ALDF Pursues Cat Killer

ALDF’S Criminal Justice Program seeks justice for cat shot with bow and arrow by Texas veterinarian

BY LORA DUNN
STAFF ATTORNEY, ALDF CRIMINAL JUSTICE PROGRAM

When the Austin County District Attorney’s office refused to charge the veterinarian with animal cruelty, ALDF took action.

WHAT HAPPENED?

In April 2015, Kristen Lindsey—a licensed veterinarian in Texas—shot a cat with a bow and arrow and bragged on her Facebook page, “My first bow kill, lol. The only good feral tomcat is one with an arrow through it’s [sic] head! Vet of the year award … gladly accepted.” Lindsey also posted a photo of herself smiling and holding the cat dangling from an arrow, which went viral on
social media and sparked outrage around the globe. Many people believe the orange tabby in the photo was a cat named “Tiger” who lived nearby.

WHY WASN’T KRISTEN LINDSEY CHARGED WITH ANIMAL CRUELTY?

The Austin County District Attorney’s Office presented the case to a grand jury, but the grand jury decided there was “insufficient proof” to charge Lindsey with animal cruelty (resulting in a “no bill”). The DA’s office then closed the case, and said in a statement that they lacked proof that the cat was killed in a cruel manner, or that the incident occurred in Texas.

HOW WAS ALDF INVOLVED?

ALDF’s Criminal Justice Program sought justice in this case in two distinct ways. First, ALDF requested all records relating to Lindsey’s criminal case from the DA’s office under the Texas Public Information Act, to assess what evidence was actually presented to the grand jury. ALDF questioned the DA’s substantive legal analysis of Texas cruelty law and whether there was truly an issue of jurisdiction (the location where the killing occurred).

Second, ALDF filed a formal complaint with the Texas Board of Veterinary Medical Examiners (TBVME) and urged the Board to revoke Lindsey’s license to practice veterinary medicine. After ALDF testified before the Board in August 2015 about why Lindsey violated Texas cruelty law, the Board decided that Lindsey had violated its rules of ethics.

WHAT’S THE STATUS OF LINDSEY’S CASE NOW?

In October 2015, TBVME decided to revoke Kristen Lindsey’s license. Lindsey is appealing that decision, and another hearing is tentatively scheduled for February 2016 with the Texas State Office of Administrative Hearings.

In response to ALDF’s public records request, the DA’s office declined to disclose any new information and cited exemptions to the public records law.

WHAT CAN I DO TO HELP?

Tell the Texas Board of Veterinary Medical Examiners that you support its decision to revoke Kristen Lindsey’s license! Visit http://www.veterinary.texas.gov/ or email vet.board@veterinary.texas.gov. Keep checking in with us at www.aldf.org for updates about this case.

Your Stock Can Help Animals

Leaving a gift of stock to the Animal Legal Defense Fund (ALDF) is a simple, yet significant contribution to a future where animals have a more protected place in our society, where they are not just voiceless victims of abuse and neglect.

Gifts of stock held for more than one year can benefit you with an income tax deduction equal to the current fair market value of the assets. These gifts are deductible at a rate of up to 30 percent of our adjusted gross income in the year of the gift. An excess can be carried over and deducted for the next five years. Such a gift allows you to avoid the capital gains taxes on an appreciation in value that you would have owed upon selling the stocks.

If you transfer stock before December 31, you can claim the tax deduction on your tax return. Please always check with your own tax advisor before making a gift of stock or securities.

Please inform your broker of the following account numbers to make the transfer of stock or securities:

DTC 0235 RBC Wealth Management; Animal Legal Defense Fund; Account #: 313-89156

Prior to transfer, please email estates@aldf.org or call 707-795-2533 with the name of the stock and number of shares to be transferred.

For more information on ways to give, please visit our website at http://aldf.givingplan.net/pp/legacy-change/208
“To protect the lives and advance the interests of animals through the legal system.” That is the mission statement of the Animal Legal Defense Fund. Everything ALDF does is driven by it. It communicates three things that are essential to ALDF, defines who we are, and explains why we are uniquely important in the animal protection movement.

The first part, protecting the lives of animals, is something we do every day. It encompasses all of our work assisting and training prosecutors and law enforcement in the prosecution of animal cruelty cases, filing lawsuits against animal abusers, conducting undercover investigations to expose animal cruelty, and working to write and pass better animal protection laws. And we back it up with the nation’s premiere animal law experts.

The second part, advancing the interests of animals, is another way of saying that we are fighting for animals’ rights in law. Because the fundamental problem for animals is that our laws still consider them things – property – rather than as intelligent living beings with rich emotional and social lives who deserve protection not because we own them, but because they have inherent rights. We look for opportunities in litigation and legislation to bring this truth before the courts and lawmakers whenever possible. And slowly but surely, we are gaining increasing recognition that animals do have rights that deserve legal protection.

Finally, our mission concludes with “through the legal system.” ALDF’s exclusive focus on the law makes us unique among animal protection organizations. All of our work from supporting our 208 Student ALDF chapters in law schools, to filing and winning landmark legal cases, is aimed at enforcing and advancing the laws that protect animals.

In the center of this issue of the Animals Advocate, we offer a special pull-out section highlighting some of our 2015 accomplishments. I hope you take pride in what you’ve helped us achieve. And I hope the mission that drives all of our work inspires you as much as it does me.

For the animals,

Stephen Wells, Executive Director
WHAT ARE PUPPY MILLS?

The term “puppy mill,” generally refers to a large-scale commercial dog-breeding facility where the emphasis is on profits over the welfare of the dogs. The goal of puppy mills is to produce the largest number of puppies as quickly as possible, without consideration of genetic quality or the care of the animals. As a result of the breeding practices of puppy mills, and the crowded, unsanitary conditions in which puppies born in mills live during the first weeks of their lives, it is common for puppy mill dogs to have each be at risk to numerous genetic and hereditary conditions and deadly diseases. Additionally, many puppy mill dogs experience behavioral and psychological problems throughout their lives from lack of early socialization and being weaned too young.

A breeder can be USDA-licensed with hundreds of dogs confined to tiny cages for years, without any human contact or proper veterinary care.

WHY IS PURCHASING ANIMALS FROM PET STORES A PROBLEM?

Sadly, the vast majority of pet stores source their puppy “inventory” from puppy mills. Pet stores routinely advertise their puppies as coming from “USDA-licensed” breeders as a means to assure unsuspecting consumers that they are not being a puppy from a puppy mill. Unfortunately, most consumers do not realize that a USDA-license just means that a breeder is providing the bare minimum of care to keep its dogs alive. A breeder can be USDA-licensed even with hundreds of dogs confined to tiny cages for years, without any human contact or proper veterinary care. Moreover, a USDA-license does not assure that a puppy was bred properly or kept in sanitary conditions, leaving many consumers having paid thousands of dollars for a puppy with serious health problems.

WHAT IS ALDF DOING TO STOP PUPPY MILLS?

ALDF is working across the country to combat puppy mills through multiple legal channels. ALDF has lawsuits filed in California and Illinois against chains of pet stores – Barkworks and Furry Babies, respectively – for misrepresenting to consumers the health and origin of puppies sold at its stores. Additionally, ALDF filed a case against the Pennsylvania Department of Agriculture, for regulations that allow breeders to confine nursing mothers and puppies all day in cages. On the criminal side, ALDF recently assisted in the prosecution of a breeder in Oregon who was found guilty of 43 counts of felony animal neglect (see article on page 5 for more information). Finally, ALDF has been fighting the passage of a “right to farm” constitutional amendment which could make “agricultural” practices, including puppy breeding, a “constitutional right.”

WHAT CAN I DO TO HELP?

First, commit to only adopting puppies or dogs from your local animal shelter or rescue group and encourage others to do the same. If you do decide to purchase from a breeder, be sure to purchase only one who wants to meet you in person and is willing and able to show you exactly where your puppy and his or her parents were raised and homed. Finally, since 2011 more than 75 cities have passed local legislation banning the retail sales of cats and dogs. If your city has not yet passed such a ban, contact your local legislature about how to support such a measure.
By Amy Mayers | ALDF Writer

A Columbia County, Oregon jury has convicted a local dog breeder of criminal neglect, thanks to a case brought by the state’s animal cruelty prosecutor, Jake Kamins. Oregon is the only state to have a prosecutor dedicated to pursuing crimes against animals. The position resulted from a partnership among the Oregon District Attorneys Association, Benton County District Attorney’s office, and Animal Legal Defense Fund (ALDF). ALDF designed and funded the program.

Catherine Setere ran a commercial breeding operation in Rainier, Oregon. In November 2013, the Oregon Humane Society (OHS), working in cooperation with the Columbia County Sheriff’s Office and the Rainier Police Department, rescued 118 dogs, 21 horses, and one cat from Setere’s property.

The jury found Setere guilty of 43 felony charges and fined her $172,000 for criminal neglect. Setere is also banned from owning domestic animals and horses for five years.

“This program is very beneficial for our county,” said Columbia County District Attorney Steve Atchison. “We’re a small county. We have only a half-dozen lawyers in our office. Animal cruelty cases are time-consuming and resource intensive.”

Atchison said the county prefers to file a separate criminal count for each abused animal. “If you have dozens of animals, it’s a grueling process to gather evidence and assemble a case,” he said. “It’s so nice to have specialist like Jake Kamins come in and take the strain off our office.”

Atchison added that Kamins has prosecuted two or three other cases for the county, all of them successful.

In one of those cases, the defendant, Joseph Hardin, shot and killed a neighbor’s service dog who had wandered onto his property and chased a deer. When the case went to trial, the jury returned a guilty verdict.

For his part, Kamins credits his success partly to Oregon’s 2013 law making animal neglect a felony, which was passed largely due to the support of ALDF and OHS. The law went into effect a little more than two months before the Setere case started.

ALDF-Backed Prosecutor Wins

If you are leaving ALDF in your will please let us know! We would like to thank you and inspire others with our new digital donor recognition. Located in our lobby, this will allow you to showcase your companion animals and/or yourself to inspire others to make the world a better place for animals in the years to come.

The Founder’s Legacy Society is ALDF’s exclusive club honoring those who are leaving a legacy through a planned gift to ALDF. Benefits include a quarterly newsletter, invitations to special events and your photo, story, and inspirational message on our digital recognition system in the lobby of our building and on our website.

If you have already made a planned gift to ALDF, please let us know! If you’ve not yet left a legacy for animals but would like info on how to do so please contact us. We can be reached at estates@aldf.org or 707-795-2533 ext. 1046.
WHAT WAS SEAWORLD PROPOSING?
On April 13, 2015, SeaWorld San Diego submitted an application to the California Coastal Commission (“Commission”) for a permit to expand its orca holding tank. Dubbed “Blue World,” the project proposed to expand the existing Shamu tank to a surface area of 1.5 acres and a depth of 50 feet. SeaWorld marketed Blue World as a necessary development for the entertainment company to “advance global understanding of [orcas].” However, even after completion of the proposed expansion, Shamu tank would provide the eleven orcas confined at SeaWorld San Diego with a mere .00066288 of the distance they would swim daily in the wild, and would still deny the orcas at least 91% of the depth they are accustomed to diving.

HOW WAS ALDF INVOLVED?
When it became clear the Commission was unlikely to deny SeaWorld’s permit outright, ALDF and its consultant, Sara Wan, led a coalition of groups to advocate that the permit should only be approved if the larger tank could only ever be used to house the existing eleven orcas, meaning no more orca breeding or capture of orcas in the wild. On Thursday, October 8, 2015, the Commission unanimously voted to approve our proposal.

WHAT WILL SEAWORLD DO NEXT?
Following the Commission’s decision, SeaWorld was faced with a few options: 1) it could refuse the permit, continue breeding and doing business as usual without expanding the tanks; 2) it could use the permit, expand the tanks, and adapt to changing views about use of animals in entertainment by phasing out the orca program at its San Diego facility; or 3) it could challenge the permit conditions in court and let a judge decide. On October 15, 2015, SeaWorld announced to its shareholders that it intends to challenge the Commission’s authority to impose conditions on the expansion permit. On November 9, 2015, SeaWorld announced that it would introduce a new orca show at its San Diego location in 2017 with additional information, including “tips” about wild orca conservation. Unfortunately, orcas will still be confined in tiny tanks and forced to perform for human entertainment. The orca shows at the Orlando and San Antonio facilities will apparently continue without changes.

DOES THIS IMPACT ORCAS AT OTHER PARKS?
Unfortunately, no. The California Coastal Commission does not have jurisdiction over what SeaWorld does at SeaWorld Orlando or SeaWorld San Antonio. However, SeaWorld’s stock prices tumbled following the decision, and the decision will impact other parks insofar as SeaWorld may not transfer orcas from its other parks to the San Diego facility if it uses the permit.

WHAT CAN I DO TO HELP?
SeaWorld has not yet filed a lawsuit; but ALDF is not standing by idly. Our Litigation Program is preparing a variety of strategies and stands poised to pursue any available legal remedies to protect the orcas and uphold the Commission’s imposed permit conditions. ALDF’s litigation strategy on behalf of the orcas confined at SeaWorld will be a corollary to our ongoing efforts to free Lolita, the solitary orca confined at the Miami Seaquarium. By supporting ALDF, and encouraging your friends and family never to visit SeaWorld or other marine parks, you help ensure it is only a matter of when, not if, the use of orcas for entertainment will become a relic of the past.
The first time I knew I wanted to be an animal lawyer was at the National Animal Law Competitions (NALC), held at Harvard Law School in 2010. I was not yet in law school, and I was searching for a way to combine my passion for animals with a career. I had the opportunity to volunteer as a timekeeper for the Closing Argument Competition, which is the criminal law portion of the event. There, I watched law students delivering closing argument in a fictional animal cruelty case, and I met several ALDF attorneys who were serving as judges. I was hooked.

Unfortunately, the law school I chose to attend didn’t yet have an animal law presence. ALDF’s Animal Law Program (ALP), through Nicole Pallotta and Kelly Levenda, became my go-to resource for all things animal law. They helped me to successfully petition my school to add an animal law class to the curriculum, start a Student Animal Legal Defense Fund (SALDF) chapter, and provided me with materials on animal law and ideas for events to engage my classmates. I would also be remiss if I didn’t acknowledge how heavily I relied on all of the resources available on ALDF’s website, particularly the Animal Law 101 page, to help develop my elevator pitch whenever I was asked that now all-too-familiar question, “what is animal law?”

I also returned to NALC…but this...
time as a competitor! The experience competing in NALC helped me build the practical skills that I now get to use every day as an advocate on behalf of animals. Participating in several rounds of moot court argument before panels of federal and state judges as well as practicing animal law attorneys, and receiving feedback from them, was tremendously helpful for my development as an attorney. It was also very meaningful to me to be able to go back to the competitions as a participant – four years after I first volunteered – and to reflect on how that fortuitous experience changed the course of my career. That is the impact that the Animal Law Program, the only program of its kind in the country, has on law students. I hope others will explore the great resources and support that ALP has to offer and take advantage of some of the opportunities that I’ve been fortunate to be a part of.

Stefanie Wilson holds a J.D., summa cum laude, from the University of California, Irvine School of Law. After clerking for the Honorable Judge Harry T. Edwards of the United States Court of Appeals for the District of Columbia Circuit, she joined ALDF’s litigation staff as a fellow. She is pleased to also report that, when she returned to NALC in 2014, she and her partner won the moot court competition!
A RECENT NEWS STORY HEADLINE READ, “Amid SeaWorld struggles, signs of a more ‘pro-animal’ future.” The Animal Legal Defense Fund is proud to be a moving force in bringing that future about. ALDF has pioneered the field of animal law for more than 35 years. In 2015, we scored impressive wins and made measurable progress for nonhuman animals. Some of our wins immediately relieved suffering. Other initiatives laid the seeds for longer-term action on the crucial issues facing us as a society. For example, ALDF formed a unique partnership with the Center for Biological Diversity — the first-ever partnership between an animal and environmental organization—to explore how our diets and family size add to climate change. And ALDF set the stage for more change to come with its Animal Law program, which nurtures the next generation of lawyers who specialize in animal law.

First and foremost, credit for our victories goes to you, ALDF’s supporters. Our work is possible only because we’re fortunate enough to have a strong base of loyal contributors who want to make the world a better place for animals.

With your continued support we will help even more animals in the years ahead and make our nation more compassionate and just for all its inhabitants.

ALDF WINS PERMANENT SANCTUARY FOR RICKY THE BEAR

Thanks to an ALDF lawsuit, a female black bear named Ricky was released from a small, concrete cage at a Pennsylvania ice cream parlor to the Colorado-based Wild Animal Sanctuary. For 16 years, Ricky lived in a barren cage at Jim Mack’s Ice Cream, eating a mix of corn and dog food funneled onto the floor of her enclosure. Today, Ricky’s habitat at the Wild Animal Sanctuary, located in Keenesburg, CO, features 15 acres of rolling grassland and the chance to socialize with other bears.
ALDF LIMITS SEAWORLD EXPANSION
ALDF led a coalition of groups that successfully lobbied the California Coastal Commission to put restrictions on SeaWorld San Diego’s orca breeding program if they expand their facility. See article “Fighting Orca Exploitation” on page 4 for more information.

ALDF UNCOVERS THE TRUTH AT TYSON FOODS
An ALDF undercover investigation of a Tyson Foods, Inc., slaughter plant in Carthage, Texas revealed systemic cruelty to chickens and poor working conditions for employees. The chicken slaughter line moves extremely fast, increasing the chances of equipment jamming, making it impossible to handle the birds in a humane fashion, and creating safety hazards for workers. ALDF asked the Attorney General of the State of Delaware, where Tyson Foods is incorporated, to investigate and sanction the company. ALDF has also filed complaints against Tyson with three government agencies, concerning inhumane animal handling practices and food safety violations; unsafe working conditions for employees; and overstating the priority it puts on animal welfare in corporate and investor materials.

FEDERAL COURT DECLARES IDAHO “AG-GAG” LAW UNCONSTITUTIONAL
In a landmark victory for a broad-based public interest coalition of national nonprofits, including ALDF, the U.S. District Court for the District of Idaho ruled that the state’s Ag-Gag law violated the First and Fourteenth Amendments to the U.S. Constitution. The decision marked the first time a court declared an Ag-Gag statute unconstitutional. The statute criminalized undercover investigations that document animal welfare, worker safety, and food safety violations at an “agricultural production facility.”

ALDF LAWSUIT IMPROVES CONDITIONS AT STOCKTON SHELTER
ALDF, a Stockton resident, and others won improved conditions at Stockton, CA, Animal Services after they sued the city and the shelter in March 2014. The lawsuit alleged an ongoing pattern of abuse and neglect; during 2015, ALDF received wide media coverage in national outlets, including Reuters, CNN, Los Angeles Times, Fox News, Associated Press, CBS, Christian Science Monitor, and Bloomberg, as well as local, regional, and trade publications.
violations of the state law mandating that shelters provide proper veterinary care by a licensed veterinarian along with adequate food, water, and exercise; and violations of the California Public Records Act.

**COURT RULES NAVY VIOLATES LAW PROTECTING WHALES AND DOLPHINS**

ALDF, along with environmental and cetacean organizations, successfully sued the U.S. Navy over the harm its training and testing activities off the coast of Southern California and Hawaii cause to whale, dolphin, seal, and sea lion populations. The U.S. District Court, District of Hawaii, found that the National Marine Fisheries Service violated the Marine Mammal Protection Act and the Endangered Species Act when agreeing to the Navy’s testing plan. The five-year plan would have allowed the Navy to harm whales, dolphins, and other marine mammals nearly 9.6 million times while conducting high-intensity sonar exercises and underwater detonations.

**ALDF PURSUES KRISTEN LINDSEY**

ALDF’s testimony before the Texas Veterinary Licensing Board assisted in its finding that Kristen Lindsey violated their ethics rules by killing a cat with a bow and arrow, and suspended her license. See article “ALDF Pursues Cat Killer” on page 1 for more information.

**ALDF FUNDS ANIMAL PROSECUTOR**

Oregon’s state animal cruelty prosecutor, Jake Kamins, scored significant wins for animals in the state. Oregon is the only state to have a prosecutor dedicated to pursuing crimes against animals. The position resulted from a partnership among the Oregon District Attorneys Association, Benton County District Attorney’s office, and Animal Legal Defense Fund (ALDF). ALDF designed and funded the program. To read more about these wins, see article “ALDF-Backed Prosecutor Wins” on page 5 for more information.
SUCCESSFULLY LOBBIED WITH OTHER ANIMAL PROTECTION GROUPS TO PASS:

- **CALIFORNIA** AB 96, which prohibits sales of ivory and rhino horn in California. California became the third state to enact such a law, following New York and New Jersey.
- A bill requiring mandatory canine encounter training for all **TEXAS** police officers.
- A ban in **SAN FRANCISCO** on the use of exotic animals in circuses and other traveling shows.

SUCCESSFULLY LOBBIED WITH OTHER ANIMAL PROTECTION GROUPS AGAINST:

- **ARIZONA**: HB 2429/SB 2150, a bill that would have removed farmed animals from the cruelty code and restricted investigations of factory farming cruelty.
- **COLORADO AND WASHINGTON**: Ag-Gag bills, which were both defeated in committee.
- **HAWAII AND INDIANA**: “Right to Farm” bills, which would have guaranteed farmers a constitutional “right to farm” at the expense of humane farming initiatives, clean air, and clean water.
- **TEXAS**: SB 987, a bill that would have carved out a dangerous exemption for the Zoologic Association of America from the state’s dangerous wild animal regulations.
- **CALIFORNIA**: AB 1188, the “gut and amend” bill that would have delayed enforcement of the ban on import and sales of kangaroo parts for several more years.

OUTREACH VICTORIES

- ALDF, the Center for Animal Law Studies, and the Lewis & Clark SALDF chapter presented the 23rd annual Animal Law Conference in October to a sold-out crowd. The 225 attendees came from the US, Canada, Peru, France, Switzerland, Costa Rica, India, and Ireland.

- ALDF, in collaboration with the Association of Prosecuting Attorneys, sponsored a three-day training for prosecutors, police, and animal care officers on how to handle animal cruelty cases.

- ALDF presented the first symposium of its Los Angeles regional attorney network at USC Gould School of Law in March. The sold-out event welcomed more than 150 attendees, including leaders of the animal protection, environmental, and human rights movements, who explored solutions to the impacts of factory farming.

- ALDF worked with three nationally ranked jury consultants to develop a voir dire process based on hard science for animal abuse cases. Prosecutors often ask ALDF for help with jury selection.

EFFECTIVE ADVOCACY

**By The Numbers**

- In 2014, ALDF accrued more than 6,300 volunteer attorney hours, valued at more than $2 million in work.

- ALDF’s Criminal Justice Program has responded to more than 125 requests for assistance from law enforcement, animal care officers, and prosecutors to date.

- ALDF’s litigation program has worked on 159 legal issues to date in 2015.

- ALDF awarded 6 Advancement of Animal Law Scholarships to outstanding members of its SALDF chapters.

- The number of donors in Los Angeles and its surrounding counties increased by approximately 10 percent.

- ALDF awarded more than 40 project grants and 36 travel grants to support its Student Animal Legal Defense Fund chapters.

- In 2015, 5 new Student Animal Legal Defense Fund chapters formed and 9 chapters reactivated at law schools across the US and Canada.