

**Treat it like a violent crime
Homicide/Sex Crime**

**Public demands that we
treat it seriously**

**Losing an animal crime will
get your
County/Police/Sheriff Dept
sued**

**Seizure case is just as
important as the criminal
case**

IT IS REAL CRIME.



How to prosecute Animal crime

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Investigation

- How many of you believe you are not investigators?
 - Do you just get the case as it comes
 - Or do you direct your police agency to further investigation
 - I direct all police agencies to bring their prosecutors in from the beginning
 - You want to be in front of the investigation as much as you can
 - Be a Resource to your Animal Police/Control

Troubleshoot in the Investigation

- **Look over Search Warrant**
 - In particular making sure to explain why you will find evidence of animal cruelty on a cell phone; in house; in yard; in outbuildings
 - Animal fighting-cell phones are used to buy and sell dog; to arrange dog fights or rolls; to talk to other dogfighters about how to fight dogs
 - Animal cruelty/neglect-whether there is food in the house to show feeding of the dogs/animals; records in the house to show ownership or vet treatment of the dog
 - (I am working with a prosecutor who used to be a magistrate to come up with templates for the best search warrants for animal crime-will make those available to anyone who wants it)

- **Research any issues in the case up front**
 - **Road side Zoo-what are the ZAA standards; Animal Welfare standards; your state's standards**
 - **Cockfighting-Standards of Perfection for Poultry shows-defense in cockfighting case**
 - **Property records for hoarder who says not all property is owned by them**
 - **Animal Sexual crime-is the sexual behavior prohibited under your statute**

Considerations

- No assumptions
- You don't know what people feel about animals
- Bench/Jury-you have to find out where they are at
- VOIR DIRE-Jury
- Research-Judge
- No crying
- Treat it like a homicide/violent crime.
- Over prepare
- PREPARE!
- No prosecuting by the seat of your pants
- BE Wonder Woman! Be prepared for battle.
- No short cuts (31 dogs, 20 horses, 55 dogfighting dogs, 600 chickens... then you can summarize...)



Preparation

- I cannot say this enough!
- Cases are lost because prosecutors don't treat it seriously
- It is just an animal crime
- I have real crime to take care of.
- Not hard
- **ASSUME JOHNNY COCHRAN is on the other side.**
- **DON'T BE A LEGEND IN MY OWN MIND!**
 - 20 years-I still look at statutes when I give advice and I over prepare every case

o Voir Dire

- o How many of you believe that a horse can feed itself on grass?
- o How many of you believe that as an owner of animals, you can do anything you want to them? Even starve them?
- o If I tell you the law prohibits you from starving your horses, or the law requires you to feed your horses so they are good body condition, it require you give them water, it requires you to give them vet care, would any of you disagree with the law?
- o Are you going to hold me to a higher standard than reasonable doubt... like all doubt or beyond a shadow of a doubt?

○ **Jury Voir Dire**

- Is to assure you have a fair jury for the Commonwealth....
- Have to get at their biases about animals
- We know somethings b/c of some research ALDF did...
- Showed that I didn't want hunters on my jury.....
- I actually do jury research to see who is on my jury.
- Facebook searches, talk with the local Elected Prosecutor (if rural jurisdiction)
- And I make educated guesses
- Body language-I left one lady on jury and she is they did convict on felony
- She couldn't sit in judgement... that is someone's child
- I knew she didn't like me from me watching her while I did my case.
- But compromise and locked her up for 1 ½ years

Judges-ADVICE

- Hostile judge
- Research
- Hit the issues he has head on
- If he wants a timeline, give him a timeline
- (even if not required under the law)
- At the end, he will respect you.

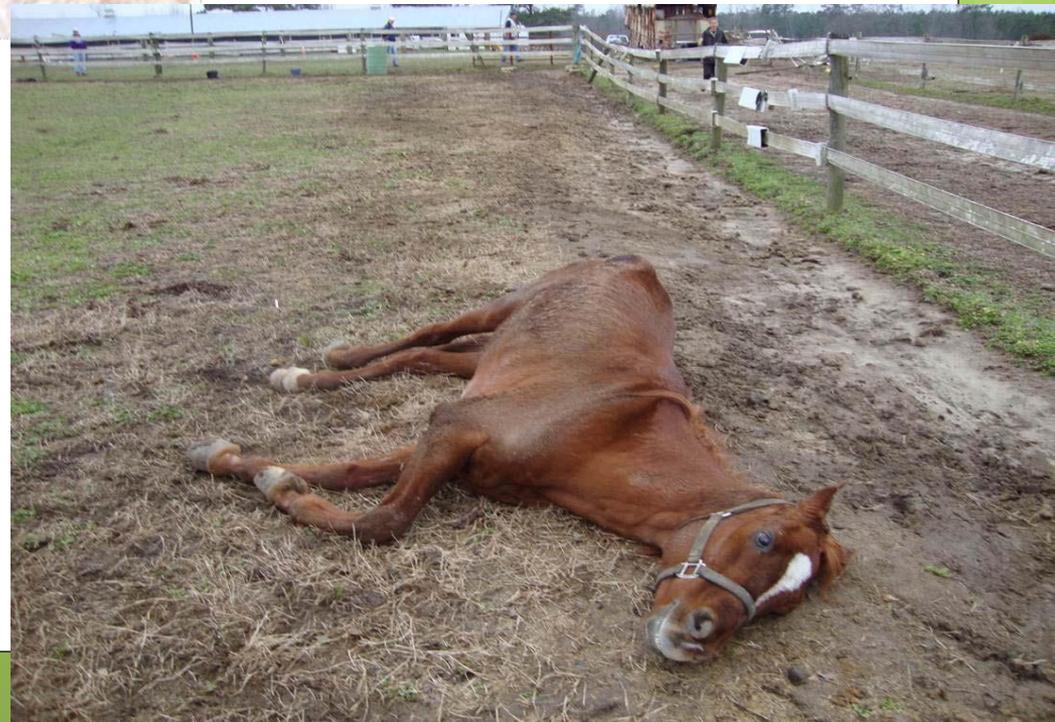




Shad- 1/9

**Bonnie Vick,
TX
Bottle fed this
horse**

**Tell the story from the
animal's point of
view.**



No cutting corners

- **No short cuts. (you will lose if you short cut)**
- **Have to put on all your evidence. Or at least most.**
- **Put on evidence for each dog –no combining.. It minimizes the suffering when you don't put on vet exam for each animal.**
- **Cockfighting-one exception-you can summarize the birds b/c average is 200**

Responding/First Officer-Animal Control Officer-

- **Thorough Preparation**
- **No Prep-be prepared to lose**
- **Officer can't read your mind**
- **Preparation is for you too**
- **Find out strengths and weaknesses of your case**
- **Find out conflicts (Vet story-Judge had to recuse himself**

- **Set the stage**
 - **Doing their job**
 - **Responding to a complaint**
 - **Corroboration**

- **Statements of the Defendant**
 - **Very Important-Body Cam or Oral statements**

Show the
pictures
EX: child
Porn cases
Judge will
convict
once he
sees the
crime



Cruelty - Preparation

- Homicide cases: Would you go into a homicide case and not even talk to your witnesses? Fly by the seat of your pants.
- NO!
- You have to prepare your witnesses.
 - ACO
 - Vet –Prepare them in advance
 - They can be intimidated by the criminal justice process
 - Extraordinary witnesses

Essentials

- Officer

- Vet

- Minimum for a case....

- Vet is like any other expert

- San nurse for rape

- Medical examiner for homicide

- Lab tech for drugs

Qualifying your expert

- **Education**
- **Experience**
- **Investigations/Search Warrants they have been out on**
- **Declarations in other courts**
- **Expert in Vet Medicine and Maybe dogfighting, or other things you may need.**

Use of Experts

Prepare Them



**Vets
Necropsy Vets
Toxicologist
State Police
Use as many as you
need!**

Experts

- Two experts are Essential
 - Vet (with dogfighting experience-preferable)
- Dogfighting expert
 - HSUS-Janette Reever
 - ASPCA-Tim Rickey/Terry Mills
 - Virginia Animal Fighting Taskforce (Amy Taylor/Richard Samuels)
 - Cultivate your own-send to training/help on raids. (ASPCA FURS team)
 - Bring in outside experts if it is your first ever case (MD)

Go over each animal

Even if there are numerous animals

You have to prove each indictment

Make sure you list the animal in the indictment by number

Take your time and do not let the

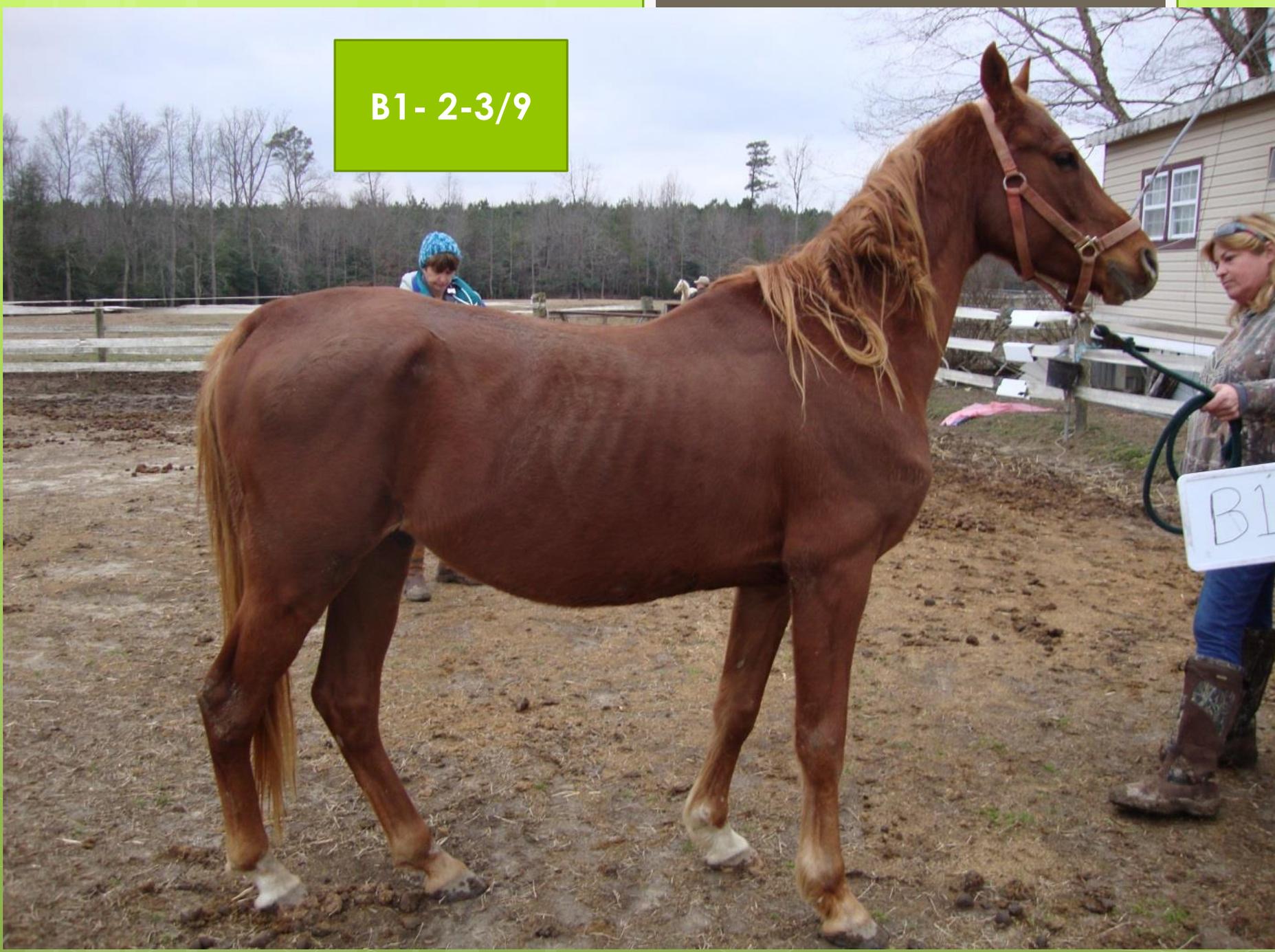
Judge or any other prosecutor or defense attorney rush you.

Do not cheat the animal a second time

How much evidence is enough?

- Overdo it
 - Why?
 - In a recent animal abuse case, I had prosecutors questioning why I was overdoing it
 - Animal cases are won and lost by the decisions you make about what you will put into evidence
 - Animal fighting cases are not the exception, they are the rule
 - You put it all in.
 - The totality of the circumstances

B1- 2-3/9



Show the level of deceit
Blankets to hide the starvation
Shows mens rea... this is
intentional

Blankets





**AFTER
Summer 2016**

**Have your rescues
come
To show all they
needed was food/
and maybe vet
care for systematic
abuse**

**But FOOD got them
back to health**



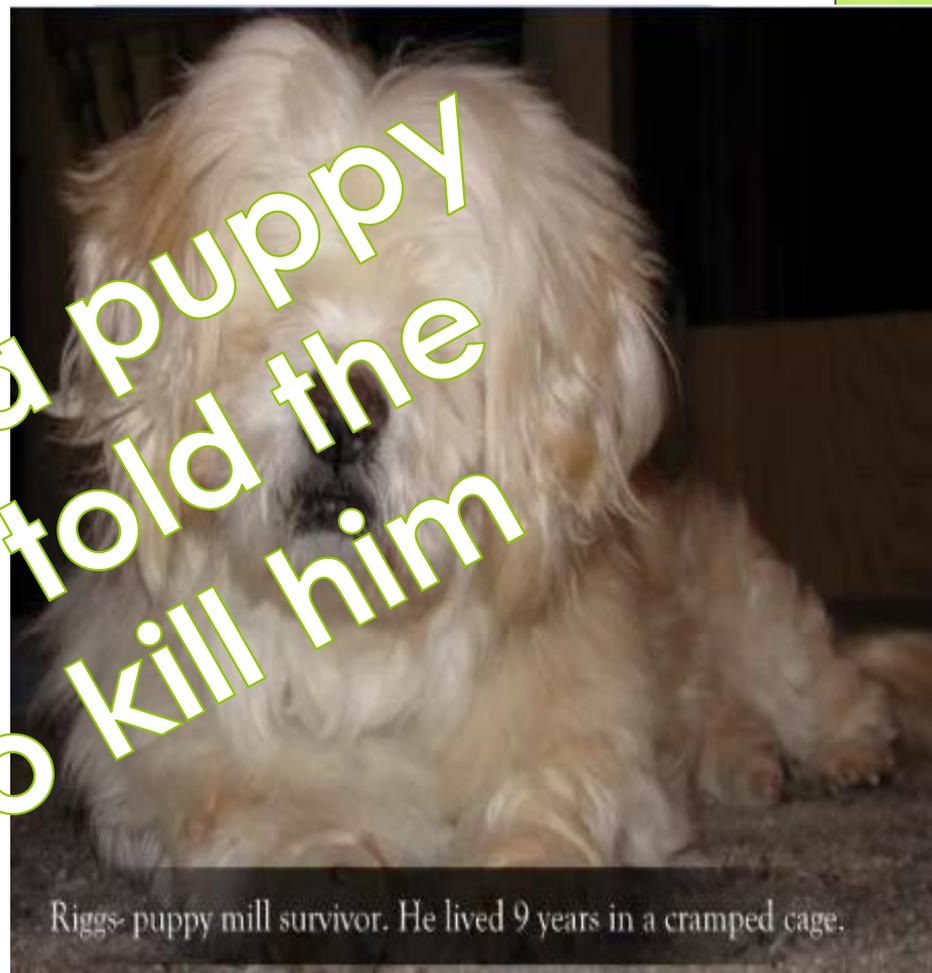
**Extraordinary
Circumstances
Evidence
Eating Bark b/c
they are
hungry**



Remember to tell a **STORY**



Riggs was in a puppy mill-owner told the worker to kill him



Riggs- puppy mill survivor. He lived 9 years in a cramped cage.

E1 - 2/9



**Showing a kid winning
with an abused horse-
priceless!**

After













NKSO2019 – 001003

7/13/2019

Dog : Pony

Dog # 18









Minnow
Alley

**AFTER PHOTOS show how
skinny they are**



Body cams and cell phones

- Corroboration of crime-Dinwiddie**
- Justify your Exigent Circumstances**
- Show no violation of their constitutional rights**
- Give you co-conspirators**
- Video of animal abuse or fighting**
- Timeline of the crime**
- Defendant's statements**
- Make your case judgment proof**
- Show how badly they treated you or their arrogance/character**

Cell phones

- Videos first
- Put in the text messages back and forth
 - Texts with online pedigrees
 - Texts regarding rolling a dog
 - Texts arranging a fight
 - Texts just talking about fighting
 - Texts about money
 - Admit its addictive and they won't ever stop.

Video shown to Jury

- Pit in his backyard
- We had different dogs in this same pit on a different cell phone



Body Cam



ch

How are you going to prosecute animal fighting under your current law:

- Paraphernalia case
- Circumstantial is as good as direct... and don't let anyone minimize this!
- Direct, you look outside and see it snowing.
- Circumstantial-wake up and snow on the ground.

- Experts
 - Vet
 - Dogfighting expert

Categories of dogfighting evidence

- Dogs themselves
- Paraphernalia
- Medical supplies/enhancers
- Pedigrees/certificate
- Dog behavior/testing
- Cell phones

**Sometimes
pics will be
dark, but you
have video.
Play the
video**



**Sometimes
Your vet
exam may
not be the
same day
you take
the
animals:
Out of
Necessity...**

**Ideally, you
want your
vet there
but that vet
exam
should be
asap.**



DSC_1114.JPG Dog # 20 right lateral view



DSC_1115.JPG Dog #20 left lateral view





Utilize all your departments in your Law Enforcement Agency

- B/C Animal Control in Dinwiddie works really well with their other agencies
 - 15 year forensic detective take the stand and explain Blue Star to the Jury
 - Evidence Tech took really good pictures
 - Educate them on what you need for a dogfighting case
 - Have a dogfighting expert there to help your LEO
 - Virginia Animal Fighting Taskforce

Motions practice

**Be ready for a Motion to suppress
Especially for Animal fighting cases**

Handle like you would any drug case

Search and Seizure is pretty settled law

Leon-good faith exception-pretty standard stuff

I have sample responses if you want them.

**No sloppy responses-Always try your case for the
Appellant Court.**

Other charges

- Other charges-
- Think outside the box-Arson, Assault on police K-9 or LEO officer
- Va-Unauthorized use
- Usually a car... a kid takes grandmas car and doesn't bring it back for days or an acquaintance's car
- But you can charge unauthorized use of a horse
- So we charged b/c she would not disclose where the horse was

- Poisoning dogs...
- We charged cruelty but there was another statute that
- was a misdemeanor for poisoning cattle or companion animals-Misdemeanor for first/subsequent was Felony.
- So, 5 felonies.
- Plead to 7 years on poisoning of the german shepherd puppies.



Sarah

- **Working with Animal Welfare Organizations**
- **Sit down with the Elected or recruit a newer prosecutor**
- **Social Media campaigns**
- **Call or write**
- **Respectful is the word.**
- **Press**
- **Courtwatch**
- **Link White Paper**

Closing: A mountain of evidence

- Totality of the evidence
 - 26 dogs Pitbull type dogs
 - Old and pink scars
 - Fresh wounds
 - Temperament-dog aggressive
 - Pit on his property (built to regulations size (Cajun rules)
 - Rug
 - Videos
 - Certificates/pedigrees
 - Treadmill
 - Publications
 - Break sticks
 - Chains/axle
 - Scale jury

Take your time and explain it all to the

Do not speed up

Don't apologize that it has been a long day

Talk about the story!

Violence is Violence

- Animal Cruelty is linked
- Domestic Violence
- Child Abuse/Family Violence
- School Shooters
- Mass Shooters
- Serial Killers
- Child Pornographers
- Terrorism/Homeland Security
- Child Sexual Abuse/Sexual abuse
- Gang Violence
- Name your violence....



Prosecution Considerations

Your File Should Include:

Past and current family history:

Animal Control

Adult Protective Services

Child Protective Services

Neighbor interviews

Photographs interior and exterior of home

Recorded observations of animals/home occupants

Investigation of current stressors

Charging Considerations

Question:

What charge or charges accurately reflect the defendant's conduct, promotes your theory of the case and best serves the interests of justice?

National Prosecution Standards Section 43 (commentary)



Sentencing

Jail time

**Probation:
Sex Offender
registration**

**Include mental health
counseling and
treatment**

Don't forget the animals

SENTENCING-BAN

At least 14 states have laws in place that mandate that a defendant convicted of animal abuse cannot possess or own an animal for at least the term of the probation.

Sentencing Options for Poly-Victimization

**Enhanced penalties
Upward departures**

Argue how the animal abuse played into the family violence scenario to show manipulation, torture, state of mind of the offender, etc.

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