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New animal-cruelty law has teeth

Gazette, The (Colorado Springs), Apr 2, 2006 by BOBBI SANKEY THE GAZETTE

A year ago, Lori Manire would not have seen the inside of a jail cell for starving dozens of horses and cattle on her ranch near Rush.

Manire was sentenced to 90 days on March 23, after being convicted of aggravated cruelty to animals, because of a law that went into effect last year.

It made her crime a felony instead of a misdemeanor, typical in most cases of animal abuse, and mandated time in jail or under house arrest.

A new partnership with the Humane Society of the Pikes Peak Region will allow the 4th Judicial District Attorney's Office to keep pursuing stricter punishment in the worst animal cruelty cases.

"It's a huge change -- and we're utilizing that statute," said senior Deputy District Attorney Shannon Gerhart.

Gerhart has been named liaison between the DA's office and humane society -- something that will "help them prosecute cases more thoroughly and as a result, get harsher sentences."

It's a matter of streamlining communication, she said. If humane society officers have questions, they work with her.

"The Manire case might be the case that changed our outlook in working with the humane society," Gerhart said.

It may make things easier in court also.

Gerhart said defendants' attorneys sometimes will make a motion to suppress evidence, claiming humane society officials were on a defendant's property illegally.

"In case that issue ever did come up, it's good to have a DA (available) to say they should get a search warrant, so the evidence they get is usable," Gerhart said.

Humane Society Officer Rodney Novotny said there are 22 cruelty cases being investigated in which animals have been seized from their owners, and another 30 or 40 in which the animal remains with the owner.

Not all are as serious as the Manire case, he said, in which horses and cattle were found sick and starving. Nevertheless, they involve animals being mistreated.

"What I would call an aggravated cruelty case, you probably only look for two or three per month," Novotny said.

The partnership with the DA's office will be helpful especially when they decide to press charges, he said.

"We're out there, we've given the owner a couple warnings and spoken with them -- we might have a question about what (the DA's office) thinks of the case at that time. Is there something else they'll need to prosecute?" he said.

Cruelty to animals is a class 1 misdemeanor, which can result in a fine of up to \$5,000.

Gerhart said changes in the law allow the DA's office to charge aggravated cruelty to animals, a class 6 felony that carries a mandatory 90-day jail sentence, if circumstances warrant it.

Reckless or negligent treatment of animals usually is a misdemeanor, but if it can be shown it was done "knowingly," that kicks the charge up to a felony.

"The (misdemeanor) is recklessly and with negligence, like say you went on vacation and you leave your dog in your garage and forget to feed it," Gerhart said.

But if you intentionally trap the dog in the garage and starve it, that may warrant a felony charge because it shows the suspect intentionally mistreated the animal, Gerhart said.

"It's hard to prove what anyone knew at the time -- we have to show what the defendant was thinking and what they knew," Gerhart said. "It makes it a bit harder than just saying they were reckless or negligent."

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