



# THE CASE OF THE SHOT CAT

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**T**his case was brought to my attention by an officer of the NJSPCA Humane Police as a request for forensic assistance in an animal cruelty case. I was supplied with the witness statement and a investigation statement from the local municipal Animal Control Officer.

### Animal Control Officer Statement:

I received a call from the local municipal police that a dead pet cat had been dumped in a municipal garbage receptacle. A witness had come forward to identify both the cat and a possible suspect. I responded to the scene and found a plastic shopping bag among the debris in the dumpster. The bag had smears of blood and contained a young gray and white cat that had recently been killed. The bag was recovered and crime scene photographs taken (**Figure 1**).

I interviewed the witness and obtained her statement. I then contacted the State SPCA Humane Police who completed the follow-up investigation and filing of criminal charges. The Humane Police then contacted their forensic investigator to complete a necropsy and retrieve any material of evidentiary value. (**Figure 1**)

### Essential Elements of the Animal Control Officers Statement:

- 1) He was dispatched by the local police so that there is a police dispatch time and official follow up is expected
- 2) As an Animal Control Officer he is authorized, by the Attorney General of the state, to complete investigations in crimes against animals.

- 3) He has training in the areas of investigation, crime scene photography, and obtaining a witness statement. Further he is aware of the chain of custody issues that surround an investigation and evidence collection.
- 4) He has authority to engage the State Humane Police for follow up investigations.

### Witness Statement:

I was walking my dog and as I was passing a neighboring house I saw a man luring a stray/feral gray and white cat into his garage with the offer of treats and food. Once the cat entered the garage the man shut the garage door trapping the cat in the enclosed garage. Immediately after the door closed I heard a loud noise that I thought was a gun shot. There was no further activity and the door didn't open following the noise. I continued to observe my neighbor for any further signs of what happened to the cat. Approximately 30 minutes later I observed the neighbor leaving his garage with something wrapped in a plastic shopping bag. I observed him then take the bag and its contents to the end of the cul-de-sac and place the bag and contents into the municipal dumpster.

After waiting until the neighbor returned to his house I ventured over to the dumpster and retrieved the only plastic bag in the dumpster. It contained the remains of the cat I saw being lured into the garage. The cat wasn't stiff but was dead. I then called the local police who dispatched an Animal Control Agent.

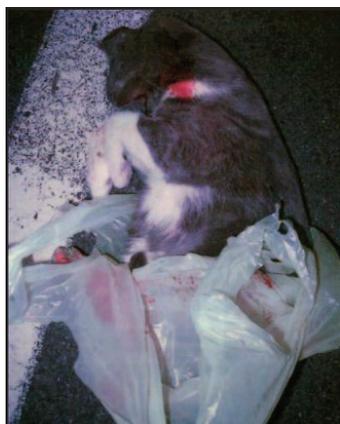


Figure 1.



Figure 2.



Figure 3.



Figure 4A.



Figure 4B.

### Essential elements of the witness statement:

- 1) Witness is a first person observer of events
- 2) The witness came forward as soon as she realized a possible crime had been committed
- 3) The witness identified the cat eventually found by the ACO
- 4) The witness was familiar with and knew the address of the suspect and confirmed this to the ACO on the scene. This resulted in a positive identification of the suspect.
- 5) The witness only heard a shot, wasn't confident in the nature of the noise and didn't witness the discharge of a firearm.
- 6) The witness expressed concern/fear of her neighbor due to his previous and current suspected behaviors.

### THE FORENSIC INVESTIGATION

I received the frozen remains from the ACO with-in several days of the investigation being initiated. The chain of custody indicated that the ACO initially transported the remains to his secure facility where it was examined by a general practitioner and then placed in a secure freezer. Upon request, by the NJ State Humane Police, the remains were transferred to my laboratory for a forensic necropsy. The receipt of the remains in-situ were photographed (Figure 2)

The patient was removed from the transportation bag and a necropsy performed. The initial findings included 1) blunt force trauma to the occipital area of the cranium. The size of the object inflicting the blunt trauma would likely be between 2.5cm to 3cm (Figure 3). Multiple wounds were noted over the dorsum of both the thorax and abdomen with a significant proportion of projectiles entering the left lateral aspect of the hind limb. Several whole body radiographs confirmed that for each puncture noted, there was a round metallic projectile embedded in the tract associated with the wound. (Figure 4A, 4B)

Removal of several of the pellets identified that the embedded items were metallic and micrometer measurements of the projectiles were consistent with pellets of ammunition of a 38spl/357 Magnum caliber multi-projectile “shot

shells”. A direct comparison and measurement of the removed projectiles and the standard “shot shells” appeared to be consistent and suggested that the projectiles were likely from a similar type of ammunition (Figures 5A, B). None of the projectiles were associated with the proximate cause of death; however the blunt force damage was likely the cause of death and was associated with intracerebral hemorrhage.

Based on these necropsy findings and the circumstances of the case, witness, and ACO statements. We decided to obtain a search warrant for the residence of the suspect to: First, identify the presence of a firearm and ammunition consistent with the projectiles and cartridge suspected to have been used. Second, we were to examine the suspected primary crime scene (the garage) for spent pellets, blood and other materials of evidentiary value. Third to identify a blunt object consistent in size and character of that suspected to have caused the occipital damage (cause of death) as noted. A search warrant is also needed to review records of firearm ownership by the suspect,

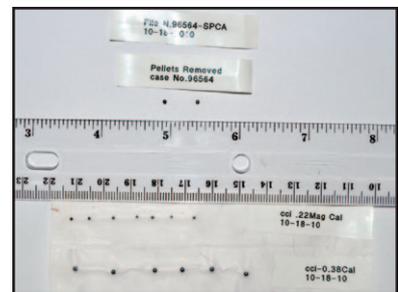


Figure 5A.



Figure 5B.

## CHARGES FILED

The charges filed were based on the New Jersey Animal Cruelty Statutes, commonly known as "Title 4" (1). The charges under Title 4 include: 1) 4:22-17A1 Abuse of a Living Animal or Creature 2) 4:22-17A2 Cause or Procure Abuse 3) 4:22-17A3 Infliction of Unnecessary Cruelty on an Animal. In law enforcement often multiple charges are filed to ensure that all possible perpetrator defenses to the crime are included.

The penalty of being convicted of any or all of these statutes of crimes against animals, in the State of New Jersey, is at the discretion of the Judge. Penalties include: Any person found guilty of these offenses is guilty of a disorderly person offense. If the person is found to be guilty of recklessly, knowingly, maiming, hanging, poisoning, unnecessarily beating, mutilating a creature or animal he/she is guilty of a crime in the fourth degree. Further any person who is found guilty and the animal or creature is cruelly killed or dies as a result of a violation of this statute or, if the person has a prior conviction of this statute then the person is guilty of a crime in the third degree (more serious than 4th degree crime).

A disorderly person conviction is a misdemeanor and carries a fine of not less than \$250 nor more than \$1000. If convicted, the suspect may also be subject to incarceration of 30 days to six months. Crimes in the 4th or 3rd degree are both felonies under New Jersey law. Penalties, for these offenses range from incarceration from 18 months to five years and fines of up to \$15,000. The seriousness of these convictions is obvious and so both law enforcement and forensic scientists must substantiate the charges and the evidence against, or for, the suspect.

## OUTCOME

Based on the witness statement, the similarity of the embedded projectiles (pellets) to a known type of ammunition, the recognition that the dumpster was not the primary crime scene, a search warrant was requested to enter the suspects' garage and home to gather evidence.

Unfortunately, the witness, in fear of the possible retaliation from the suspect, recanted her statement. Since her statement was the key and the only link to the events between the victim and the suspect, the application for a search warrant was withdrawn. This case has been placed on "terminal hold" pending additional information or evidence. The suspect remains free and has not been charged with any crime. ■

### References

1. New Jersey Annotated. Title 4. Agriculture and Domestic Animals. Chapter 22. *Prevention of Cruelty to Animals*. (Jan 2006)