

Animal abuse - Cases

The cases identified here provide examples of the way judicial officers have dealt with some of the issues raised in the context statement.

Click on the citation to be directed to a summary of the case in the Case Database.

***R v Mazaydeh* [2014] ACTSC 325 (13 November 2014) – Australian Capital Territory Supreme Court**

The offender was a former partner of the female complainant. He refused to leave her apartment, attempted to choke her and held a knife to the throat of her cat.

Murrell CJ at [9]: ‘The threat to cause damage to the victim's cat was particularly upsetting to the victim, and the offender was no doubt well aware of the victim's affection for her cat. He seized the cat and held a knife to its throat. That would have been quite devastating for the victim’.

And at [15]-[16]: ‘These offences occurred in the context of a previous relationship between the offender and the victim and involved violence within the victim's home, an apparent sense of entitlement on the part of the offender, and humiliation through verbal and text abuse of the victim.’

‘The sentencing purposes of punishment, general deterrence and denunciation are very important, as well as the recognition of harm to the victim personally and the community generally through offences of this nature. The victim provided a victim impact statement in which she referred to impacts upon her of the type that frequently result from offences of domestic violence, including feelings of anxiety, difficulty sleeping, difficulty concentrating at work and elsewhere, and an adverse effect on her ability to form relationships. Since the incident, the victim has moved house because she felt unsafe in the apartment where the offence occurred’.

***R v McLaughlin* [2015] ACTSC 201 (16 July 2015) – Australian Capital Territory Supreme Court**

The offender started kicking the dogs in front of his wife and children. The wife asked him to stop and he punched her several times.

In assessing the objective seriousness of the offences, Burns J took into account that the offender was significantly larger than the victim, that the offences occurred in the context of a domestic relationship and that the children were present during the attack. Burns J considered the offender's conduct to be ‘cowardly, shameful and rightly characterised as criminal’ ([7]). A victim impact statement was also prepared by the victim, explaining the trauma and anxiety the offences caused her and the children. Burns J noted that ‘As

is so often the case in domestic violence offences, the long term burden of your violence will not only be felt by your wife, but also by your children’.

***R v French* [2020] NSWDC 767 (17 December 2020) – New South Wales District Court**

Priestley SC DCJ found at [13]-[14]:

“The offender argued that what occurred was no more than was necessary to commit the offence, at least in respect of planning. In my view this offending was more than opportunistic. The offender went looking for the cat; it was not as if the cat did something immediately before the offending to irritate the offender and he acted impulsively. It is gratuitous cruelty. The elements of the offence include to commit a serious act of cruelty, and that the animal is killed or seriously injured. In this case as to the first mentioned element, the act of cruelty was reasonably brief in its execution; just how long the cat suffered is not known. As to the second mentioned element, the result is death, not injury, making the offending in my view more serious.

There was some debate based on the animal being a domestic pet compared to some authorities referring to animals that would not normally be considered pets, with the Crown arguing it is a more serious matter if a pet. From the animal’s point of view this is a point that is of utter indifference. Yet in the context of offending surrounded in circumstances of domestic violence I tend to the view that it does make it a more serious offence.”

***Marrah v The Queen* [2014] VSCA 119 (18 June 2014) – Victorian Court of Appeal**

The applicant physically and sexually assaulted his partner and threatened to kill her and her dog.

Tate JA at [25]: ‘The gravity of the offending was aggravated by the fact that the applicant was at the time the subject of an intervention order, which he flagrantly disregarded. Offending of this nature is too often perpetrated by men whose response to difficulties in a relationship is one of possessive, violent rage. It goes without saying that such a response, to what is a common human situation, is utterly unacceptable. The sentences must convey the unmistakable message that male partners have no right to subject their female partners to threats or violence. The sentences must be of such an order as to strongly denounce violence within a domestic relationship’.

***DPP v Neve* [2013] VSC 488 (13 September 2013) – Supreme Court of Victoria**

Bell J at [70]: ‘In relation to the charge of criminal damage (charge 1), yours is a serious example of this crime. The property concerned was Frank, Ms Fuller’s beloved dog. I infer from the circumstances that you killed the dog to inflict severe hurt and suffering on Ms Fuller, which she did and does feel. I accept the submission of your counsel that in normal circumstances a first-time offender, such as yourself, would not be given a sentence of imprisonment for this kind of offence. But the circumstances of your killing of the dog make such a sentence warranted, especially having regard to denunciation and general deterrence. It

should not be fully concurrent as is counts materially and individually in the criminality of your conduct and the suffering of the victim'.