

Justice for All: Navigating the Legal Landscape of Animal Cases in the Courtroom

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Q1 : How many animal cruelty seizure cases have you
handled?

- A) 0-5
- B) 6-10
- C) 11-20
- D) 21+

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Q2 : Theft lands in your court for a foster who refuses to return the animal to the rescue or shelter. What say you?

- A) Not a theft case. This is civil, plain and simple!
- B) Theft case, not civil.
- C) Theft case, but could also be civil if shelter/rescue decide
- D) I have no idea! That's why I'm here!

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The “Why”

- Public scrutiny is high
- Unique property (*Strickland v. Medlen*)
- Cases increasing
- “The Link?” and legal complexity

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Two charged with Animal Cruelty in Tyler County, 15-20 dead dogs found and dozens seized

by Scott Lawrence | Mon, March 16, 2026 at 10:17 AM
Updated Mon, March 16, 2026 at 10:42 AM



What Harris County Precinct 1 investigators found after dogs were left outside in a Houston lot

— Authorities rescued three dogs from freezing conditions in southeast Houston, while a fourth was found dead. An animal cruelty investigation continues.

Pa. couple charged with abandoning dogs in freezing temperatures after 5 puppies found dead

Published: Feb. 11, 2026, 10:33 a.m.

Dog found with mouth taped shut recovering, set for adoption this weekend in North Texas

— A rescued dog named Hopper, once found bound and neglected in Johnson County, is now recovering and ready to find a new home this weekend.

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One dog dies, another rescued in Williamson County animal cruelty case

by Sarah Al-Shaikh
Posted: Jan 22, 2025 / 07:52 PM CST
Updated: Jan 23, 2025 / 06:16 PM CST

Delay serving the warrant

Any justice of the peace or municipal judge within the county can issue a warrant to seize an animal they believe is being treated cruelly, Musselman said.

But in this situation, he said they lost about 15 minutes trying to figure out who had the authority to sign that warrant.

“There were two dogs outside of Bartlett on a property in a chain link fence with no support. No housing out in the cold with the wind blowing, whipping up the ice and the snow into their pen.”

— JUDGE KY MUSSELMAN, WILLIAMSON COUNTY JUSTICE OF THE PEACE IN PRECINCT 1

“We were 60 feet away from the county line, and we had a jurisdictional question,” Musselman said. “We did our best to issue that warrant as quickly as possible. Unfortunately, because of the time, one of those dogs died in the animal control officer’s arms.”

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What is the LINK?

- Animal cruelty connected to violence
- Early warning sign
- Pattern of escalation



NATIONAL LINK COALITION

*Working together to stop violence
against people and animals*

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The Data

- 71% of DV survivors report pet abuse
- 1/3 victims report children harming animals
- 5x likely to commit violent crime
- 50% of rapists and 33% of child molesters admitted to animal abuse

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Law Enforcement Perspective #1

FBI National Incident-Based Reporting System
(NIBRS) Tracking (2014, 2016 changes- 2021
mandate)

Participating NIBRS agencies reported

- 2016: 1,100
- 2017: 3,200
- 2022: 20,527
- 2023: 22,418
- 2024: 26,056
- 2025: 25,939

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The Law Enforcement Perspective #2

Animal abuse=public safety issue

“...cruelty to animals as a serious human problem closely linked to domestic violence, child abuse, elder abuse, and other violent crimes. [Preventing animal cruelty]...can be an effective means of breaking the cycle of family violence from one generation to the next.” -

International Association of Chiefs of Police

“A strong connection...between domestic violence, child abuse and animal abuse...a batterer’s first victim is usually an animal followed by a child or person. It’s up to law enforcement and prosecution to bring these criminals to justice.” - **National Sheriffs’**

Association

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The Law Enforcement Perspective #3

“Animal abuse has received insufficient attention as one of a number of ‘red flags’ - warning signs or sentinel behaviors that could help identify youth at risk for perpetrating interpersonal violence and youth who have themselves been victimized.” - **US DOJ OJJDP, 2001**

“May seem unimportant in the face of events like the Boston bombing, school shootings, and other recent tragedies, but we know there’s a history of animal cruelty in the backgrounds of many perps of violent acts. Understanding the link between animal cruelty and interpersonal violence is critical to the Department.” - **US DOJ Working Group**

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Serial Killers & Mass Shooters

- Albert DiSalvo (the Boston Strangler): strangled & killed 13 women, trapped dogs in crates, & shot arrows through them.
- Ted Bundy: serial killer and rapist –tortured animals.
- Jeffrey Dahmer: impaled the heads of dogs and cats on sticks.
- 2017: Sutherland Springs, TX (Devin Kelley)
- 2019: Midland-Odessa, TX (Seth Aaron Ator)
- 2022: Buffalo, NY (Payton Gendron)

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Think About It

What message
does your
courtroom send
when minimized?

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Animal Cruelty Issues: Key Statutes

- Health and Safety Code Ch. 821
- Penal Code § 42.092 (and others)

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Animal Cruelty Issues: Key Definitions (§ 821.021)

- Cruelly treated includes neglect, torture, abandonment
- Owner = custody (possession) OR control

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Animal Cruelty Issues: Unlawful Restraint (§ 821.101)

- Applies to dogs outside (conditions, collars, length, shelter)
- If previously convicted, next is Class B (county court)
- Each dog = separate offense
- Can prosecute under multiples sections

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Ordinances Matter

- Local rules fill gaps
- Food, water, shelter
- New legislation!
 - TX Trans. Code 285.001 (selling animals at flea markets, roads, etc.)

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Civil Seizures: Tex. Health & Safety Code Ann. § 821

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Civil Seizures Overview

- Animals = property
- Animal defined as including “every living nonhuman creature” - § 821.001
- Civil process re: disposition of property
- Focus on condition of animals



Cruelty Seizures

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Civil Seizure Flow

Investigation

Warrant

Seizure

Hearing and Disposition

Appeal

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Initial Timeline Before Warrant

Reports

Photos

Investigation

Witnesses

Vet Exam



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Warrant Standard and Setting of Hearing § 821.022

- Any peace officer or ACO who has “reason to believe...”
- Probable cause
- Has been OR is being cruelly treated
- Shall issue warrant & set hearing within 10 cal days
- Written notice* to owner of time/place of hearing

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Seizure

Animal
removed

Taken to
shelter

Vet exam
ASAP

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Before the Hearing



- Agreements possible
- Include cruelty finding
- Agreement should never agree to no criminal charges
- Waiver of costs for relinquishment or if returned, monitoring schedule

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Hearing Basics § 821.023

- Style of the case (In re: [description of animal])
- Each interested person is entitled to present evidence (owner, city/state, etc.)
- Owner ≠ be present—just provided written notice
- If owner shows up, notice is waived!
- Rules of Evidence & TRCP apply
- Preponderance of evidence standard

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Key Definitions for Hearings To Know

- HSC: cruelly treated in § 821.021(1) & owner (3)
- Penal Code
 - Torture = act causes unjustifiable pain or suffering
 - Unreasonably abandon = no reasonable arrangements
 - Fail to provide = to maintain in good health
 - Cruelly = causes or permits unjustified pain or suffering



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Key Question: Was the animal cruelly treated under the law?

- Some effort ≠ failure to provide; lack of resources NOT a defense!

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What happens to the animal after the hearing? Title Transfer

Court does not find cruel treatment →

Returned to owner

Court finds cruel treatment →

Ownership terminated



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If Ownership Terminated

- 1) Public sale of animal § 821.024 or
- 2) Transfer or
- 3) Euthanasia



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Judgment Against Owner

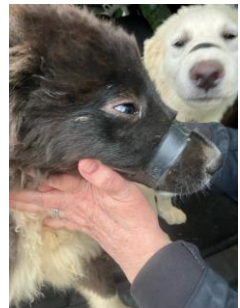
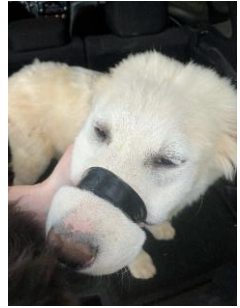
- List animals with descriptions
- Court costs must include restitution
 - Investigation
 - Expert witnesses
 - Housing and care for the animal(s)
 - Cost of sale or destruction
 - Spay/neuter of animal(s)



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Appeals (§§ 821.023, 821.025)

- Owner appeals to CC or CCAL
- Notice & surety/cash bond within 10 calendar days of judgment
- Bond \$ – cc+cost of care for 25 days
- Clerk must file record (transcripts, etc.) within 5 calendar days of perfection
- CC/CCAL must hear appeal *de novo* w/in 10 cal days of receipt
- Do not sell or give away, but may be humanely destroyed to prevent suffering



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Court Costs:

Administrative costs	
Investigation	\$\$
Expert witnesses	\$\$
Conducting any public sale ordered by the court	\$\$
Animal shelter/animal welfare organization costs	
Housing and caring for animal(s) during its/their impoundment	\$
Humanely destroying the animal(s) if ordered by the court	\$\$
Court costs	\$\$

Estimate of animal shelter/animal welfare organization costs to house and care for the animals during appeal process:

Daily cost of housing, food, veterinary care, medication, etc. for animal(s)	\$
Multiplied by statutory length of appeal	x 25
Estimated costs during appeal process	\$\$

Bond for appeal:

Court costs	\$\$
Estimated costs during appeal process	\$\$
Appellate Bond amount	\$\$



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Warrantless Seizures (Emergency Exception)

Probable
cause of cruel
treatment

No
warrant
needed

Immediate
need to
preserve a life

Pine v. State, 889 S.W.2d 625, 631 (Tex. App.—Houston [14th
Dist.] 1994, no pet.)

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Q6 : Any person can request an arrest warrant - not just law enforcement - and you can sign it if they show PC a crime was committed.

- A) True
- B) False

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An “Odd Duck” – CCP §15.03(a)(2)

- Mag may issue a warrant or summons...[w]hen any person shall make oath before you that another has committed some offense against the laws of the State
- Must make the oath in front of you in person OR through video conferencing (zoom, etc.)—but a recording must be made and kept [§15.03(c), (d), and also see (e)]

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Dogs Attacking Persons (SBI and Dangerous Dog Cases): HSC Ch. 822, Subchapters A and D

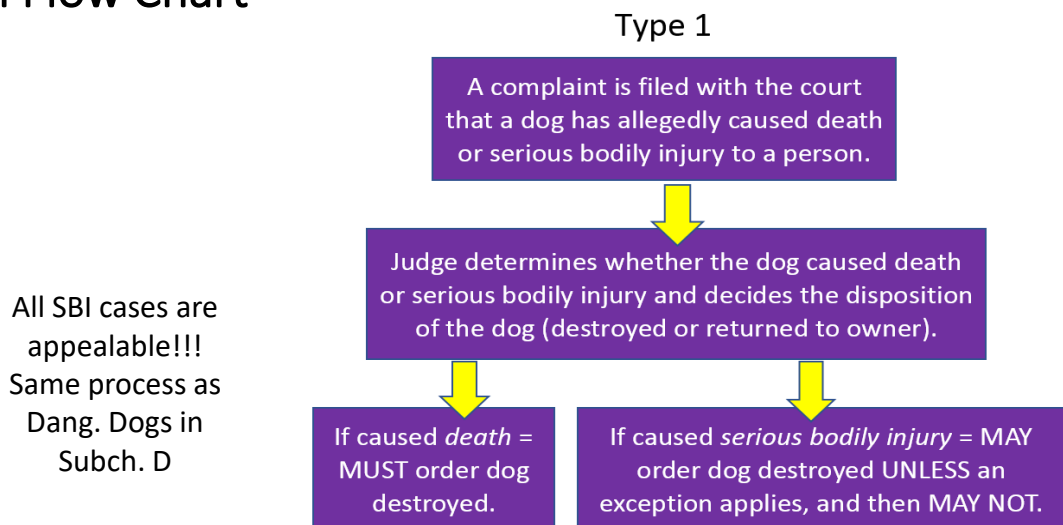
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Q3 : There is only an appeal for a dangerous dog case, not an SBI (serious bodily injury) case.

- A) True
- B) False

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SBI Flow Chart*



* 4th Ed. Admin. Deskbook, TJCTC

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SBI (Subchapter A, §§ 822.002-.004)

- Causes serious bodily injury (SBI) or death to a *person*
- SBI = severe bite wounds or severe ripping/tearing of muscle requiring hospitalization*
- Sworn complaint of *any person*...(see AG ruling KP-0284)
- PC shown → *Shall* order the seizure of the dog
- Animal control authority → Impound animal until disposition

Serious Bodily Injury, Subch. A

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SBI (Subchapter A; § 822.003) Hearing and Outcomes

- Court gives written notice to both owner and complainant
- Hearing by the 10th day after warrant issued (not seized)
- Can't limit testimony—"any interested person" is entitled to present
- Dog caused DEATH?—**shall** order euthanized
- No death but YES SBI?—**may** order euthanized
- No SBI & no death, **shall** order dog released back
- Provocation doesn't come into play here...*if* death; SBI— "maybe"

Serious Bodily Injury, Subch. A

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SBI (Subchapter A; § 822.003) Defenses to Euthanasia

Court **may NOT** order euthanasia if**:

- 1) Protecting person/property, attack was where dog was being kept, notice dog was there, hurt person was 8+ years old, person was trespassing
- 2) Not being used to protect property or person, but attack happened where dog was being kept, hurt person was 8+, and was trespassing
- 3) Hurt person was under 8, attack happened where dog was being kept, but where dog was held reasonably certain to keep a kid under 8 from entering
- 4) Defending a person from an assault or property/theft

Serious Bodily Injury, Subch. A

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Hypothetical #1

Sandy, 12 years old, has her friend over (also 12). Dog is in backyard as usual in locked dog run. Sandy's parents tell friend not to enter backyard and not to go near the dog. Friend goes into backyard, sticks fingers in dog run, and dog bites friend's finger off. What say you, judge?

- a) I'd order the dog to be euthanized. Dog caused SBI—the end!
- b) I'd order that the dog caused SBI, but there is a defense because dog in dog run and child (over 8) trespassing. So no euthanasia.

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Dangerous Dogs (Subchapter D, §§ 822.041-0.047)

Attack that causes bodily injury

Unprovoked

Act that causes reasonable belief of attack/bodily injury

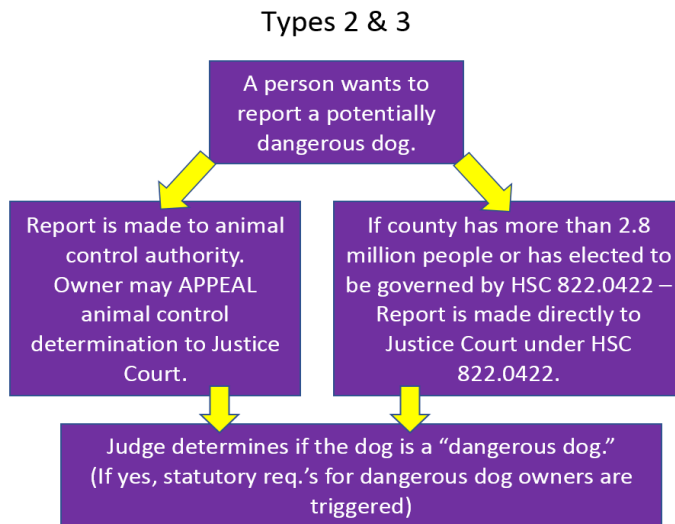
Other than in enclosure where kept

Dangerous Dogs, Subch. D

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Dangerous Dog Flow Chart*

-O has 15 cal days to appeal
 -Attach decision
 -Serve notice by mail to A/C authority
 § 822.0421(b), (c)

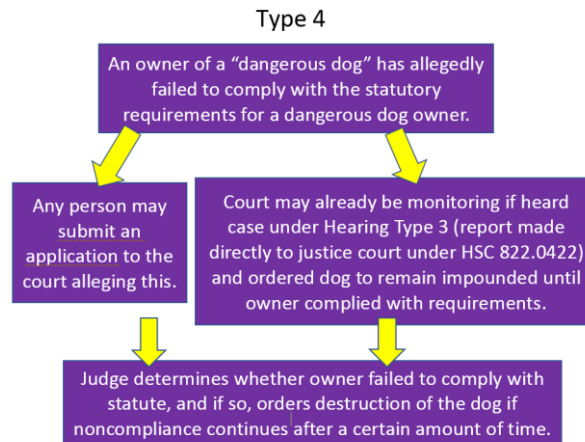


-10 cal days from JP decision
 -File notice
 -JT

* 4th Ed. Admin. Deskbook, TJCTC

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Violation of DD statutory requirements flow chart*



* 4th Ed. Admin. Deskbook, TJCTC

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Hypothetical #2

Bob's fence is in disrepair. Dog "escapes" and runs aggressively up to Sarah who is walking her 30lb dog on a leash. Sarah screams for help as dog jumps up on her and her dog. Sarah sustains scratches. Neighbor Scott runs and holds onto "escapee" until authorities arrive.

- What kind of injury was sustained?
- Does DD statute apply?
- Does Subchapter A (SBI) apply?
- Is the juice worth the squeeze? Lots of room to negotiate.

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Hypothetical #3

Sarah likes to walk her dog with no leash—because Pedro “listens and would never harm a fly.” Chris is picking weeds in his front yard, and Pedro lifts his leg up and does his business right there. Chris proceeds to walk aggressively over to Pedro and begins to kick him (Pedro is on the sidewalk). Pedro bites Chris’ leg several times, down to the muscle.

- What kind of injury was sustained?
- Does DD statute apply?
- Does Subchapter A (SBI) apply?
- What options does the court have?

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Hypothetical #4

Fido “escapes” from his backyard that has a fence in disrepair. Fido runs aggressively ONLY up to Sarah’s dog. Sarah drops her leash in fear of her own safety, and Fido mauls the dog.

- Which statute applies—DD or SBI?
- Technically, animal on animal are not dangerous dog cases and should not be treated as such under the statute—unless... HSC § 822.047

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Practical Considerations

- Understanding “possession” v. “ownership” – *theft* comes to mind, too
- Dangerous Dog/SBI Cases—ONLY dog on human
- Not all cases = euthanasia...work with your prosecutors
- Due process
- A person is entitled to a minimum of 3 days notice in a civil hearing
- Res judicata* (*in rem* proceeding) and pleas to the jurisdiction – no dog, no jxn!

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