

CATS FOUND AT LARGE - MELBOURNE

If You Have Been Charged with a Cat Offence You Need Representation

If yes, you must engage a law firm with proven experience in cat criminal law.

The criminal justice system (CJS) comprising police, Courts, Magistrates and Judges is a very unfamiliar and intimidating environment, particularly for unrepresented and/or first-time defendants. The CJS has the prosecutor's and public's best interests and rights, not yours. Courts take cat offence charges very seriously and often impose harsh penalties, including the devastating loss of your pet cat. The relevant legislation is broad and includes a number of elements with precise definitions, including who is the owner of the cat (which the prosecution must establish). Also, the amount of forensic evidence that must be preserved before it is lost/damaged (like witness statements) and the number of aggravating and mitigating factors that must be considered for this offence means being well prepared and seeking legal advice from us as soon as possible before facing a Court is critical to use helping you receive the most favourable outcome.

MK Law has a team of expert criminal defence lawyers across our 4 offices (Melbourne, New South Wales, South Australia and Western Australia) positioned close to the Courts where we have represented thousands of parties with cat charges. We take allegations very seriously. During our confidential consultations, we carefully listen to our clients' unique instructions and side of the allegation, consider all relevant factors, provide strategic advice by explaining the possible risks and penalties and guiding you through the likely outcome and most appropriate options (whether to plead not guilty or admitting guilt to the elements of the crime and dispensing the need for the prosecution to prove guilt) to avoid the most severe penalties being imposed.

We have prepared many strong and successfully plea and defence strategies in the Victorian Courts by fighting the charge/s if you have been wrongly accused (including conducting our own investigations, requesting disclosure material and statements from witnesses, analysing the police brief of evidence to identify elements of the offence that cannot be proven, proactively looking for evidence police have overlooked and vigorously cross examining/questioning the prosecution's case (like if they have not drafted statements or spoken to key witnesses), properly explaining the underlying circumstances of your offending (like whether you have made reparations to the victim or had to have the dog put down) and personal history to the Court and arranging and tendering evidence which supports your case, including forensics, defence witness statements, character references and psychological reports and engaging experts (to obtain data from your computer to help exonerate you) to be analysed and explained to the jury).

We appear in Court daily and know what works. We have in-house counsel who run contested hearings from the beginning, so you will always receive the same lawyers who work on your case from the very beginning. If you decide to plead guilty, we will explain to the Court through legal submissions why you committed the offence in light of your personal and surrounding circumstances. This means we are well equipped in navigating this complex environment of the law to work through the particular legal processes, procedures and factors that guide the Court. We have your best intentions in mind to help defend you and persuade the Court to hand down the fairest and most lenient penalty (like avoiding imprisonment, reducing the number of your charges, having the charges

dismissed/withdrawn and/or a costs order made out against the prosecution where you are paid all legal costs for your defence).

This offence is not uniform across Victoria which means the location you reside in and the relevant Council's rules and regulations will depend on whether or not you will be charged. Our Lawyers regularly attend professional development training to ensure we are up to date with the each municipal council's latest laws and regulations in this area.

Contact our experienced team of council and dog criminal defence lawyers for free legal advice 24/7 on 1800 130 120 or marcus.mkllawfirm.com.au.

Cats Found at Large

An owner's cat found at large is a criminal offence provided for under ss 25 of the *Domestic Animals Act 1994* (Vic) (DAA).

Questions to Consider Before Pleading Guilty or Not Guilty

To determine whether you have a good prospect of success in defending your cat offence in Court, it is important to weigh up the following important points:

- Has the prosecution correctly given me particulars of the charge/s I have been charged with?
- Does the prosecution have a strong case against me and can establish all elements of the offence?
- Should I plead guilty or not guilty where I defend my charge at a contested hearing or a trial?
 - What is the link and is it clear?
- Was a co-accused charged or did I act alone?
- When did the offence occur and when was I charged by police?
- What options are available to minimise my penalty?
- Do I have a lawful reason to justify why I carried out the offence (can a defence like mental impairment/illness be relied on to argue my innocence)?

Our experienced Lawyers will help answer all these questions and prepare a strong case for you.

What to Consider/Needs to be Established?

To determine whether you have been charged with your cat being found at large, it is important to consider what constitutes the offence. In other words, can the disputing party establish beyond reasonable doubt all elements of the offence?

- You were the *owner of a cat*?
- The *cat was found at large outside your premises or not securely confined to your premises?*
- The *cat was found in a municipal district (or specific part of) for which this order was made?*
- The *cat was found/not confined during hours contained in the order?*
 - E.g. between sunrise and sunset?

If the disputing party cannot establish beyond reasonable doubt all elements of the offence, you are not guilty of the offence.

Where Will my Matter be Heard?

Cats being found at large matters are always dealt with in the lower Court (Magistrates Court of Victoria).

Defences

If you are pleading not guilty to your cat found at large charge/s, possible defences you have available to lawfully explain your behaviour will depend on the circumstances surrounding the alleged offending. Every case is unique and requires an individualised plan and approach. Possible defences include:

- The opposing party **not being able to establish to the criminal standard of beyond reasonable doubt all elements of the offence**
 - Your **cat was not found outside your dwelling**
 - Your **cat was securely confined**

Penalties

If you plead or are found guilty of s 25, the penalty imposed will often depend on the time of day/night your cat was found, including:

- **Financial fine** (conviction or non-conviction)
 - First offence (maximum **1 penalty unit**)
 - Second or more offence (maximum **3 penalty units**)

A finding of guilt gives the relevant Council the power (by resolution) to make an order to publish the offence in the Victorian Government Gazette AND another newspaper that circulates within the region of the local Council (s 25(2)-(3) DAA).