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November 21, 2014

Statement by Accomack County Commonwealth Attorney Regarding the PETA Associates Investigation

Commonwealth's Attorneys cannot always make popular decisions, rather they are charged with making responsible decisions. Prosecutors must decide if evidence gathered provides proof beyond a reasonable doubt each element of the criminal offense. The criminal intent required to convict someone for theft of property (or dog) it must be shown that the defendant intended to steal the property (or dog) of another, rather it must be shown that the taking was coupled with the intent of depriving the rightful owner of their property.

The facts appear to be that PETA was asked to help when an adjacent landowner reported to them that they should see how his cow with her udder's ripped up from abandoned and stray dogs in the trailer park area amounted to a menace not to be tolerated. He complained to PETA that the abandoned and stray dogs attacked his livestock, injured his milking cow, killed a goat, and terrorizes his rabbits. Abandoned and/or stray dogs and cats appeared to have been considerable in number around the trailer park known as Dreamland 2. PETA responded and the trailer park management encouraged their efforts in an attempt to gather the stray/abandoned cats and dogs. Additionally the leases provided that no dogs were allowed to run free in the trailer park.

Approximately three weeks before Mr. Cerate's dog was taken by the women associated with PETA, Mr. Cerate asked them if they would put traps under his trailer to catch some of the wild cats that were in the trailer park, and traps were provided to him as he requested. Additionally, parties associated with PETA provided Mr. Cerate with a dog house for two other dogs that were tethered outside of Mr. Cerate's home.

On or about October 18 a van that was operated by the ladies associated with PETA arrived at the trailer park. The van was clearly marked PETA and in broad daylight arrived gathering up what abandoned stray dogs and cats could be gathered. Among the animals gathered was the Chihuahua of Mr. Cerate. Unfortunately the Chihuahua wore no collar, no license, no rabies tag, nothing whatsoever to indicate the dog was other than a stray or abandoned dog. It was not tethered nor was it contained. Other animals were also gathered. Individuals living in the trailer park were present and the entire episode was without confrontation. Mr. Cerate was not at home and the dog was loose, sometimes entering the

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shed/porch or other times outside in the trailer park before he was put in the van and carried from the park. The two dogs owned by Mr. Cerate that were tethered were not taken.

Whether one favors or disfavors PETA has little to do with the decision of criminality. The issue is whether there is evidence that the two people when taking the dog believed they were taking the dog of another or whether they were taking an abandoned and/or stray animal. There have been no complaints on the other animals taken on that same day, and, like the Chihuahua, had no collar or tag. From the request of the neighboring livestock owner and the endorsement by the trailer park owner/manager the decision as to the existence of criminal intent beyond a reasonable doubt must be made by the prosecutor. More clearly stated, with the evidence that is available to the Commonwealth it is just as likely that the two women believed they were gathering abandoned and/or stray animals rather than stealing property (dog) of another. Indeed, it is more probable under this evidence that the two women associated with PETA that day believed that they were gathering animals that posed health and/or livestock threat in the trailer park and adjacent community. Without evidence supporting the requisite criminal intent, no criminal prosecution can occur.

The animals were not euthanized in Accomack County, so this jurisdiction makes no determinations on those issues.

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Commonwealth Attorney's Office

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