

CRUELTY TO ANIMALS

G.L. c. 272, § 77

The defendant is accused of cruelty to animals.

In order to prove the defendant guilty of this charge, the Commonwealth must prove beyond a reasonable doubt:

(A) that the defendant (overdrove) (overloaded) (drove when overloaded) (overworked) (tortured) (tormented) (deprived of necessary sustenance) (cruelly beat) (mutilated) or (killed) an animal;

or

(B) that the defendant caused or procured an animal to be (overdriven) (overloaded) (driven when overloaded) (overworked) (tortured) (tormented) (deprived of necessary sustenance) (cruelly beaten) (mutilated) or (killed); or

(C) that the defendant used a live animal in a cruel or inhuman manner in a race, game, or contest, or in training therefor, as lure or bait (except an animal if used as lure or bait in fishing); or

(D) that the defendant had the charge or custody of an animal, either as owner or otherwise, and (inflicted unnecessary cruelty upon it) or (unnecessarily failed to provide it with proper food, drink, shelter,

sanitary environment, or protection from the weather); or

(E) that the defendant was the owner, possessor, or person having the charge or custody of an animal, and (cruelly drove or worked it when unfit for labor) or (willfully abandoned it) or (carried it or caused it to be carried in or upon a vehicle, or otherwise, in an unnecessarily cruel or inhuman manner or in a way and manner which might endanger the animal carried thereon); or

(F) that the defendant knowingly and willfully authorized or permitted an animal to be subjected to unnecessary torture, suffering, or cruelty of any kind.

The Commonwealth does not have to prove that the defendant knew (he) (she) was violating the statute or that (he) (she) specifically intended the harm that it forbids; but the Commonwealth must prove beyond a reasonable doubt that the defendant intentionally and knowingly did acts that were plainly of a nature as would violate the statute.

"It need not appear that the defendant knew he was violating the statute and that he was willing to do so, 'but only that he intentionally and knowingly did acts which were plainly of a nature to inflict' the violation." *Commonwealth v. Bishop*, 67 Mass. App. Ct. 1116 (2006) (No. 05-P-682, Nov. 20, 2006) (unpublished opinion under Appeals Ct. Rule 1:28), quoting *Commonwealth v. Magoon*, 172 Mass. 214, 216 (1898).