

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		that defendant was aware of the fact the dog was sick over the course of several months and even thought the dog had cancer.
State v. Fay	248 A.3d 1191 (N.H. Dec. 2, 2020)	In this New Hampshire case, Christina Fay appeals her convictions on seventeen counts of cruelty to animals. In 2017, a search warrant executed at her residence resulted in the seizure of over 70 Great Danes. Police learned of the conditions at defendant's residence from defendant's prior employees, who gave accounts of floors covered in layers of feces, dogs being fed maggot-infested raw chicken, and dogs present with injuries/illness. After conducting an investigation, the investigating Wolfeboro's police officer (Strauch) partnered with HSUS because the department did not have the resources to handle a large-scale animal law seizure. Strauch did not include in his affidavit supporting the search warrant's issuance that HSUS would be assisting the police, and the warrant itself did not explicitly state that HSUS was permitted to assist in its execution. On appeal, the defendant argues that the trial court erred in denying her motion to suppress by violating two of her constitutional rights: her right to be free from unreasonable searches and seizures and her right to privacy. As to the right to privacy argument, the court first noted that defendant grounded her argument in a recently enacted amendment to the state constitution. However, this new amendment, which states that an individual's right to live free from governmental intrusion in private or personal information is natural, essential, and inherent, did not apply retroactively to defendant. As to defendant's second argument that she had a right to be free from unreasonable searches and seizures, the court noted that it has not previously considered the extent to which it is constitutionally reasonable for the police to involve civilians when executing search warrants. The defendant argues that Strauch's failure to obtain express authorization for HSUS's aid from the magistrate who issued the search warrant was constitutionally unreasonable. The court found no instance in which a court has held that the failure to obtain express judicial authorization for citizen aid prior to the execution of a warrant rendered the subsequent search unconstitutional. While other courts have opined that is might be a "better practice" to disclose this matter when applying to the magistrate for a search warrant, failure to do so does not itself violate the Fourth Amendment. The pertinent inquiry is whether the search was reasonable in its execution, and any citizen involvement would be held to that scrutiny. The court concluded that the state did not violate the constitution by failing to obtain authorization for HSUS's involvement prior to the warrant's execution. Affirmed.
State v. Fessenden	310 P.3d 1163 (Or.App., 2013), review allowed, 354 Or. 597, 318 P.3d 749 (2013) and aff'd, 355 Or. 759 (2014)	This Oregon case considers, as an issue of first impression, whether the emergency aid exception to the warrant requirement applies to animals in need of immediate assistance. Defendant appealed her conviction for second-degree animal neglect (ORS 167.325) based on the condition of her horse. The court found that the emergency aid exception extends to nonhuman animals when law enforcement officers have an objectively reasonable belief that the search or seizure is necessary to render immediate aid or assistance to animals which are imminently threatened with suffering, serious physical injury or cruel death. Here, the deputy sheriff found that the horse was more emaciated than any other horse he had ever seen and there were signs of possible organ failure.
State v. Fifteen Impounded Cats	785 N.W.2d 272 (S.D.,2010)	Under a statute that allowed an officer to impound animals without a warrant if exigent circumstances exist, fifteen unconfined cats, who were roaming around a vehicle, were impounded. At a hearing to ratify the impoundment, the court found a large number of unconfined cats that obstructed the defendant's view for driving constituted exigent circumstances under SDCL 40-1-5. After a motion was granted to transfer ownership of the cats to a local humane society for adoption, the defendant appealed. The appeals court affirmed the lower court’s decision.
State v. Fockler	480 P.3d 960 (Or.App., 2021)	Defendant appeals his conviction of animal abuse in the second degree (ORS 167.315). Neighbors witnessed him throwing his dog to the ground and called police. He argues that the trial court erred in admitting evidence that he previously

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		threw a cat to the ground 13-years prior to the current incident and submission of this evidence created unfair prejudice. The prosecution contended that this evidence was admitted for a noncharacter/nonpropsensity purpose under OEC 404(3) to establish defendant's subjective awareness of the risk of throwing pets the ground. On appeal, this court noted that animal abuse in the second degree requires the state to prove that defendant was “aware of and consciously disregard[ed] a substantial and unjustifiable risk.” At trial, the state introduced evidence that, in 2003, defendant threw a cat of his apartment window causing injury to the cat because it had defecated on the apartment floor. Defendant argued that there was an insufficient connection between the cat throwing incident and the current charge, and that the probative value of the evidence was at "best minimalistic." However, this court found that the cat throwing evidence was offered for a nonpropensity purpose of knowledge where it was reasonable to infer that defendant had a subjective awareness of the risks in throwing a pet to the ground. Therefore, the trial court did not err in determining that the evidence was relevant for the noncharacter purpose of establishing knowledge under OEC 404(3). The appellate court found that the lower court did not abuse its discretion in admitting the evidence after hearing both sides and weighing the appropriate factors. Affirmed.
State v. Gerard	832 N.W.2d 314 (Minn.App.,2013)	This case considers whether the trial court erred when it dismissed the felony count of unjustifiably killing an animal based on lack of probable cause. The incident stems from the killing of the neighbors' cat with a shotgun by defendant-respondent. At trial, he filed a motion to dismiss for lack of probable cause that was accompanied by a notarized affidavit of the responding police deputy stating the shooting of the cat was "justified." The trial court dismissed the complaint finding insufficient evidence that respondent had unjustifiably killed the cat. On appeal, the court found the district court's reliance on the deputy's lay opinion was improper. The court found it was within the jury's province to determine whether respondent's actions were justified or unjustified based on the evidence at trial.
State v. Gerberding	767 S.E.2d 334 (N.C. Ct. App. 2014)	After stabbing and slicing a dog to death, defendant was indicted for felonious cruelty to animals and conspiracy to commit felonious cruelty to animals. She was tried and found guilty of both counts before a jury. The trial court sentenced defendant to a term of 5 to 15 months for the felonious cruelty to animal conviction, and 4 to 14 months for the conspiracy conviction with both sentences suspended for a term of 18 months probation. Defendant appealed on the basis that the trial court erred on its instructions to the jury. After careful consideration, the North Carolina Court of Appeals held that the trial court properly instructed the jury according to the North Carolina pattern jury instructions. Further, the trial court responded appropriately to the question posed by the jury regarding the jury instructions. Accordingly, the appeals court held that the defendant received a fair, error-free trial. Judge Ervin concurs in part and concurs in result in part by separate opinion.
State v. Gilchrist	418 P.3d 689 (Okla., 2017)	The Appellant State of Oklahoma appeals the Grant County District Court's granting of defendant's motion to quash counts 2-13 of Cruelty to Animals violation of 21 O.S.2011, § 1685. Defendant was charged with 13 counts of animal cruelty stemming from maltreatment of 13 dogs at his property. Evidence at the preliminary hearing showed that two of the dogs were chained to small, metal shelters, and 11 were individually penned, all in 100 degree heat. No dogs had adequate water and rotting carcasses were found within reach of the dogs. According to responding veterinarians, all dogs were extremely dehydrated and in need of immediate medical care and one dog had gone into shock (it later died). Most of the dogs were malnourished and poorly conditioned with parasite-infested wounds. At district court, defendant argued that he could only be charged with a single count of Cruelty to Animals because the dogs were found all in one location and had been abandoned for approximately the same time period. The district court acquiesced and granted defendant's motion to quash, finding no caselaw on point. On appeal, the Supreme Court found the district court's interpretation of 21 O.S.2011, § 1685 wrong as a matter of law. The section repeatedly use the phrase "any animal" to

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		show that the intent to address acts of abuse against any particular animal. The Court observed that the state filed a count for each of the dogs at defendant's property because each dog needed to be separately fed and watered. "Gilchrist deprived all thirteen dogs of the food, water and shelter necessary to avoid the grotesque suffering observed at the scene." Thus, the Court found the district court abused its discretion in granting defendant's motion to quash.
State v. Goodall	175 P. 857 (Or. 1918)	This case involved an appeal from this conviction. The trial court found that the defendant rode the animal while it had a deep ulcerated cut on its back, and supplied it with insufficient food. The Oregon Supreme Court affirmed the conviction.
State v. Graves	Slip Copy, 2017 WL 3129373 (Ohio Ct. App., 2017)	In this Ohio case, defendant Graves appeals his misdemeanor cruelty to animals conviction under R.C. 959.13(A)(3). The conviction stems from an incident in 2016 where Graves left his dog in locked and sealed van while he went into a grocery store. According to the facts, the van was turned off in an unshaded spot with windows closed on a 90+ degree day. Witnesses at the scene called police after they engaged in an unsuccessful attempt to get defendant to leave the store. In total, the dog spent about 40-45 minutes locked in the van. Graves was issued a citation for cruelty to animals and later convicted at a bench trial. On appeal, Graves first asserts that R.C. 959.13(A)(3) is unconstitutional because the statute is void for vagueness as applied to him and overbroad. This court found that the definition of cruelty was not so unclear that it could not be reasonably understood by Graves. The court was unconvinced by appellant's arguments that the statute provided insufficient guidance to citizens, and left open relevant question such as length of time a dog can be left unattended, exact weather conditions, and issues of the size of dogs left in vehicles. The court noted that most statutes deal with "unforeseen circumstances" and do not spell out details with "scientific precision." In fact, the court noted "[t]he danger of leaving an animal locked in a sealed vehicle in hot and humid conditions is well-known." Additionally, the court did not find the law to be overbroad, as defendant's right to travel was not infringed by the law. Finally, defendant contends that his conviction was against the manifest weight of the evidence. In rejecting this argument, the court found Graves acted recklessly under the law based on the hot and humid weather conditions and the fact that humans outside the van were experiencing the effects of extreme heat. Thus, the lower court's judgment was affirmed.
State v. Griffin	684 P.2d 32 (Or. 1984)	Appeal of a conviction in district court for cruelty to animals. Defendant was convicted of cruelty to animals after having been found to have recklessly caused and allowed his dog to kill two cats, and he appealed. The Court of Appeals held that forfeiture of defendant's dog was an impermissible condition of probation.
State v. Gruntz	273 P.3d 183 review denied (Or.App.,2012)	Defendant moved to suppress evidence after being charged with multiple counts of animal neglect. The Court of Appeals held that the warrant affidavit permitted reasonable inference that neglect continued to exist at time of warrant application. The warrant affiant stated her observations four months prior to the warrant application that horses appeared to be malnourished and severely underweight.
State v. Hackett	502 P.3d 228 (2021)	Defendant was convicted of second-degree animal abuse, among other crimes. On appeal, he argues that the trial court erred when it denied his motion for judgment of acquittal (MJOA) and imposed fines (in addition to incarceration) without first determining his ability to pay. The conviction was supported by testimony at trial from two witnesses, a mother and her daughter. The daughter was visiting her mother and heard a dog "yike" in pain outside while she was at her mother's house. She thought a dog may have been hit by a car, so she went outside where she observed defendant and his dog Bosco. The dog was whimpering and laying in submission as the defendant hit the dog. Then, after going inside briefly to call police, the witness returned outside to see defendant was "just going to town and beating the dog" and throwing rocks at the dog to the point where the witness was

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		concerned for the dog's life. On appeal, defendant contends that the trial court erred on the second-degree animal abuse charge because the evidence did not permit a rational inference that Bosco experienced "substantial pain" as required by the statute. The court, in a matter of first impression, examined whether Bosco experienced substantial pain. Both the state and defendant acknowledged that appellate courts have not yet interpreted the meaning of "substantial pain" for animal victims, so both parties rely on cases involving human victims. Defendant suggests that Bosco did not experience a significant duration of pain to permit a finding of substantial pain. The court disagreed, analogizing with cases where a human victim could not testify concerning the pain. Thus, the court concluded that the evidence supported a reasonable inference that Bosco's pain was not "fleeting" or "momentary." Not only did the witnesses see the defendant kick and pelt the dog with rocks, but one witness left to phone police and returned to find the defendant still abusing the dog. As to the fines, the court found that the trial court did err in ordering payment of fines within 30-days without making an assessment of defendant's ability to pay. Thus, the the trial court did not err in denying defendant's MJOA, but the matter was remanded for entry of judgment that omitted the "due in 30 days" for the fines.
State v. Hammond	569 S.W.3d 21 (Mo. Ct. App. Nov. 13, 2018)	Defendant Hammond appeals his conviction for misdemeanor animal abuse in violation of § 578.012. The facts underlying the conviction stem from defendant's conduct with a horse. In 2016, police were dispatched to a horse that was "down" on a road. The officer observed multiple injuries on the horse's hooves, fetlocks, and lower legs. Its hooves were severely abraded, which was confirmed by subsequent veterinary examination. Another officer observed markings on the road indicative of a "blood trail" from defendant's residence to the location of the horse. According to this officer, defendant told him that he had been "doing farrier stuff to his horses and this particular horse had broke away from them five times and broke a couple of lead lines, burned some people's hands, and that he was going to teach the horse a lesson." Ultimately, the officers were able to get the horse to stand and loaded into a trailer. It later died at the animal clinic to where it was taken. Defendant was charged with felony animal abuse and a jury trial was held. The jury convicted defendant of the lesser-included misdemeanor animal abuse. On appeal, defendant argues that the trial court erred by refusing to allow his counsel to read Missouri's right-to-farm amendment when it instructed the jury on the amendment. The court noted that, similar to a prior case evoking the right-to-farm amendment, the amendment itself was not intended to nullify or curtail longstanding laws. The prohibition against animal cruelty existed in some form in the Missouri code for 145 years. Further, the court disagreed with defendant's contention that his prosecution criminalized a legitimate farming practice. The jury convicted defendant based on a finding that, when he pulled the horse behind his truck, his conscious object was to cause injury or suffering to the horse. While defendant contends that his was employing a legitimate, established farming technique to "train" the horse, the jury rejected his claim. Defendant's claim on appeal that the animal abuse law could then be used to prosecute farmers for other legitimate farming activities (i.e., branding, castration, use of whips, etc.) was also rejected. The court found that the conscious object of such activities is not to inflect pain or suffering, but to achieve another goal. The pain is "incidental to the farmer's legitimate objectives." The jury found this not to be the case with defendant. Thus, the circuit court did not abuse its discretion when it refused to allow Hammond to read the right-to-farm amendment to the jury, and when it refused to instruct the jury on the amendment's terms. Affirmed.
State v. Hershey	515 P.3d 899 (2022)	Defendant's animals (22 dogs, three horses, and seven chickens) were impounded in 2017 after he was charged with second-degree animal neglect. The district attorney asked the court for immediate forfeiture of the animals or for defendant to post a bond for care within 72 hours of a hearing on the matter. In response, defendant filed a motion for jury trial. The lower court denied defendant's motion and the court of appeals affirmed the ruling. Here, the Oregon Supreme court considers whether a special statutory proceeding brought under ORS 167.347 provides a right to a jury trial in accordance with Article I, section 17, of the Oregon Constitution. The Court first looked at the nature of the relief in the statute insofar

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		as whether such relief is equitable or legal. The Court found the purpose of the statute is mainly to provide unjust enrichment of the owner when the owner does not pay for the costs of their animals' care. As such, the court found the relief was equitable in nature. This was supported by examining the legislative history, which revealed the law was enacted in the wake of one county incurring approximately $100,000 in a large animal abuse case. In addition, the Court found the instant statute similar in nature to laws related to costs care of institutionalized humans in the early 20th Century. Those proceedings to enforce payment of the legal obligation to care for someone under government care were determined not to require jury trials. The court rejected defendant's reliance on two cases dealing with in rem civil forfeiture in a criminal proceeding as the purpose of those actions are to impose consequences for past conduct rather than prevent inequitable shifting of costs of care. The purpose of ORS 167.347 is to equitably share costs between the county and the defendant and to protect against unjust enrichment of defendant. The decision of the Court of Appeals and the order of the circuit court were affirmed.
State v. Jallow	16 Wash. App. 2d 625, 482 P.3d 959 (2021)	Defendant Jallow appeals his conviction of two counts of animal cruelty in the first degree, arguing that (1) the evidence was insufficient to convict him of animal cruelty, (2) the to-convict instruction omitted the element of causation, thus relieving the State of its burden of proof, and (3) because animal cruelty is an alternative means crime, violation of the unanimous jury verdict requires reversal of one of the animal cruelty convictions. The cruelty convictions stemmed from events first occurring in late 2016. An animal control officer (Davis) received a report on sheep and goats at defendant's property that were in poor condition. On the officer's second documented visit, he observed a a lifeless sheep. On a subsequent visit, the officer took a sheep that a neighbor has wrapped in a blanket to a local veterinarian who scored it very low on a health scale and ultimately had to euthanize the animal. After a couple more visits to bring food and monitor the animals, and after no contact from Jallow despite requests, Davis returned with a search warrant to seize the animals. Jallow was charged with three counts of first degree cruelty to animals and one count of bail jumping. At trial, Jallow contended that he contracted with another person (Jabang) to care for the animals after he went on an extended trip in October of 2016. After hearing testimony from both Jallow and Jabang (hired to care for the animals), Jallow was ultimately convicted of first degree cruelty. On appeal, Jallow first argued that there was insufficient evidence to support his conviction and that he was not criminally negligent because he arranged for someone else to care for the animals. However, the evidence showed that despite being aware that his caretaker was not providing sufficient care, Jallow continued to rely on him and did not take further action. The court noted that a reasonable person in this situation would have found an alternate caretaker. "Although Jallow himself was not neglecting to feed and water the animals, he was directly responsible for not ensuring that his animals were properly cared for. Because any rational trier of fact could have found that Jallow acted with criminal negligence, sufficient evidence supported his conviction." As to Jallow's contention that the jury instruction was incorrect, the appellate court agreed. The omission of the language "as a result causes" removed an essential element of the crime and did not allow Jallow to pursue his theory that it was his employee Jabang's intervening actions that caused the injury to the sheep. Finally, defendant argued on appeal that first degree animal cruelty is an alternative means crime and thus, the trial court committed instructional error when it did not give particularized expressions of jury unanimity on each alternative means for commission of the crime. Notably, at the prosecution's urging, the court ultimately held that the previous case that held first degree animal cruelty is an alternative means crime was wrongly decided. However, the two instructional errors necessitated reversal of Jallow's conviction here. Reversed.
State v. Jensen	Not Reported in N.W.2d, 2015 WL 7261420 (Neb. Ct. App. Nov. 17, 2015)	Defendant was convicted of convicted of two counts of mistreatment of a livestock animal in violation of Neb.Rev.Stat. § 54–903(2) (Reissue 2010) and four counts of neglect of a livestock animal in violation of § 54–903(1). Defendant owned and maintained a herd of over 100 horses in Burt County, Nebraska. After receiving complaints, the local sheriff's office investigated the herd. An expert veterinarian

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		witness at trial testified that approximately 30% of the herd scored very low on the scale measuring a horse's condition and there were several deceased horses found with the herd. On appeal, defendant argued that there was insufficient evidence to support several of his convictions. Specifically, defendant challenged whether the state proved causation and intent under the statute. The court found that the prosecution proved through testimony that defendant caused the death of the horses subject to two of the convictions. With regard to intent, the court found that the evidence showed it would have taken weeks or month for a horse to reach to the low levels on the scale. The court found that defendant was aware of the declining condition of the herd over a significant amount of time, and failed to adequately feed, water, or provide necessary care to his horses. The convictions were affirmed.
State v. Josephs	328 Conn. 21, 176 A.3d 542 (2018)	In this Connecticut case, defendant, Delano Josephs appeals his judgment of conviction of a single violation of § 53–247(a). The incident stems from Defendant's shooting of his neighbor's cat with a BB gun. A witness heard the discharge of the BB gun, then saw a man he recognized as defendant walking with a BB gun in his hands in a "stalking" manner. Over a week later, defendant's neighbor noticed blood on her cat's shoulder and brought her cat to the veterinarian who found three or four metal objects that resembled BBs near the cat's spine. After receiving this diagnosis, the cat's owner reported to police that her neighbor was "shooting her cats." Animal control officers then interviewed defendant who admitted he has a BB gun and shoots at cats to scare them away, but "he had no means of hurting any cats." At the trial level, defendant raised the argument that § 53–247(a) requires specific intent to harm an animal. The trial court disagreed, finding the statute requires only a general intent to engage in the conduct. On appeal, defendant argues that since he was convicted under the "unjustifiably injures" portion of § 53–247(a), the trial court applied the wrong mens rea for the crime. In reviewing the statute, this court observed that the use of the term "unjustifiably" by the legislature is meant to distinguish that section from the section that says "intentionally." Thus, the legislature use of two different terms within the same subsection convinced the court that clause under which defendant was convicted is only a general intent crime. On defendant's void for vagueness challenge, the court found that this unpreserved error did not deprive him of a fair trial. A person of ordinary intelligence would understand that shooting a cat for trespassing is not a justifiable act. While the court agreed with defendant that "unjustifiably injures" is susceptible to other interpretations, in the instant case, defendant conduct in killing a companion animal is not permitted under this or other related laws. The judgment was affirmed.
State v. Kess	Not Reported in A.2d, 2008 WL 2677857 (N.J.Super.A.D.)	After receiving a call to investigate a complaint of the smell of dead bodies, a health department specialist found defendant burying sixteen to twenty-one garbage bags filled with decaying cats in her backyard (later investigations showed there were about 200 dead cats total). Defendant also housed 35-38 cats in her home, some of whom suffered from serious illnesses. Because the humane officer concluded that defendant failed to provide proper shelter for the cats by commingling the healthy and the sick ones, he charged her with thirty-eight counts of animal cruelty, in violation of N.J.S.A. 4:22-17, one for each of the thirty-eight cats found in her home. While defendant claimed that she was housing the cats and attempting to nurse them back to health so they could be adopted out, the court found sufficient evidence that "commingling sick animals with healthy ones and depriving them of ventilation when it is particularly hot inside is failing both directly and indirectly to provide proper shelter."
State v. Kingsbury	29 S.W.3d 202 (Texas 2004)	A cruelty to animals case. The State alleged that the appellees tortured four dogs by leaving them without food and water, resulting in their deaths. Examining section 42.09 of the Texas Penal Code, Cruelty to Animals, the Court found that “torture” did not include failure to provide necessary food, care, or shelter. The Court held that the criminal act of failing provide food, care and shelter does not constitute the felony offense of torture.

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State v. Kuenzi	796 N.W.2d 222 (WI. App,, 2011)	Defendants Rory and Robby Kuenzi charged a herd of 30 to 40 deer with their snowmobiles, cruelly killing four by running them over, dragging them, and leaving one tied to a tree to die. The two men were charged with a Class I felony under Wisconsin § 951.02, which prohibits any person from “treat[ing] any animal ... in a cruel manner.” The Court concluded that the definition of “animal” included non-captive wild animals and rejected the defendants’ argument that they were engaged in “hunting.” The court reinstated the charges against the men.
State v. Marcellino	149 N.E.3d 927 (Ohio App. 11 Dist., 2019)	Bianca Marcellino was charged and convicted of two counts of cruelty to animals after a search of her residence revealed two horses that were in need of emergency medical aid. Marcellino was ordered to pay restitution and she subsequently appealed. Marcellino argued that the trial court abused its discretion by denying the motion for a Franks hearing where there were affidavits demonstrating material false statements in the affidavit for the search warrant. The Court contended that the trial court did not err in failing to hold a Franks hearing because even if the Court sets aside the alleged false statements in the affidavit, there remained an overwhelming amount of sufficient statements to support a finding of probable cause. The Court also held that trial courts have the authority to order restitution only to the actual victims of an offense or survivors of the victim, therefore, the award of restitution to the humane society was not valid because humane societies are a governmental entity and cannot be victims of abuse. The Court ultimately affirmed the judgment of the municipal court and reversed and vacated the order of restitution.
State v. Marsh	State v. Marsh, 823 P.2d 823 (Kan. Ct. App. 1991)	Without defendant's consent or knowledge, a state animal inspector surveyed defendant's property on two occasions. Without prior notice to or consent of defendant, the State seized all of defendant's dogs. The court stated that warrantless searches and seizures had to be limited by order, statute, or regulation as to time, place, and scope in order to comport with the requirements of the Fourth Amendment. Because the Act and the order failed to so limit the search, the court concluded that it was unreasonable and unlawful.
State v. Mauer	688 S.E.2d 774 (N.C.App., 2010)	In this North Carolina case, Defendant appealed her conviction for misdemeanor animal cruelty. Defendant primarily argued that the “evidence failed to establish that mere exposure to the living conditions constituted torment as defined by § 14-306(c).” The Court disagreed, finding that the stench of defendant's residence required the fire department to bring breathing apparatus for the animal control officers and urine and feces coated "everything" in the house, including the cats, was sufficient to support a conclusion by a reasonable jury that defendant “tormented” cat C142, causing it unjustifiable pain or suffering. The Court, however, vacated the order of restitution for $ 259.22 and remanded for a hearing on the matter because there was no evidence presented at trial supporting the award.
State v. McDonald	110 P.3d 149 (Ut. 2005)	A woman was convicted of fifty-eight counts of animal cruelty after animal control officers found fifty-eight diseased cats in her trailer. The trial court sentenced the woman to ninety days of jail time for each count, but revised the sentence to include two days of jail time, two years of formal probation, and twelve and a half years of informal probation. The Court of Appeals affirmed the conviction, but found that fourteen and a half years probation exceeded the court's statutory authority.
State v. McIntosh	682 S.W.3d 449 (Mo. Ct. App. 2024)	This case is an appeal following the defendant's conviction of animal abuse and assault in the fourth degree. Defendant claimed that the trial court erred in convicting him of animal abuse due to insufficient evidence showing that he purposely caused suffering to the dog he allegedly abused. The event that led to defendant's conviction was witnessed by a neighbor, who saw the defendant in his backyard swinging a small dog through the air by its leash and collar. The neighbor

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		also saw defendant climb on top of the dog to choke it and slam its head into the ground. The neighbor testified at trial about these events, and the trial court found defendant guilty of animal abuse and assault in the fourth degree. The court of appeals held that there was sufficient evidence, consisting of the neighbor's testimony, and affirmed the judgment of the trial court.
State v. Meerdink	837 N.W.2d 681 (Table) (Iowa Ct. App. 2013)	After defendant/appellant took a baseball to the head of and consequently killed a 7-month-old puppy, the Iowa District Court of Scott County found defendant/appellant guilty of animal torture under Iowa Code section 717B.3A (1). Defendant/appellant appealed the district court's decision, arguing that the evidence shown was insufficient to support a finding he acted “with a depraved or sadistic intent,” as stated by Iowa statute. The appeals court agreed and reversed and remanded the case back to district court for dismissal. Judge Vaitheswaran authored a dissenting opinion.
State v. Milewski	194 So. 3d 376 (Fla. Dist. Ct. App. 2016), reh'g denied (June 3, 2016), review denied, No. SC16-1187, 2016 WL 6722865 (Fla. Nov. 15, 2016)	This Florida case involves the appeal of defendant's motion to suppress evidence in an animal cruelty case. Specifically, defendant Milewski challenged the evidence obtained during the necropsy of his puppy, alleging that he did not abandon his property interest in the body of the deceased dog because he thought the puppy's remains would be returned to him in the form of ashes. The necropsy showed that the puppy suffered a severe brain hemorrhage, extensive body bruises, and a separated spinal column that were consistent with severe physical abuse (which was later corroborated by Milewski's confession that he had thrown the dog). The trial court granted the motion to suppress and further found that law enforcement infringed on defendant's rights as the "patient's owner" when they interviewed the veterinarian and obtained veterinary records without consent or a subpoena, contrary to Florida law. On appeal, this court found that the Fourth Amendment does not extend to abandoned property. When Milewski abandoned his puppy's remains for the less-expensive "group cremation" at the vet's office, he gave up his expectation of privacy. As such, the court found that he was not deprived of his property without consent or due process when animal services seized the puppy's remains without a warrant. Further, this court found that there was no basis to suppress the veterinarian's voluntary statements about the puppy's condition or the necropsy report. The motion to suppress was reversed as to the doctor's statements/testimony and the evidence from the necropsy. The trial court's suppression of the hospital's medical records obtained without a subpoena was affirmed.

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State v. Morival	75 So.3d 810 (Fla.App. 2 Dist., 2011)	Defendant moved to dismiss charges of two felony counts of animal cruelty. The District Court of Appeal held that systematically depriving his dogs of nourishment was properly charged as felony animal cruelty rather than misdemeanor. Defendant fed his dogs so little that they suffered malnutrition over an extended period of time. This amounted to repeated infliction of unnecessary pain or suffering.
State v. Mortensen	191 P.3d 1097 (Hawai'i App., 2008)	Defendant found guilty of Cruelty to Animals under a State statute after firing a pellet gun at/toward a cat which was later found with and died from a fatal wound. On Defendant's appeal, the Intermediate Court of Appeals of Hawai'i affirmed the lower court's decision, finding that evidence that Defendant knowingly fired the pellet gun at a group of cats within the range of such a gun was sufficient to find that Defendant recklessly shot and killed the cat. In making its decision, the Court of Appeals further found that the legislature clearly did not intend for a cat to be considered vermin or a pest for purposes of the relevant State anti-cruelty statute's exception, and instead clearly intended for a cat to be considered a "pet animal."
State v. Mumme	29 So.3d 685 (La.App. 4 Cir.,2010.)	In this unpublished Louisiana case, the defendant was charged with "cruelty to an animal, to wit, a bat, belonging to Julian Mumme, by beating the animal with a bat causing the animal to be maimed and injured." After the first witness was sworn at trial, the State moved to amend the information to strike the phrase "to wit: a bat." On appeal, defendant alleged that this was improper, a mistrial should have been declared, and the State should be prohibited from trying him again. The Court of Appeal of Louisiana, Fourth Circuit disagreed with defendant, holding that the amendment corrected a defect of form, not a defect of substance (as allowed by La.C.Cr.P. art. 487), and that the trial court correctly allowed the bill to be amended during trial.
State v. Murphy	10 A.3d 697 (Me.,2010)	Defendant appeals her convictions for assault of an officer, refusing to submit to arrest, criminal use of an electronic weapon, and two counts of cruelty to animals. In October 2009, a state police trooper was dispatched to defendant's home to investigate complaints that she was keeping animals despite a lifetime ban imposed after her 2004 animal cruelty conviction. The appellate found each of her five claims frivolous, and instead directed its inquiry as to whether the trial court correctly refused recusal at defendant's request. This court found that the trial court acted with "commendable restraint and responsible concern for Murphy's fundamental rights," especially in light of defendant's outbursts and provocations.
State v. Neal	State v. Neal, 27 S.E. 81 (N.C. 1897)	The defendant was convicted under North Carolina's cruelty to animal statute for the killing of his neighbor's chickens. The defendant appealed to the Supreme Court because the trial court refused to give some of his instructions to the jury. The Supreme Court that the lower court was correct and affirmed.
State v. Nelson	219 P.3d 100 (Wash.App. Div. 3, 2009)	Defendants in this Washington case appeal their convictions of animal fighting and operating an unlicensed private kennel. They contend on appeal that the trial judge abused her discretion by allowing an expert from the Humane Society to render an opinion on whether the evidence showed that the defendants intended to engage in dogfighting exhibitions. The Court of Appeals held that the judge did not abuse her discretion in admitting the expert's opinion. The opinions offered by the expert were based on the evidence and the expert's years of experience. The court found that the expert's opinion was a fair summary and reflected the significance of the other evidence offered by the prosecution. Further, the expert's opinion was proffered to rebut defendants' contention that the circumstantial evidence (the veterinary drugs, training equipment, tattoos, etc.) showed only defendants' intent to enter the dogs in legal weight-pulling contests.

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		Defendants convictions for animal fighting and operating an unlicensed private kennel were affirmed.
State v. Newcomb	359 Or 756 (2016)	In this case, the Supreme Court of Oregon reviewed a case in which defendant accused the State of violating her constitutional rights by taking a blood sample of her dog without a warrant to do so. Ultimately, the court held that the defendant did not have a protected privacy interest in the dog's blood and therefore the state did not violate defendant's constitutional rights. Defendant's dog, Juno, was seized by the Humane Society after a worker made a visit to plaintiff's home and had probable cause to believe that Juno was emaciated from not receiving food from plaintiff. After Juno was seized and taken into custody for care, the veterinarian took a blood sample from Juno to confirm that there was no other medical reason as to why Juno was emaciated. Defendant argued that this blood test was a violation of her constitutional rights because the veterinarian did not have a warrant to perform the test. The court dismissed this argument and held that once Juno was taken into custody, defendant had "lost her rights of dominion and control over Juno, at least on a temporary basis." Finally, the court held that because Juno was lawfully seized and Juno's blood was "not 'information' that defendant placed in Juno for safekeeping or to conceal from view," defendant's constitutional rights had not been violated.
State v. Nix	283 P.3d 442 (Or.App., 2012)	Upon receiving a tip that animals were being neglected, police entered a farm and discovered several emaciated animals, as well as many rotting animal carcasses. After a jury found the defendant guilty of 20 counts of second degree animal neglect, the district court, at the sentencing hearing, only issued a single conviction towards the defendant. The state appealed and argued the court should have imposed 20 separate convictions based on its interpretation of the word "victims" in ORS 161.067(2). The appeals court agreed. The case was remanded for entry of separate convictions on each guilty verdict.
State v. Nix	334 P.3d 437 (2014), vacated, 356 Or. 768, 345 P.3d 416 (2015)	In this criminal case, defendant was found guilty of 20 counts of second-degree animal neglect. Oregon's "anti-merger" statute provides that, when the same conduct or criminal episode violates only one statute, but involves more than one "victim," there are "as many separately punishable offenses as there are victims." The issue in this case is whether defendant is guilty of 20 separately punishable offenses, which turns on the question whether animals are "victims" for the purposes of the anti-merger statute. The trial court concluded that, because only people can be victims within the meaning of that statute, defendant had committed only one punishable offense. The court merged the 20 counts into a single conviction for second-degree animal neglect. On appeal, the Court of Appeals concluded that animals can be victims within the meaning of the anti-merger statute and, accordingly, reversed and remanded for entry of a judgment of conviction on each of the 20 counts and for resentencing. The Supreme Court agreed with the Court of Appeals and affirmed. Thus, in Oregon, for the purposes of the anti-merger statute, an animal, rather than the public or an animal owner, is a "victim" of crime of second-degree animal neglect.
State v. Peabody	343 Ga. App. 362, 807 S.E.2d 107 (2017)	This Georgia case involves a former police lieutenant who was indicted on two counts of aggravated cruelty to animals after he left his K-9 named Inka locked in his police vehicle while he attended to tasks inside his home. The dog died after being left inside the vehicle, which had all doors and windows closed with no A/C or ventilation running. The state appeals the trial court's grant of defendant's motion to quash the indictment. Specifically, the state argues that OCGA § 17-7-52 (a law that requires at least a 20-day notice prior to presentment of a proposed indictment to a grand jury when a peace officer is charged with a crime that occurred in the performance of his or her duties) is inapplicable. The state did not send defendant a copy of the proposed indictment before it presented the case to the grand jury. The state contends defendant "stepped aside" from his police-related duties and was therefore not afforded the protections of OCGA § 17-7-52. This court disagreed with that assessment. Since Peabody was responsible for the care and housing of Inka as her K-9 handler, leaving her unattended, albeit in an illegal manner, was still in performance of his police

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		duties. As such, Peabody was entitled to the procedural protections of the statute according to the appellate court. The trial court's motion to quash his indictment was affirmed.
State v. Peck	93 A.3d 256 (Me. 2014)	Defendant appealed a judgment entered in the District Court after a bench trial found she committed the civil violation of cruelty to animals. Defendant contended that the court abused its discretion in quashing a subpoena that would have compelled one of her witnesses to testify; that the cruelty-to-animals statute is unconstitutionally vague; and that the record contains insufficient evidence to sustain a finding of cruelty to animals and to support the court's restitution order. The Supreme Judicial Court of Maine, however, disagreed and affirmed the lower court's judgment.
State v. Peterson	174 Wash. App. 828, 301 P.3d 1060 review denied, 178 Wash. 2d 1021, 312 P.3d 650 (2013)	In this case, defendant appeals six counts of first degree animal cruelty charges. On appeal, the defendant argued that (1) the statute she was convicted under, RCW 16.52.205(6), was unconstitutionally vague; that (2) starvation and dehydration were alternative means of committing first degree animal cruelty and that (3) there was no substantial evidence supporting the horses suffered from dehydration. The defendant also argued that the Snohomish Superior court had no authority to order her to reimburse the county for caring for her horses. The appeals court, however, held that RCW 16.52.205(6) was not unconstitutionally vague; that starvation and dehydration were alternative means to commit first degree animal cruelty, but there was substantial evidence to support the horses suffered from dehydration; and that the superior court had authority to order the defendant to pay restitution to the county.
State v. Pierce	State v. Pierce, 7 Ala. 728 (1845)	The Defendant was charge with cruelty to animals for the killing of a certain spotted bull, belonging some person to the jurors unknow. The lower court found the Defendant guilty. The Defendant then appealed to the Supreme Court seeking review of whether the defense of provocation could be used. The Court determined the answer to be yes. Thus the Court reversed and remanded the case.
State v. Pinard	300 P.3d 177 (Or.App.,2013), review denied, 353 Or. 788, 304 P.3d 467 (2013)	In this Oregon case, Defendant shot his neighbor's dog with a razor-bladed hunting arrow. The neighbor euthanized the dog after determining that the dog would not survive the trip to the veterinarian. Defendant was convicted of one count of aggravated first-degree animal abuse under ORS 167.322 (Count 1) and two counts of first-degree animal abuse under ORS 167.320 (Counts 3 and 4). On appeal, Defendant contends that he was entitled to acquittal on Counts 1 and 4 because there was no evidence that the dog would have survived the wound. The court here disagreed, finding "ample evidence" from which a trier of fact could have found that the arrow fatally wounded the dog. As to Defendant's other issues the the merging of the various counts, the accepted one argument that Counts 3 and 4 should have merged, and reversed and remanded for entry of a single conviction for first-degree animal abuse.
State v. Roche	State v. Roche. 37 Mo App 480 (1889)	The defendants were convicted and sentenced upon an information under section 1609, Revised Statutes of 1879, charging them with unlawfully, wilfully and cruelly overdriving a horse, and thereupon prosecute this appeal. The court held that the evidence that a horse was overdriven does not warrant a conviction under Revised Statutes, 1879, section 1609, in the absence of proof, that the overdriving was wilful and not accidental. Thus, the court reversed the lower court.
State v. Schuler	--- N.E.3d ----, 2019 WL 1894482 (Ohio Ct. App., 2019)	Appellant is appealing an animal cruelty conviction. A deputy dog warden received a report from a deputy sheriff who observed a pit bull on appellant's property who was unable to walk and in poor condition while responding to a noise complaint. Appellant released the dog to the deputy and the dog was later euthanized. While the deputy was on appellant's property she observed two other dogs that were extremely thin which prompted the deputy to return to the

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		appellant's house the next day, but the appellant was in the hospital. The deputy later returned to the appellant's home a few days later and the appellant's ex-wife allowed the deputy to perform an animal welfare check on the property. Two Australian cattle dogs were very muddy and in an outdoor kennel with no food or water. Numerous chickens, rabbits, mice, snakes, and raccoons were also observed inside and outside the house all living in cramped, filthy conditions. The deputy went to the hospital and the appellant signed a waiver releasing the raccoons and snakes to the wildlife officer, but the appellant refused to release the other animals to the deputy. As a consequence a search warrant was obtained. "Two raccoons, 3 black rat snakes, 8 dogs, 7 chickens, 3 roosters, 17 rabbits, 5 rats, 200 mice, and 2 guinea pigs were removed from the property." Appellant was charged by complaints with five counts of cruelty to animals and two counts of cruelty to companion animals. An additional complaint was filed charging appellant with one count of cruelty to a companion animal (the euthanized pit bull). The appellant raised 3 errors on appeal. The first error is that the court lacked subject-matter jurisdiction to convict him of animal cruelty. The Court found that the complaint charging the appellant with animal cruelty in counts B, C, and D were not valid because it did not set forth the underlying facts of the offense, did not provide any of the statutory language, and failed to specify which of the 5 subsections the appellant allegedly violated. Therefore, the Court lacked subject-matter jurisdiction to convict the appellant and the animal cruelty conviction regarding the three counts for the rabbits was vacated. The second error appellant raised was that his conviction for cruelty to companion animals for the two Australian cattle dogs was not supported by sufficient evidence. The Court overruled appellant's second error because it found that the state had presented sufficient evidence to show that the appellant negligently failed to provide adequate food and water for the Australian cattle dogs. The third error the appellant raised was that the Court erred by ordering him to pay $831 in restitution. The Court also overruled appellant's third error since the appellant stipulated to paying the restitution. The judgment of the trial court was affirmed in all other respects.
State v. Scott	2001 Tenn. Crim. App. LEXIS 561	The appellant pled guilty to one count of animal fighting, one count of cruelty to animals, and one count of keeping unvaccinated dogs, and asked for probation. The trial court denied the appellants request for probation and sentenced him to incarceration. The appellant challenged the trial court's ruling, and the appellate court affirmed the trial court's decision to deny probation, stating that the heinous nature of the crimes warranted incarceration.
State v. Sego	2006 WL 3734664 (Del.Com.Pl. 2006) (unpublished)	Fifteen horses were seized by the Society for the Prevention of Cruelty to Animals (SPCA) because the animals were in poor condition. The SPCA sent bills to the owners for feeding, upkeep, and veterinary care, but the owners did not pay the bills. After 30 days of nonpayment, the SPCA became the owners of the horses, and the prior owners were not entitled to get the horses back.
State v. Siliski	Slip Copy, 2006 WL 1931814 (Tenn.Crim.App.)	In this Tennessee case, the defendant, Jennifer Siliski, was convicted of nine counts of misdemeanor animal cruelty. Williamson County Animal Control took custody of over two hundred animals forfeited by the defendant as a result of her criminal charges and convictions. Third parties claiming ownership of some of the animals appeared before the trial court and asked for the return of their animals. This appeal arises from third parties claiming that they were denied due process by the manner in which the trial court conducted the hearing regarding ownership of the animals and that the trial court erred in denying their property claims. The appellate court concluded that the trial court did not have jurisdiction in the criminal case to dispose of the claims, and reversed the judgment.
State v. Siliski	238 S.W.3d 338 (Tenn.Crim.App., 2007)	The defendant operated a dog breeding business, “Hollybelle's Maltese,” in which she bred purebred Maltese dogs in her Franklin home, advertised the resulting puppies on an Internet website, and shipped the puppies to buyers located around the country. She was convicted by a Williamson County Circuit Court jury of eleven counts of animal cruelty. The main issue on appeal

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		concerned the imposition of sentence, which included both consecutive terms of probation and a permanently prohibition from engaging in any commercial activity involving animals. The appellate court affirmed the defendant's convictions but concluded that the trial court erred by ordering consecutive periods of probation in conjunction with concurrent sentences. However, the court found that the trial court's permanent prohibition against her buying, selling, breeding, or engaging in any commercial activity involving animals was authorized by the animal cruelty statute. As the court stated, "Given this proof and the court's findings, we cannot conclude that the trial court erred in ordering that the defendant be permanently barred from engaging in commercial activity with respect to dogs."
State v. Silver	391 P.3d 962 (2017)	In this case, the defendant was found guilty on multiple counts of animal abuse after failing to provide minimally adequate care for his herd of alpacas. The defendant was charged with a felony count (Count 1) and a misdemeanor count (Count 6) of first-degree animal abuse. On appeal, the defendant argued that the trial court erred by not merging the multiple guilty verdicts into a single conviction. The state agreed that the trial court did err in its decision not to merge the verdicts; however, the state argued that the mistake should not require resentencing. The defendant argued that the court should follow its previous decisions and order a remand for resentencing. Ultimately, the court remanded the case for resentencing under ORS 138.222(5)(b). The state argued that language of ORS *138.222(5)(b)* should be interpreted not to include merger errors. The court disagreed with this argument and relied on its decision in previous cases that interpreted the language of the statute more broadly. Additionally, the court held that if the state's disapproval of the ORS 138.222(5)(b) is something that should be dealt with by the legislature and not the court.
State v. Smith	223 P.3d 1262 (Wash.App. Div. 2, 2009)	In this Washington case, defendant Smith appealed his conviction for first degree animal cruelty following the death of his llama. Smith claims he received ineffective assistance of counsel when his attorney failed to (1) discover information before trial that may have explained the llama's death and (2) seek a lesser included instruction on second degree animal cruelty. This court agreed. It found that defense counsel's "all or nothing strategy" was not a legitimate trial tactic and constituted deficient performance where counsel presented evidence to call into question the State's theory on starvation, but not evidence related to the entire crime. The court found that the jury was "left in an arduous position: to either convict Smith of first degree animal cruelty or to let him go free despite evidence of some culpable behavior." The case was reversed and remanded.
State v. Spade	695 S.E.2d 879 (W.Va., 2010)	In 2006, appellant was charged with one count of animal cruelty after 149 dogs were seized from her rescue shelter. The Supreme Court of Appeals of West Virginia held that, since the appellant (1) entered into a valid plea agreement which "specifically and unequivocally reserved a restitution hearing" and (2) "attempted on numerous occasions to challenge the amounts she was required by the magistrate court to post in separate bonds," that the final order of the Circuit Court of Berkeley County should be reversed. Accordingly, the court found that the plaintiff was entitled to a restitution hearing to determine the actual reasonable costs incurred in providing care, medical treatment, and provisions to the animals seized.
State v. Walker	841 N.E.2d 376 (Ohio 2005)	A dog owner was placed on probation which limited him from having any animals on his property for five years. While on probation, bears on the owner's property were confiscated after getting loose. The trial court ordered the dog owner to pay restitution for the upkeep of the confiscated bears, but the Court of Appeals reversed holding the trial court did not the authority to require the dog owner to pay restitution for the upkeep of the bears because the forfeiture of animals penalty did not apply to conviction for failure to confine or restrain a dog.

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State v. Wilson	464 So.2d 667 (Fla.App. 2 Dist.,1985)	In this Florida case, the state appeals a county court order that granted appellee's motion to dismiss two counts of an information and which also declared a state statute to be unconstitutional. Defendant-appellee was arrested for having approximately seventy-seven poodles in cages in the back of a van without food, water and sufficient air. In her motion to dismiss, defendant-appellee alleged that the phrases “sufficient quantity of good and wholesome food and water” and “[k]eeps any animals in any enclosure without wholesome exercise and change of air” as contained in sections 828.13(2)(a) and (b) were void for vagueness. In reversing the lower court, this court held that the prohibitions against depriving an animal of sufficient food, water, air and exercise, when measured by common understanding and practice, are not unconstitutionally vague.
State v. Witham	876 A.2d 40 (Maine 2005)	A man ran over his girlfriend's cat after having a fight with his girlfriend. The trial court found the man guilty of aggravated cruelty to animals. The Supreme Judicial Court affirmed the trial court, holding the aggravated cruelty to animals statute was not unconstitutionally vague.
State v. Wood	2007 WL 1892483 (N.C. App.)	Plaintiff entered an oral agreement for defendant to board and train her horse, Talladega. The horse died within two months from starvation, and the Harnett County Animal Control found three other horses under defendant's care that were underfed, and seized them. The jury trial resulted in a conviction of two counts of misdemeanor animal cruelty from which the defendant appeals. However, this court affirms the jury's conviction, stating that the assignment of error is without merit and would not have affected the jury's conviction.
State v. Ziemann	705 N.W.2d 59 (Neb.App.,2005)	The petitioner-defendant challenged her criminal conviction for cruelly neglecting several horses she owned by asserting that her Fourth Amendment rights were violated. However, the court of appeals side stepped the petitioners claim that she had a legitimate expectation of privacy in a farmstead, that she did not own or reside on, because she leased the grass on the farmstead for a dollar by invoking the “open fields” doctrine. The court held that even if such a lease might implicate the petitioners Fourth Amendment rights in some circumstances, the petitioner here was only leasing a open field, which she cannot have a legitimate expectation of privacy in.
Stephens v. State	247 Ga. App. 719 (2001)	Defendant was accused and convicted of 17 counts of cruelty to animals for harboring fighting dogs in deplorable conditions. Defendant challenged the sufficiency of the evidence and the probation terms. The appellate court found, in light of the evidence, any rational trier of fact could have found the elements of cruelty to animals beyond a reasonable doubt. Further, defendant failed to overcome the presumption that the probation the trial court imposed was correct.
Stephens v. State	Stephans v. State, 3 So. 458 (Miss. 1887) (Arnold J. plurality).	The Mississippi Cruelty to Animal statute was applied to the Defendant who killed several hogs that were eating his crops. The lower court refused to instruct the Jury that they should find him not guilty, if they believed that he killed the hogs while depredating on his crop and to protect it, and not out of a spirit of cruelty to the animals. The Supreme Court of Mississippi found it to be an error by the court to refuse to give such instructions because if the defendant was not actuated by a spirit of cruelty, or a disposition to inflict unnecessary pain and suffering, he was not guilty under the statute.
Swartz v. Heartland Equine Rescue	940 F.3d 387 (7th Cir., 2019)	The Plaintiff, Jamie and Sandra Swartz, acquired several horses, goats, and a donkey to keep on their farm in Indiana. In April of 2013, the county’s animal control officer, Randy Lee, called a veterinarian to help evaluate a thin horse that had been observed on the Swartzes’ property. Lee and the veterinarian visited the Swartzes’ on multiple occasions. The veterinarian became worried on its final

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		visit that the Swartzes' were not properly caring for the animals. Lee used the veterinarian's Animal Case Welfare Reports to support a finding of probable cause to seize the animals. Subsequently, the Superior Court of Indiana entered an order to seize the animals. On June 20, 2014, the state of Indiana filed three counts of animal cruelty charges against the Swartzes. However, the state deferred prosecuting the Swartzes due to a pretrial diversion agreement. The Swartzes filed this federal lawsuit alleging that the defendants acted in concert to cause their livestock to be seized without probable cause and distributed the animals to a sanctuary and equine rescue based on false information contrary to the 4th and 14th amendments. The district court dismissed the Swartzes' claims to which, they appealed. The Court of Appeals focused on whether the district court had subject-matter jurisdiction over the Swartzes' claims. The Court applied the Rooker-Feldman doctrine which prevents lower federal courts from exercising jurisdiction over cases brought by those who lose in state court challenging state court judgments. Due to the fact that the Swartzes' alleged injury was directly caused by the state court's orders, Rooker-Feldman barred federal review. The Swartzes also must have had a reasonable opportunity to litigate their claims in state court for the bar to apply. The Court, after reviewing the record, showed that the Swartzes had multiple opportunities to litigate whether the animals should have been seized, thus Rooker-Feldman applied. The case should have been dismissed for lack of jurisdiction under the Rooker-Feldman doctrine at the outset. The Court vacated the judgment of the district court and remanded with instructions to dismiss the case for lack of subject-matter jurisdiction.
Swilley v. State	465 S.W.3d 789 (Tex. App. 2015)	In the indictment, the State alleged Appellant intentionally, knowingly, or recklessly tortured or in a cruel manner killed or caused serious bodily injury to an animal by shooting a dog with a crossbow, a state jail felony. The dog in question was a stray, which fell within the statutory definition of an "animal." After a jury found Appellant guilty, the trial court assessed his punishment at two years' confinement in a state jail. On appeal, Appellant contended that the trial court erred by denying his motion for a mistrial after the jury heard evidence of an extraneous offense also involving cruelty to animals. Since the video that mentioned the extraneous offense was admitted without objection, the court held the Appellant waived the error and the trial court did not err by denying Appellant's motion for mistrial or by giving the instruction to disregard and overrule Appellant's first issue. Appellant further asserted the evidence was insufficient to support his conviction. The court, however, held the evidence was sufficient for a rational trier of fact to have found, beyond a reasonable doubt, that Appellant intentionally, knowingly, or recklessly tortured or in a cruel manner killed or caused serious bodily injury to an animal by shooting it with a crossbow. The trial court's judgment was therefore affirmed.
T. , J. A. s/ infracción Ley 14.346	Id SAIJ: FA12340061	The Supreme Court upheld the decision of the lower court that sentenced the Defendant to eleven months of imprisonment after finding him criminally responsible for acts of cruelty in violation of Article 1 of Ley 14.346 against a stray dog. The Defendant was found guilty of sexually abusing a dog, who he forced into his premises. The dog's genital area was sheared and she had serious injuries, which the veterinarian concluded were clear signs of penetration. The Supreme Court referred to the Chamber of Appeals on Criminal Matters of Parana "B.J.L. s/ infracción a la Ley 14.346", of October 1, 2003, where the referred court stated that "the norms of Ley 14.346 protect animals against acts of cruelty and mistreatment, is not based on mercy, but on the legal recognition of a framework of rights for other species that must be preserved, not only from predation, but also from treatment that is incompatible with the minimum rationality." Further, "the definition of 'person' also includes in our pluralistic and anonymous societies a rational way of contact with animals that excludes cruel or degrading treatment."
Takhar v Animal Liberation SA Inc	[2000] SASC 400	An ex parte injunction was granted against the applicants preventing distribution or broadcasting of video footage obtained while on the respondent's property. The applicants claimed they were not on the land for an unlawful purpose and that they were there to obtain evidence of breaches of the Prevention of cruelty

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		to Animals Act 1985 (SA). The injunction restraining distribution or broadcasting of the footage, which was applicable to the applicants only, was removed on the balance of convenience as the media outlets were at liberty to broadcast.
Taub v. State of Maryland	296 Md. 439 (Md.,1983)	Maryland Court of Appeals held that animal-cruelty statute did not apply to researchers because there are certain normal human activities to which the infliction of pain to an animal is purely incidental and unavoidable.
Taylor v. RSPCA	[2001] EWHC Admin 103	Two women, who had been disqualified from keeping horses by a court, transferred ownership of the horses to their niece, but had continued to make arrangements for the accommodation of the horses and to provide food and water for them. The women were convicted in the Magistrates' Court of the offence of "having custody" of the horses in breach of the disqualification order, and appealed. Dismissing the appeal, the Divisional Court held that, what amounted to "custody" was primarily a matter of fact for the lower court to decide, and that the local justices had been entitled to conclude that, notwithstanding the transfer of ownership, the two women had continued to be in control, or have the power to control, the horses.
Texas Attorney General Letter Opinion 94-071	Tex. Atty. Gen. Op. LO 94-071	Texas Attorney General Opinion regarding the issue of whether staged fights between penned hogs and dogs constitutes a criminal offense. The Assistant Attorney General deemed these staged fights as violating the criminal cruelty laws.
Texas Attorney General Opinion No. JC-0048	Tex. Atty. Gen. Op. JC-0048	Texas Attorney General Opinion regarding the issue of whether city ordinances are preempted by statutes that govern the treatment of animals. Specifically, the opinion discusses pigeon shoots. The opinion emphasizes that organized pigeon shoots are prohibited under Texas cruelty laws but that present wildlife laws allow the killing of feral pigeons.
The Duck Shooting Case	(1997) 189 CLR 579	The plaintiff was charged with being in an area set aside for hunting, during hunting season, without a licence. The plaintiff argued that he was there in order to collect dead and wounded ducks and endangered species and to draw media attention to the cruelty associated with duck shooting. The Court found that although the regulation under which the plaintiff was charged restricted the implied freedom of political communication, it was appropriate to protect the safety of persons with conflicting aims likely to be in the area.
Tilbury v. State	890 S.W.2d 219 (Tex. App. 1994).	Cruelty conviction of defendant who shot and killed two domesticated dogs. Defendant knew dogs were domesticated because they lived nearby, had demeanor of pets, both wore collars, and had been previously seen by defendant.
Tiller v. State	218 Ga. App. 418 (1995)	Defendant argued that being in "possession" of neglected, suffering animals was not a crime. The court held that where a veterinarian testified that the horses were anemic and malnourished and where defendant testified that he had not purchased enough to feed them, the evidence was sufficient to authorize the jury to find defendant guilty beyond a reasonable doubt of seven counts of cruelty to animals. The court held the trial court did not err in admitting a videotape depicting the horses' condition and that of the pasture when the horses were seized, where the videotape was relevant to the jury's consideration.
Towers-Hammon v Burnett	[2007] QDC 282	The respondent pleaded guilty to bashing several cats with an iron bar causing four deaths. The dead cats, along with one severely beaten but still alive kitten, were placed in a bag and disposed of in a charity clothing bin. On appeal, it was held that the trial judge failed to have sufficient regard to the callous nature of the

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		respondent's actions and the respondent was sentenced to three months' imprisonment.
Town of Bethlehem v. Acker	102 A.3d 107 (Conn. App. 2014)	Plaintiffs seized approximately 65 dogs from the Society for the Prevention of Cruelty to Animals of Connecticut pursuant to a search and seizure warrant that had been issued on facts showing that the dogs, which were being kept in an uninsulated barn with an average temperature of 30 degrees Fahrenheit, were neglected, in violation of General Statutes § 22–329a. The trial court found that the smaller breed dogs were neglected, but found that larger breed dogs were not. On an appeal by plaintiffs and a cross appeal by defendants, the appeals court found: (1) the trial court applied the correct legal standards and properly determined that the smaller breed dogs were neglected and that the larger breed dogs were not neglected, even though all dogs were kept in a barn with an average temperature of 30 degrees Fahrenheit; (2) § 22–329a was not unconstitutionally vague because a person of ordinary intelligence would know that keeping smaller breed dogs in an uninsulated space with an interior temperature of approximately 30 degrees Fahrenheit would constitute neglect; (3) the trial court did not err in declining to admit the rebuttal testimony offered by the defendants; and (4) the trial court did not err in granting the plaintiffs' request for injunctive relief and properly transferred ownership of the smaller breed dogs to the town. The appellate court, however, reversed the judgment of the trial court only with respect to its dispositional order, which directed the parties to determine among themselves which dogs were smaller breed dogs and which dogs were larger breed dogs, and remanded the case for further proceedings, consistent with this opinion.
Town of Plainville v. Almost Home Animal Rescue & Shelter, Inc.	182 Conn. App. 55 (Conn. App. Ct., 2018)	This is an appeal by the town of Plainville following the lower court's granting of defendant's motion to strike both counts of the plaintiffs' complaint. The complaint raised one count of negligence per se for defendant's failure to provide care for animals at its rescue facility. Count two centered on unjust enrichment for defendant's failure to reimburse the town for expenditures in caring for the seized animals. The facts arose in 2015 after plaintiff received numerous complaints that defendant's animal rescue was neglecting its animals. Upon visiting the rescue facility, the plaintiff observed that the conditions were unsanitary and the many animals unhealthy and in need of medical care. The plaintiff then seized 25 animals from defendant and provided care for the animals at the town's expense. Soon thereafter, plaintiffs commenced an action to determine the legal status of the animals and requiring the defendant to reimburse the town for care expenses. Prior to a trial on this matter, the parties reached a stipulation agreement that provided for adoption of the impounded animals by a third party, but contained no provision addressing reimbursement by the defendant to the town. Because there was no hearing on the merits of plaintiff's petition as to whether defendant had neglected or abused the animals for reimbursement under the anti-cruelty law, the court had no authority to order the defendant to reimburse the plaintiffs. Plaintiff then filed the instant action and the lower court held that each count failed to state a claim upon which relief can be granted. Specifically, the court held that, with respect to count one on negligence per se under § 53–247, the statute does not impose such liability on one who violates the law. Further, unjust enrichment is only available is there is no adequate remedy at law, and another law, § 22–329a (h), provides the exclusive remedy for the damages sought by the town. On appeal here, this court held that the court properly determined that the plaintiffs were not among the intended beneficiaries of § 53–247 and that that determination alone was sufficient to strike count one. The court found "absolutely no language in the statute, however, that discusses costs regarding the care of animals subjected to acts of abuse or neglect or whether violators of § 53–247 have any obligation to compensate a municipality or other party." Thus, plaintiffs could not rely upon § 53–247 as a basis for maintaining a negligence per se case against the defendant. As to count two, the court rejected plaintiffs' unjust enrichment claim. Because the right of recovery for unjust enrichment is equitable in nature, if a statute exists that provides a remedy at law, the equitable solution is unavailable. The court found that Section 22–329a provides a remedy for a municipality

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		seeking to recover costs expended in caring for animals seized as a result of abuse and neglect. The stipulation agreement signed and agreed to by the parties contained no provision for reimbursement and settled the matter before there was an adjudication that the animals were abused or neglected. As a result, the judgment was affirmed.
Trimble v. State	848 N.E.2d 278 (Ind., 2006)	In this Indiana case, the defendant was convicted after a bench trial of cruelty to an animal and harboring a non-immunized dog. On rehearing, the court found that the evidence was sufficient to show that defendant abandoned or neglected dog left in his care, so as to support conviction for cruelty to an animal. The court held that the evidence of Butchie's starved appearance, injured leg, and frost bitten extremities was sufficient to allow the trial judge to discount Trimble's testimony and infer that Trimble was responsible for feeding and caring for Butchie, and that he failed to do so.
Turner v Cole	[2005] TASSC 72	RSPCA officers found a horse belonging to the applicant on the applicant's property and, after preparing the horse for transport, had to euthanise the animal when it collapsed. The applicant was convicted of failing to feed a horse which led to its serious disablement and eventual euthanisation. The applicant was unsuccessful on all issues on appeal and was liable for a fine of $4000 and prevention from owning 20 or more horses for five years.
U.S. v. Stevens	130 S.Ct. 1577 (2010)	Defendant was convicted of violating statute prohibiting the commercial creation, sale, or possession of depictions of animal cruelty. The Supreme Court held that the statute was unconstitutional for being substantially overbroad: it did not require the depicted conduct to be cruel, extended to depictions of conduct that were only illegal in the State in which the creation, sale, or possession occurred, and because the exceptions clause did not substantially narrow the statute's reach. (2011 note: 18 U.S.C. § 48 was amended following this ruling in late 2010).
U.S. v. Stevens	533 F.3d 218, 2008 WL 2779529 (C.A.3 (Pa.),2008)	**Note that certiorari was granted in 2009 by --- S.Ct. ----, 2009 WL 1034613 (U.S. Apr 20, 2009).** In this case, the Third Circuit held that 18 U.S.C. § 48, the federal law that criminalizes depictions of animal cruelty, is an unconstitutional infringement on free speech rights guaranteed by the First Amendment. The defendant in this case was convicted after investigators arranged to buy three dogfighting videos from defendant in sting operation. Because the statute addresses a content-based regulation on speech, the court considered whether the statute survived a strict scrutiny test. The majority was unwilling to extend the rationale of Ferber outside of child pornography without direction from the Supreme Court. The majority found that the conduct at issue in § 48 does not give rise to a sufficient compelling interest.
United Pet Supply, Inc. v. City of Chattanooga, Tenn.	768 F.3d 464 (6th Cir. 2014)	In June 2010, a private non-profit corporation that contracted with the City of Chattanooga to provide animal-welfare services, received complaints of neglect and unsanitary conditions at a mall pet store. Investigations revealed animals in unpleasant conditions, without water, and with no working air conditioner in the store. Animals were removed from the store, as were various business records, and the private, contracted non-profit began to revoke the store's pet-dealer permit. Pet store owners brought a § 1983 suit in federal district court against the City of Chattanooga; McKamey; and McKamey employees Karen Walsh, Marvin Nicholson, Jr., and Paula Hurn in their individual and official capacities. The Owners alleged that the removal of its animals and revocation of its pet-dealer permit without a prior hearing violated procedural due process and that the warrantless seizure of its animals and business records violated the Fourth Amendment. Walsh, Nicholson, Hurn, and McKamey asserted qualified immunity as a defense to all claims. On appeal from district court decision, the Sixth Circuit held the following: Hurn, acting as a private animal-welfare officer, could not assert qualified immunity as a defense against suit in her personal capacity because there was no history of immunity for animal-welfare officers and

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		allowing her to assert qualified immunity was not consistent with the purpose of 42 U.S.C. § 1983. Walsh and Nicholson acting both as private animal-welfare officers and as specially-commissioned police officers of the City of Chattanooga, may assert qualified immunity as a defense against suit in their personal capacities. With respect to entitlement to summary judgment on the basis of qualified immunity in the procedural due-process claims: Walsh and Nicholson are entitled to summary judgment on the claim based on the seizure of the animals, Nicholson is entitled to summary judgment on the claim based on the seizure of the permit, and Walsh is denied summary judgment on the claim based on the seizure of the permit. Regarding entitlement to summary judgment on the basis of qualified immunity on the Fourth Amendment claims: Walsh and Nicholson are entitled to summary judgment on the claim based on the seizure of the animals, Nicholson is entitled to summary judgment on the claim based on the seizure of the business records, and Walsh is denied summary judgment on the claim based on the seizure of the business records.Because qualified immunity was not an available defense to an official-capacity suit, the court held that employees may not assert qualified immunity as a defense against suit in their official capacities. The district court's entry of summary judgment was affirmed in part and reversed in part, and remanded for further proceedings consistent with this opinion.
United States v. Gideon	United States v. Gideon, 1 Minn. 292 (1856).	The Defendant was convicted in the District Court of Hennepin county for the unlawfully malice killing of a dog. The Defendant appealed the descision to the Supreme Court of Minnesota to determine whether a dog has value and thus would be cover by the Minnesota cruelty to animal statute. The Supreme Court of Minnesota found that a dog has no value and would not be covered by the statute.

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US v. Richards	2014 WL 2694225	*1 The First Amendment restrains government to “make no law ... abridging the freedom of speech.” U.S. Const. amend. I.
Vavrecka v. State	2009 WL 179203, 4 (Tex.App.-Hous. (Tex.App.-Houston [14 Dist.],2009).	Defendant appealed a conviction for cruelty to animals after several dogs that appeared malnourished and emaciated with no visible food or water nearby were found on Defendant’s property by a police officer and an Animal Control officer. The Court of Appeals of Texas, Houston, 14th District confirmed the conviction, finding that Defendant waived any error with respect to her motion to suppress evidence by affirmatively stating at trial that Defendant had “no objection” to the admission of evidence. Finally, the Court’s denial of Defendant’s request to show evidence of Defendant’s past practice and routine of caring for stray animals and nursing them to health did not deprive Defendant of a complete defense.
Volosen v. State	192 S.W.3d 597(Tex.App.-Fort Worth, 2006)	In this Texas case, the trial court found Appellant Mircea Volosen guilty of animal cruelty for killing a neighbor's dog. The sole issue on appeal is whether the State met its burden of presenting legally sufficient evidence that Volosen was "without legal authority" to kill the dog. By statute, a dog that "is attacking, is about to attack, or has recently attacked ... fowls may be killed by ... any person witnessing the attack." The court found that no rational trier of fact could have determined beyond a reasonable doubt that the dog was not attacking or had not recently attacked chickens in a pen in Volosen's yard; thus, the evidence is legally insufficient to establish that Volosen killed the dog "without legal authority" as required to sustain a conviction for animal cruelty. **Judgment Reversed by *Volosen v. State* , 227 S.W.3d 77 (Tex.Crim.App., 2007).**
Volosen v. State	227 S.W.3d 77 (Tex. Crim. App., 2007)	Appellant killed neighbor's miniature dachshund with a maul when he found it among his chickens in his backyard, and he defends that Health & Safety Code 822 gave him legal authority to do so. At the bench trial, the judge found him guilty of animal cruelty, but on appeal the court reversed the conviction because it found that the statute gave him legal authority to kill the attacking dog. However, this court held that appellant did not meet his burden of production to show that the statute was adopted in Colleyville, TX and found as a matter of fact that the dog was not "attacking."
Ward v RSPCA	[2010] EWHC 347 (Admin)	RSPCA inspectors attended Mr Ward’s smallholding to find two horses in a severely distressed condition, with a worm infestation. Veterinarian advice had not been sought following failed attempts to home treat. The farmer was convicted of unnecessary suffering pursuant to section 4 of the Animal Welfare Act 2006, and disqualified from owning, keeping, participating in the keeping of, or controlling or influencing the way horses or cattle are kept for a three year period, pursuant to section 34 of the Animal Welfare Act 2006. The defendant brought an appeal to the Crown Court and the High Court in respect of the disqualification. The High Court dismissed the appeal and held that the Animal Welfare Act 2006 was intended to promote the welfare of animals and part of the mechanism of protection is the order of disqualification following convictions for offences under the Act.
Warren v. Commonwealth	822 S.E.2d 395 (Va. Ct. App., 2019)	Warren, the defendant in this case, videotaped on his cell phone sexual encounters he had with K.H. and her dog. The videos showed the dog's tongue penetrating K.H.'s vagina while K.H. performed oral sex on Warren. In March of 2017, Deputy Sheriff Adam Reynolds spoke to Warren about an unrelated matter. Warren asked if "bestiality type stuff" was "legal or illegal," described the cellphone videos, and offered to show them to Reynolds. Reynolds contacted Investigator Janet Sergeant and they obtained a search warrant and removed the videos from Warren's cellphone. Warren was indicted and moved to dismiss the indictment arguing that Code § 18.2-361(A), which criminalizes soliciting another person to "carnally know a brute animal or to submit to carnal knowledge with a brute animal," is facially unconstitutional and unconstitutional as applied to him.

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		"He argued that the conduct depicted in the videos could not be subject to criminal sanction because it amounted to nothing more than consensual conduct involving adults." The trial court denied Warren's motion to dismiss. The trial court convicted Warren of the charged offense. Warren appealed again challenging the constitutionality of the offense and that it violated his due process rights. Warren relied on a Supreme Court case, Lawrence v. Texas, which held that two adults engaging in consensual homosexual sexual practices was protected by the due process clause. He argued that the reasoning of Lawrence applies with equal force to his case. The Court of Appeals reasoned that although Code § 18.2-361(A) cannot criminalize sodomy between consenting adults, it can continue to regulate other forms of sodomy, like bestiality. "If Lawrence, which involved a prohibition on same-sex sodomy, did not facially invalidate the anti-sodomy provision of then Code § 18.2-361(A), it defies logic that it facially invalidates the bestiality portion of the statute that existed before the 2014 amendment and is all that remains after that amendment." Even though Warren claims his right as "the right of adults to engage in consensual private conduct without intervention of the government," the court concluded that the right he is actually asserting is the right to engage in bestiality. Code § 18.2-361(A) "does not place any limitation on the rights of consenting adults to engage in private, consensual, noncommercial, sexual acts with each other." The only act it prohibits is sexual conduct with a brute animal. Therefore, the only right the statute could possibly infringe on wold be the right to engage in bestiality. The Commonwealth has a legitimate interest in banning sex with animals. The Court of Appeals held that the General Assembly's prohibition of bestiality does not violate the Due Process Clause of the Constitution. The Court rejected Warren's challenge to the constitutionality of the statute and affirmed the judgment of the trial court.
Waters v. Meakin	[1916] 2 KB 111	The respondent had been acquitted of causing unnecessary suffering to rabbits (contrary to the Protection of Animals Act 1911, s. 1(1)) by releasing them into a fenced enclosure from which they had no reasonable chance of escape, before setting dogs after them. Dismissing the prosecutor's appeal, the Divisional Court held that the respondent's conduct fell within the exception provided for "hunting or coursing" by sub-s. (3) (b) of s. 1of the 1911 Act. From the moment that the captive animal is liberated to be hunted or coursed, it falls outwith the protection of the 1911 Act, irrespective of whether the hunting or coursing is humane or sportsmanlike.
Westfall v. State	10 S.W.3d 85 (Tex. App. 1999)	Defendant convicted of cruelty for intentionally or knowingly torturing his cattle by failing to provide necessary food or care, causing them to die. Defendant lacked standing to challenge warrantless search of property because he had no expectation of privacy under open fields doctrine.
Whitman v. State	2008 WL 1962242 (Ark.App.,2008)	Appellant was tried by a jury and found guilty of four counts of cruelty to animals concerning four Arabian horses. On appeal, appellant raised a sufficiency of the evidence challenge and a Rule 404(b) challenge to the admission of testimony and pictures concerning the condition of appellant's dogs and her house. The court found the photographic evidence was admissible for purposes other than to prove appellant's character, e.g., to show her knowledge of neglect of animals within her house, and thereby the absence of mistake or accident concerning the horses that lived outside.
Wilkerson v. State	401 So. 2d 1110 (Fla. 1981)	Appellant was charged with violating Florida's Cruelty to Animals statute, Fla. Stat. ch. 828.12 (1979). He pleaded nolo contendere, reserving his right to appeal the trial court's order, which denied his motion to dismiss and upheld the constitutionality of the statute. The supreme court affirmed. Appellant argued that the statute was unconstitutionally vague and overbroad because the statute failed to provide guidance as to what animals were included and what acts were unnecessary. The supreme court concluded that people of common intelligence would have been able to discern what were and were not animals under the statute and that the legislature clearly intended that a raccoon be included.

Case name	Citation	Summary
		Additionally, just because the statute did not enumerate every instance in which conduct against an animal was unnecessary or excessive did not render the statute void for vagueness. The conduct prohibited was described in general language. Finally, because appellant's conduct was clearly proscribed by the statute, he did not have standing to make an overbreadth attack.
Windridge Farm Pty Ltd v Grassi	[2010] NSWSC 335	The defendants entered the plaintiff's land, containing a piggery, with the intention of taking photographs and film footage to establish that the plaintiff failed to meet certain standards. The defendants' argument that the plaintiff was not entitled to injunctive relief because of 'unclean hands' was dismissed by the court. The court also found that the defensive argument based on 'implied freedom of political communication' did not have application in the circumstances.
Wolff v. State	87 N.E.3d 528 (Ind. Ct. App. 2017)	This Indiana case addresses the status of animals seized in conjunction with a criminal animal cruelty case. Specifically, the appeal addresses whether the trial court erred in granting a local animal rescue the authority to determine disposition of the seized animals. The animals were seized after county authorities received complaints of animal cruelty and neglect on defendant's property in late 2016. As a result of the charges, five horses, two mules, and two miniature donkeys were impounded and placed with a local animal rescue. Following this, the state filed a notice with the court that estimated costs of continuing care for the impounded animals. About a month later, the state filed an Amended Motion to Determine Forfeiture/Disposition of Animals, requesting the trial court issue an order terminating defendant's ownership rights in the animals. Alternatively, the state requested that defendant could seek to have his posted bond money apportioned to cover the costs associated with the animals' care. The court ultimately entered an order that allowed the rescue agency full authority to determine disposition of the animals after defendant failed to respond. In his current appeal of this order, defendant first claims that the trial court erred in giving the animal rescue such authority because defendant paid $20,000 in bail. The appellate court found that this money was used to secure defendant's release from jail and he did not request that the jail bond be used for the care of the animals. The court found that the legislature clearly intended the bail and bond funds are used for "separate and distinct purposes," so there was no way for the trial court to automatically apply this money to the animal care costs. Defendant had to affirmatively exercise his rights concerning the disposition of the animals pending trial, which he failed to do. As to defendant's other issue concerning an investigation and report by a state veterinarian, the appellate court found defendant waived this issue prior to appeal. The decision was affirmed.