

# THE MARYLAND ANIMAL LAW ADVOCATE

Opinions, News and Commentary from The Animal Law Section

Jan I. Berlage, *Chair*  
Susan Hankin, *Secretary*  
David G. LaRoche, *Editor*



Vol. III, No. 1  
January 2011  
Maryland State Bar Association, Inc.

## Phoenix: The Story of a Dog That Influenced Baltimore City to Take Animal Abuse Seriously

By Meredith J. Wissel

Animal cruelty has long been recognized as a precursor to violent crimes against humans.<sup>1</sup> Recent studies have identified an association between childhood acts of animal cruelty and later violence against humans.<sup>2</sup> These studies indicate that acts of animal cruelty during childhood are strongly predictive of later recurrent acts of violence toward humans.<sup>3</sup> Media reports have revealed an alarming number of cases of animal mutilation and cruelty perpetrated by young children in Baltimore City. Aileen Gabbey, Executive Director of the Maryland SPCA and a member of the Baltimore City Anti-Animal Abuse Task Force, says that she is “greatly concerned Baltimore has had so many cases of abuse against dogs, and it seems to be boys, ages 9 through 14, feeding off each other.”<sup>4</sup>

Many of history’s most infamous violent offenders started their “careers” with abusive acts toward animals, and, not surprisingly, the Federal Bureau of Investigation includes a history of animal cruelty in its profiles of serial killers.<sup>5</sup> Alberto DeSalvo, also known as the “Boston Strangler,” who confessed to killing thirteen women, admitted to trapping dogs and cats in orange crates and then shooting arrows through the boxes.<sup>6</sup> Jeffrey Dahmer impaled the heads of cats and dogs on sticks.<sup>7</sup> Edmund Emil Kemper III was convicted in 1973 of having murdered eight women, including his mother.<sup>8</sup> During his trial, Kemper testified he had frequently tortured dogs and cats as a child.<sup>9</sup> Another serial killer, who was executed in 1985, Carroll (“Eddie”) Edward Cole, strangled a puppy in his youth.<sup>10</sup> David Berkowitz, also known as the “Son of Sam,” who pleaded guilty to thirteen murders and attempted murders, poisoned his mother’s parakeet, and admitted to shooting a neighbor’s Labrador retriever because he heard the dog

directing him to kill others.<sup>11</sup> More recently, adolescent boys implicated in various school shootings frequently abused animals before they directed their violent impulses toward their peers.<sup>12</sup> For example, the teenage boys identified as the perpetrators of the April 1999 shootings at Columbine High School in Littleton, Colorado, spoke of having mutilated animals.<sup>13</sup> Kipland “Kip” Kinkel bragged to peers about his animal cruelty, which involved beheading cats and blowing up a cow with explosives.<sup>14</sup> In 1998, a fifteen-year-old boy boasted of having tortured and killed animals before

---

**THIS IS THE STORY**  
*of Phoenix, the pit bull named for “rising out of the ashes,” and the two juveniles who allegedly tortured and killed her by burning her alive.*

---

(continued on page 3)

### Letter from the Chair

By Jan I. Berlage, Esq.

It is a great honor to be this year’s chair of the MSBA Animal Law Section, and I am very excited about what 2011 holds in store for us. While we are one of the MSBA’s newer additions, with over 270 members, we are one of its most exciting and active sections. We are also one of the first animal law sections in any state bar association, so we serve as a role model to animal law attorneys in other states.

The section hosts three educational events each year: (1) a kickoff dinner; (2) a presentation at the MSBA’s Annual Meeting; and (3) the Mid-Atlantic Animal Law Symposium. The first of these, our annual kickoff dinner, occurred on October 20, 2011 at the Elkridge

(continued on page 2)

**Letter from the Chair. . .**

*(continued from page 1)*

Furnance Inn. The format of the meeting was a panel discussion on the evolving property status of animals. Our speakers included Circuit Court Judge Lenore R. Gelfman, University of Maryland Law Professor Susan Hankin, and animal law attorney Mindy Felinton. As in years past, it was a great success.

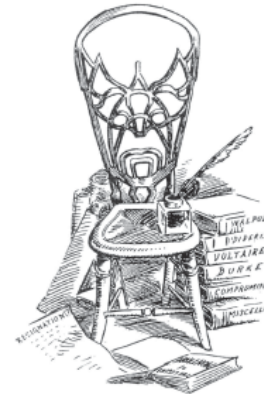
We are currently working on putting together this year's presentation at the MSBA's Annual Meeting. This year's annual meeting chair is Nathan Herschler. Nathan and I would love to hear from you concerning potential topics, potential speakers, or other ideas. So, please let us know your thoughts by emailing me at [JBerlage@ghsllp.com](mailto:JBerlage@ghsllp.com) or Nathan at [nherschler@ifaw.org](mailto:nherschler@ifaw.org).

The crown jewel of our organization is the Mid-Atlantic Animal Law Symposium. This year's symposium will be held at Westminster Hall, directly across from the MSBA's headquarters in Baltimore City, on April 8, 2011. This is an all day event with the first panel discussion starting at 9:30 a.m., and will include some of the top animal law scholars and other notables in the state and from surrounding areas. You can find out more details about this event by going to the symposium's website at [www.animalsymposium.com](http://www.animalsymposium.com). We look forward to seeing you at this big event. If you would like to volunteer to help out or provide suggestions, please email me at [JBerlage@ghsllp.com](mailto:JBerlage@ghsllp.com), this year's chair, Gary Norman at [Gary.Norman@cms.hhs.gov](mailto:Gary.Norman@cms.hhs.gov), or Josh Friedman at [jterpslaw@gmail.com](mailto:jterpslaw@gmail.com).

Besides hosting these educational events, our section actively participates in the molding of animal legislation in the state. This is a particularly exciting time, since this area of the law is in tremendous flux. This year's chair of the legislative subcommittee is Stacey Evans. The section's legislative committee is open to everyone, including attorneys serving clients who make their living from animal related activities. In short, if you want to have a greater say in legislative matters, you should sign-up for the section's legislative sub-committee and can do so by contacting me at [JBerlage@ghsllp.com](mailto:JBerlage@ghsllp.com) or Stacey Evans at [sevans@fmc.gov](mailto:sevans@fmc.gov).

In closing, our section is off to a great start this year with even higher expectations for the future. We look forward to your active support and attendance at events for this is certainly an exciting time to practice animal law.

*Jan J. Berlage, Esq.*  
Chair  
[JBerlage@ghsllp.com](mailto:JBerlage@ghsllp.com)



**In This Issue**



Letter From the Chair.....1  
 Phoenix: The Story of a Dog That Influenced Baltimore City to Take Animal Abuse Seriously.....1  
 Update on Special Weapons and Tactics (SWAT) Teams Killing Good Dogs.....6  
 Victory for Consumers: Truth in Fur Labeling Act of 2010 Becomes Law.....8

**KEEP INFORMED!**  
 JOIN THE ANIMAL LAW SECTION  
 DISCUSSION GROUPS

For more information, visit [www.msba.org/sec\\_comm/sections/animallaw/](http://www.msba.org/sec_comm/sections/animallaw/)



---

## Phoenix. . .

*(continued from page 1)*

fatally shooting two classmates and wounding twenty-two others in Springfield, Oregon.<sup>15</sup>

This is the story of “Phoenix,” the pit bull named for “rising out of the ashes,” and the two juveniles who allegedly tortured and killed her by burning her alive.<sup>16</sup> In addition to being charged with killing Phoenix, both of these juveniles have been indicted for subsequent crimes against humans, including attempted murder, burglary, reckless endangerment, assault, handgun violations and drug offenses, which they are alleged to have committed after being released on bail in the Phoenix case, and while awaiting their trial for animal cruelty and mutilation of an animal.

On May 27, 2009, a Baltimore City police officer saw smoke coming from a west Baltimore block while on a regular patrol of her neighborhood.<sup>17</sup> As the police officer and her partner turned onto the 1600 block of Presbury Street, she witnessed something unthinkable: a dog engulfed in flames being burned alive.<sup>18</sup> The police officer ran out of her car past idle onlookers and smothered the flames with her sweater.<sup>19</sup> Officer Syreeta Teel reported “This is one of the most cruel things I have ever seen... She was fully in flames. There were people around but nobody was doing anything, so I got out of the car, took off my sweater and started hitting her to put the fire out... It was just sad, because I’ve never heard a dog make this sound. This scream that [s]he made, I’ve never heard before.”<sup>20</sup> Officer Teel witnessed the dog rolling around on the ground, screaming horrifically, before she could come to her aid.<sup>21</sup> Court charging documents state that the dog was doused with gasoline in the 1700 block of Calhoun Street in southwest Baltimore and then maliciously set on fire.<sup>22</sup> The two-year old female pit bull suffered extensive second and third degree burns over her entire body, including her mouth, throat, and anus.<sup>23</sup> Upon examination, it was determined that gasoline had been poured down her throat.<sup>24</sup> The female pit bull also sustained numerous bite wounds prior to the burning, an indication that she may have been used in dog fighting.<sup>25</sup> Neighbors reported that they had seen the pit bull around before.<sup>26</sup>

The victim, affectionately named “Phoenix” by caretakers, was taken to the Baltimore Animal Rescue and Care Shelter (“BARCS”) for immediate care and then to the Swan Harbor Animal Hospital.<sup>27</sup> BARCS Executive Director, Jennifer Mead-Brause, commented that “the pads of her feet are burnt off and she’s standing on them, walking to people and still wagging her tail.”<sup>28</sup> She came in walking and wagging her tail, looking at the staff and looking for comfort.” All caregivers could offer Phoenix for her severely critical injuries was salve, bandages, and pain medication.<sup>29</sup> One

of Phoenix’s veterinarians, Dr. Marcella Bonner, said that Phoenix had burns on ninety-eight percent of her body.<sup>30</sup> “There’s not one part spared, I’ve seen it on the back, on the tail, on the ears. I’ve never seen it on the whole body,” said Dr. Bonner.<sup>31</sup> Pennsylvania rescue organization, Main Line Animal Rescue, stepped in to take care of Phoenix.<sup>32</sup> Phoenix ultimately succumbed to kidney failure and was euthanized on May 31, 2009 at a hospital in Pennsylvania, just four days after she was viciously set on fire.<sup>33</sup>

An investigation into the abuse and mutilation of Phoenix led to the arrest of seventeen-year-old twin brothers Travers and Tremayne Johnson as the alleged perpetrators. Prosecutors assert that CCTV video and witness accounts prove that the Johnson brothers tortured and mutilated the dog.<sup>34</sup> Prosecutors also allege that the twins used a vacant home at 1616 Gilmore Street to keep pit bulls.<sup>35</sup> Police found signs of dogs and gang activity, including gang-style graffiti, at the Gilmore Street address.<sup>36</sup> Dog feces were also found at the address, but no one bothered collecting the feces to determine if any belonged to Phoenix.<sup>37</sup> Prosecutors say both of the twins are public safety risks who are involved with gangs, and have chronic truancy issues and previous probation violations.<sup>38</sup> They note that Tremayne Johnson is associated with a gang known as the 1600 boys and that he bears tattoos related to that name.<sup>39</sup> The Johnson brothers pleaded not guilty to animal abuse and mutilation charges in the Phoenix case.<sup>40</sup>

On June 18, 2009, a search and seizure warrant for the Johnson brothers’ home was issued in connection with the Phoenix case.<sup>41</sup> Police executing the warrant found three firearms including a .38 caliber Taurus handgun, a Westernfield 20 gauge shotgun, and a Marlin Firearms 30-30 rifle, which were readily accessible to all persons in the home.<sup>42</sup> In addition, police found a digital scale with a small amount of suspected marijuana.<sup>43</sup> The Johnson twins and their father, Charles Johnson, were the only persons determined to be living at that address at the time the warrant was executed.<sup>44</sup> The father and twin sons have all been arrested previously for various narcotic violations, including possession with intent to distribute marijuana.<sup>45</sup> Tremayne Johnson has a prior conviction for a handgun violation and was on probation for that offense when he was arrested in June 2009 in relation to the Phoenix case.<sup>46</sup> The Johnson brothers were not at home at the time the warrant was executed.<sup>47</sup>

On July 10, 2009, the Baltimore City Grand Jury indicted Tremayne and Travers Johnson for illegal possession of a

*(continued on page 4)*

---

## Phoenix. . .

*(continued from page 3)*

firearm.<sup>48</sup> Subsequently, on November 13, 2009, the Baltimore City Grand Jury indicted the Johnson brothers for violation of animal abuse laws.<sup>49</sup> A judge decided that both teens would be tried as adults and face felony charges for burning Phoenix to death.<sup>50</sup> The judge issued a gag order in the Phoenix case.<sup>51</sup> On March 24, 2010, the Johnson twins were tried for possession of a firearm, marijuana possession, and possession of drug paraphernalia.<sup>52</sup> The Johnson twins were acquitted of all three (3) counts and the animal cruelty and mutilation charges were postponed.<sup>53</sup> Witnesses attending the March 24, 2010 trial say that approximately twenty supporters of the Johnson twins were present, while it appeared that approximately four animal welfare supporters were present. The animal cruelty charges were rescheduled to be tried by jury on June 30, 2010, and the Johnson twins each posted a mere \$25,000 bail and were released the following day.<sup>54</sup>

Defense attorneys requested a postponement of the June 30th trial, which was granted.<sup>55</sup> The jury trial was then rescheduled for September 20, 2010.<sup>56</sup> Defense attorneys requested another postponement, which was granted, and the new jury trial for the animal cruelty charges is now set to begin on January 19, 2011 at 11:00A.M. in room 430E in Circuit Courthouse East, 111 North Calvert Street, Baltimore, Maryland 21202.<sup>57</sup> The Johnson twins each face three (3) counts of animal cruelty and two (2) counts of mutilating an animal.<sup>58</sup>

Following postponement of the animal cruelty and mutilation trial, Tremayne Johnson was arrested and charged with possession of marijuana on April 27, 2010.<sup>59</sup> Tremayne was found not guilty of this charge on June 2, 2010.<sup>60</sup> On June 12, 2010, Travers Johnson was arrested and charged with possession of marijuana. He was acquitted of this charge on August 4, 2010.<sup>61</sup> Travers Johnson also faces a fourth degree burglary offense for an incident that took place on October 18, 2010, during a time when he was released on bail following his arrest in the Phoenix case.<sup>62</sup> On December 21, 2010, Travers Johnson was charged with two (2) counts of attempted first degree murder, two (2) counts of first degree assault, two (2) counts of second degree assault, two (2) counts of reckless endangerment, two (2) counts of handgun on person, and two (2) counts of a handgun in the commission of a violent crime, in connection with an incident that occurred on October 16, 2010.<sup>63</sup> Travers Johnson's arraignment for these violent crimes against humans is scheduled for January 27, 2011.<sup>64</sup>

In response to the Phoenix case and other similar animal abuse cases in Baltimore City, former Mayor Sheila Dixon

formed the Baltimore Anti-Animal Abuse Task Force ("Task Force") on July 8, 2009.<sup>65</sup> The Task Force was initially created to meet monthly on various topics including reporting/tracking of animal abuse cases, legislation, education and outreach.<sup>66</sup> The Task Force includes Caroline Griffin, Esq., as the Chair, Randall Lockwood, PhD, Senior Vice President for Forensic Sciences and Anti-Cruelty Projects for the American Society for the Prevention of Cruelty to Animals ("ASPCA"), and members representing the Bureau of Animal Control, the Baltimore City Sheriff's Office, the Office of the State's Attorney for Baltimore City, Baltimore City Council, the Health Commissioner of Baltimore City, the Maryland SPCA, BARCS, and various other animal rescue organizations.<sup>67</sup> The first meeting of the Task Force occurred on September 16, 2009 and approximately one hundred people were in attendance.<sup>68</sup>

Since then, the need for a more permanent commission became evident, and a bill establishing the Anti-Animal Abuse Advisory Commission was signed into law by Mayor Stephanie Rawlings-Blake this past summer.<sup>69</sup> The Commission is charged with providing recommendations that would eradicate animal abuse in Baltimore City.<sup>70</sup> The Commission will also work to reduce dog fighting, increase awareness of animal cruelty laws, and improve training techniques for law enforcement officials.<sup>71</sup> The new Commission will be composed of thirty-three members; twenty-five of whom are appointed and eight of whom are agency representatives.<sup>72</sup> Each council district will have a representative as will the Maryland Department of Human Resources Office of Child Protective Services, the Snyder Foundation for Animals, the Maryland SPCA, the ASPCA, and BARCS.<sup>73</sup>

Following the creation of the Commission, the originating Task Force submitted a "Report of the Mayor's Anti-Animal Abuse Task Force," dated July 30, 2010, to Mayor Stephanie Rawlings-Blake. The report included recommendations relating to counseling programs for convicted animal abusers, improving responses to incidents of animal cruelty, eradicating dog fighting, preserving evidence in animal cruelty cases, legislative updates, cross reporting, education, and outreach.

The Task Force included the following list of recent animal cruelty cases in Baltimore in its report<sup>74</sup>:

- On April 4, 2010, two juveniles tied a one-year old pit bull mix named Christie to a pole on the 3700 block of Greenspring Avenue and pummeled her with rocks and bricks. Christy suffered extensive injuries to her face, but has since recovered.

*(continued on page 5)*

---

## Phoenix . . .

(continued from page 4)

- In early May 2010, another pit bull puppy named Akasha, was attacked with a machete by a neighbor in her own backyard. The attack was so brutal that Akasha lost an eye and suffered trauma throughout her head and face into her soft palate.
- A few days later, three young boys were seen beating a young pit bull with a branch and pelts that weighed almost six pounds on the Carroll Park Golf Course. The puppy did not have its adult teeth yet and suffered such extensive trauma that it died from the beating. Police arrested two of the juveniles but the third suspect remains at large.
- On June 14, 2010, a pit bull named Adonis was found dead, hanging from a chain near an abandoned building on the 500 block of West Lanvale Street. No arrests have been made in Adonis' case.
- On June 24, 2010, two juveniles were seen stoning a one-year old cat named Rainbow on Bethune Road in Cherry Hill. The cat was nursing four-day old kittens. Rainbow suffered brain trauma and neurological damage so severe that she is unable to walk. Police have not arrested any suspects.
- In August 2009, a cat named Gabrielle was set on fire twice in northwest Baltimore. Gabrielle roamed the streets for approximately ten days before Animal Control rescued her. Gabrielle recovered and was adopted. Police have not made any arrests in Gabrielle's case.
- On January 9, 2010, a dog named "Honey" was discovered in an abandoned lot near Gywnns Falls and Tioga Parkway on one of the coldest days of the year. Honey was barely alive and whimpering when she was discovered. Jennifer Mead-Brause, Executive Director of BARCS, said that Honey's case was "one of the worse abuse/neglect starvation cases I have ever seen." Honey's emaciation was so severe that BARCS elected to euthanize her. There was no investigation into her death even though Honey was wearing a collar and had a home at one time.
- On April 1, 2010, a dog with multiple gunshot wounds was found dead on the property of the Maryland Zoo. The dog had a microchip, a collar, and a leash, and belonged to an owner in south Baltimore. Perpetrators stole the dog, killed it, and dumped its body. This case has never been solved.

These cases represent just a small sampling of incidents of animal cruelty in Baltimore. While the fate of Phoenix was unimaginable, her story made the Baltimore City Anti-Animal Abuse Commission possible. Recently, the Animal Legal Defense Fund ranked Maryland as #43 in its annual report, "2010 State Animal Protection Law Rank-

ings™: The Best & Worst Places to Be an Animal Abuser," placing our State in the bottom tier of animal protection laws in comparison to other jurisdictions.<sup>75</sup> Maryland must work to eradicate animal cruelty by strengthening its animal protection laws, including reclassifying such offenses as felonies. It must also work with other jurisdictions to improve animal welfare on a national level.

The severity of the animal cruelty and mutilation in Phoenix's case and the subsequent charges against the Johnson twins for violence against humans demonstrate the strong correlation between animal cruelty and human violence. If you are able to attend the trial for the Johnson twins beginning this upcoming January 19<sup>th</sup>, I strongly encourage you to do so and to recruit others to come as well. We must speak out for voiceless animals, like Phoenix, who are unable to defend themselves. We must seek justice for the innocent victims of animal cruelty.

*Ms. Wissel is a corporate/tax attorney with the law firm of Womble Carlyle Sandridge & Rice, PLLC in Baltimore, Maryland. She spends her free time advocating for and volunteering with various animal rescue organizations within the State of Maryland.*

### Endnotes:

<sup>1</sup> Charles Siebert, *The Animal-Cruelty Syndrome*, June 11, 2010, [www.nytimes.com/2010/06/13/magazine/13dogfighting-t.html](http://www.nytimes.com/2010/06/13/magazine/13dogfighting-t.html).

<sup>2</sup> Christopher Hensley, Suzanne E. Tallichet and Erik L. Dutkiewicz, *Recurrent Childhood Animal Cruelty: Is There a Relationship to Adult Recurrent Interpersonal Violence?*, *Criminal Justice Rev.* Nov. 24, 2008.

<sup>3</sup> *Id.*

<sup>4</sup> Joan Allen, *The Conspiracy of Silence: An Epidemic of Children Abusing Dogs*, (undated). [baltimoredogmag.com/content/view/113/1/](http://baltimoredogmag.com/content/view/113/1/). Downloaded on Dec. 13, 2010.

<sup>5</sup> Margit Livingston, *Desecrating the Ark: Animal Abuse and Law's Role in Prevention*, 87 *Iowa L. Rev.* 1 at page 43 (2001), citing Neal D. Barnard & A.R. Hogan, *Moving up the Chain of Abuse*, *Seattle Post-Intelligencer*, June 6, 1999 at C1.

<sup>6</sup> *Id.*

<sup>7</sup> *The Animal-Cruelty Syndrome, supra.*

<sup>8</sup> *Id.* at page 43, citing Lolis Eric Elie, *The Practice of Violence*, *Times-Picayune*, Nov. 24, 1997, at B1.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at page 43, citing Jason Collington, *First Kill: Animal Abuse May Predict Other Forms of Violence*, *Tulsa World*, Oct. 31, 1999, at A1.

<sup>11</sup> *Id.* at page 43, citing Lee Lescaze, *Berkowitz Pleads Guilty in 6 "Son of Sam" Murders*, *Wash. Post*, May 9, 1978, at A1. See also *The Animal-Cruelty Syndrome, supra.*

<sup>12</sup> *Id.* at page 43.

(continued on page 7)

---

---

# Update on Special Weapons and Tactics (SWAT) Teams Killing Good Dogs

By Stacey Evans, Esq.

Soon after I wrote an article on several SWAT officers killing Kevin and Lisa Henderson's dog, Grunt, during a raid in the Hendersons' home,<sup>1</sup> a federal judge dismissed their complaint against the SWAT officers.<sup>2</sup>

On July 27, 2009, the Hendersons filed that complaint against the SWAT officers and the officers' employer, Howard County Maryland, in U.S. District Court for the District of Maryland.<sup>3</sup> In their complaint, the Hendersons alleged the SWAT officers committed assault and battery and used excessive force during the raid when they killed Grunt, their ten year old lab/Rottweiler mix, damaged their home, physically injured them, and caused them mental anguish.<sup>4</sup> They also argued that SWAT officers engaged in malicious prosecution, violated 42 U.S.C. § 1983, the Equal Protection Clause, and Articles 23 and 26 of the Maryland Declaration of Rights.<sup>5</sup> They demanded compensatory and punitive damages of \$5,000,000, pre-judgment and post-judgment interest, the cost of litigation, other relief as may be just, and a jury trial.<sup>6</sup>

On May 26, 2010, U.S. District Judge Marvin Garbis, dismissed their complaint with prejudice after finding a lack of evidence for their allegations against the SWAT officers and Howard County.<sup>7</sup> Specifically, Judge Garbis found that the SWAT officers had probable cause to file charges against the Hendersons since the Hendersons possessed marijuana and drug paraphernalia, which defeated the Hendersons' malicious prosecution claim.<sup>8</sup> Judge Garbis also held that the Hendersons had failed to identify any officer who used excessive force against them.<sup>9</sup>

The Hendersons, appealed this decision on November 18, 2010 to the U.S. Court of Appeals for the Fourth Circuit.<sup>10</sup> On November 24, 2010, that Court of Appeals affirmed the District Court's decision to dismiss the proceeding with prejudice.<sup>11</sup>

Another case I previously wrote about where SWAT officers killed two black Labrador retriever family members of Mayor Chye Calvo in Berwyn Heights, Maryland,<sup>12</sup> was scheduled for an alternative dispute resolution conference on December 17, 2010.<sup>13</sup> In that case, Mayor Calvo spotted a package addressed to his wife on his front doorstep upon returning home.<sup>14</sup> He did not know that drug ring members

were randomly putting packages of marijuana on doorsteps addressed to people they did not know.<sup>15</sup>

Mayor Calvo innocently brought the package inside his home and set it unopened on a table.<sup>16</sup> His mother-in-law was home cooking.<sup>17</sup> He went upstairs to change his clothes.<sup>18</sup> As he was changing his clothes, SWAT officers stormed through his door without knocking.<sup>19</sup>

They immediately shot one of the dogs, Payton, several times.<sup>20</sup> Then they repeatedly shot the other dog, Chase, as he ran away from them.<sup>21</sup> Mayor Calvo and his mother-in-law sat handcuffed near Payton and Chases' bleeding bodies for four hours, while SWAT officers interrogated them and searched Mayor Calvo's home.<sup>22</sup> Both Payton and Chase died as a result of the gunshot wounds from the SWAT officers.<sup>23</sup>

*Nothing in this article reflects the views or position of the Federal Maritime Commission*

*Stacey Evans is an Attorney and Legislative Counsel with the Federal Maritime Commission in Washington, D.C. She also volunteers as a board member with the Baltimore Animal Rescue and Care Shelter, Inc. and as a dog walker at the Maryland SPCA in Baltimore.*

## Endnotes:

<sup>1</sup> *The Maryland Animal Law Advocate*, Vol. II, No. 1 (June 2010).

<sup>2</sup> *Henderson and Henderson v. Howard County Maryland, Officer Pete, Det. Clate Jackson and Officer Joshua Lapier*, No. 1:09-cv-01957-MJG, U.S. District Court for the District of Maryland (May 26, 2010).

<sup>3</sup> *Henderson and Henderson v. Howard County Maryland, Officer Pete, Det. Clate Jackson and Officer Joshua Lapier*, No. 1:09-cv-01957-MJG, U.S. District Court for the District of Maryland (2009).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Henderson and Henderson v. Howard County Maryland, Officer Pete, Det. Clate Jackson and Officer Joshua Lapier*, No. 1:09-cv-01957-MJG, U.S. District Court for the District of Maryland (May 26, 2010).

<sup>8</sup> *Id.*, at 5-9.

<sup>9</sup> *Id.*, at 9-15.

<sup>10</sup> *Henderson and Henderson v. Howard County Maryland, Officer*

## SWAT. . .

(continued from page 6)

*Pete, Det. Clate Jackson and Officer Joshua Lapier*, No. 10-1688, U.S. Court of Appeals for the Fourth Circuit (2010).

<sup>11</sup> *Id.*

<sup>12</sup> *The Maryland Animal Law Advocate*, Vol. II, No. 1 (June 2010).

<sup>13</sup> *Calvo v. State of Maryland*, No. CAL09-18584, (June 22, 2009) .

<sup>14</sup> April Witt, *Deadly Force*, February 1, 2009 at [www.washingtonpost.com/wp-dyn/content/article/2009/01/23/AR2009012302935.html](http://www.washingtonpost.com/wp-dyn/content/article/2009/01/23/AR2009012302935.html).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

## Phoenix. . .

(continued from page 5)

<sup>13</sup> *Id.* at page 43 citing Mitchell Zuckoff, *Loners Drew Little Notice; Colorado School Killings*, Boston Globe, Apr. 22, 1999, at A1.

<sup>14</sup> Stephanie Verlinden, Michael Hersen and Jay Thomas, Risk Factors in School Shootings (Unpublished Doctoral Dissertation, Pacific University, Forest Grove, OR).

<sup>15</sup> *Id.* at page 43 citing Joyce Howard Price, *Lawmaker Wants Animal Cruelty Taken Seriously; Seeks Study of Link to Human Crimes*, Wash. Times, May 27, 2000, at A4.

<sup>16</sup> Animal Abuse Case Details, *Dog Doused in Gasoline, Set on Fire, Baltimore, MD (US)* (citing WJZ as a reference), Case Id. 15502. [www.pet-abuse.com/cases/15502/MD/US](http://www.pet-abuse.com/cases/15502/MD/US). Downloaded on Dec. 28, 2010.

<sup>17</sup> *The Animal-Cruelty Syndrome, supra.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Abuse, Neglect, Cruelty in Maryland.* [nationalcanineresearch-council.com/in-your-state/maryland/abuseneglect/](http://nationalcanineresearch-council.com/in-your-state/maryland/abuseneglect/). Downloaded on December 13, 2010.

<sup>22</sup> Application for Statement of Charges dated June 18, 2009.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Animal Abuse Case Details, *Dog Doused in Gasoline, Set on Fire, supra.*

<sup>26</sup> *Id.*

<sup>27</sup> *Abuse, Neglect, Cruelty in Maryland, supra.*

<sup>28</sup> Animal Abuse Case Details, *Dog Doused in Gasoline, Set on Fire, supra.*

<sup>29</sup> *Abuse, Neglect, Cruelty in Maryland, supra.*

## MSBA Animal Law Section Hosts Conference April 8 in Baltimore



**THE MSBA ANIMAL LAW SECTION**, in conjunction with several partners, such as the Washington College of Law, Compassion Over Killing, and the University of Baltimore School of Law SALDF will host its second MidAtlantic regional conference, "Conversations for Change: Improving Civic Society for Animals", from 8:30 a.m. to 5:00 p.m. on **April 8, 2011**, at Westminster Hall, 519 W. Fayette Street, Baltimore, MD 21201, as well as MSBA Headquarters, 520 W. Fayette Street, Baltimore, MD 21201. The conference will explore, through a mixture of panels and facilitated exchanges, the current status of law and policy respecting animals and the regulatory and legal tools that can be utilized to effect change.

The cost of registration for the conference is \$20 in advance or \$25 at the door the day of the conference. The cost of registration is free to students. For more information, consult [animalsymposium.com](http://animalsymposium.com) or contact Gary C. Norman at (410) 241-6745 or [GLNorman15@hotmail.com](mailto:GLNorman15@hotmail.com).



The cost of registration for the conference is \$20 in advance or \$25 at the door the day of the conference. The cost of registration is free to students. For more information, consult [animalsymposium.com](http://animalsymposium.com) or contact Gary C. Norman at (410) 241-6745 or [GLNorman15@hotmail.com](mailto:GLNorman15@hotmail.com).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Abuse, Neglect, Cruelty in Maryland, supra.* See also, *Animal Abuse Case Details. Dog Doused in Gasoline, Set on Fire, supra.*

<sup>33</sup> Office of Mayor of Baltimore City. Interim Report of the Mayor's Anti-Animal Abuse Task Force. Submitted January 5, 2010. At page 1.

<sup>34</sup> Anti-Animal Abuse Task Force/Media Reports: *Teens To Be Tried As Adults In Dog's Fatal Burning.* [www.baltimorecity.gov/OfficeoftheMayor/MayoralInitiatives/AntiAnimalAbuseTaskForce/MediaReports/tabid/1187/articleType/ArticleView/articleId/52/Teens-To-Be-Tried-As-Adults-In-Dogs-Fatal-Burning.aspx](http://www.baltimorecity.gov/OfficeoftheMayor/MayoralInitiatives/AntiAnimalAbuseTaskForce/MediaReports/tabid/1187/articleType/ArticleView/articleId/52/Teens-To-Be-Tried-As-Adults-In-Dogs-Fatal-Burning.aspx). November 3, 2009.

(continued on page 8)

---

---

# Victory For Consumers: Truth in Fur Labeling Act of 2010 Becomes Law

By Stacey Evans, Esq.

The Congressional Lame Duck session was anything but lame on December 18, 2010, when President Obama signed the Truth in Fur Labeling Act of 2010 (Act).<sup>1</sup> The Act, which becomes effective 90 days after the December 18, 2010 date of enactment, requires that garments made with animal fur carry a label identifying the type of fur they contain—regardless of the value or amount of such fur.<sup>2</sup> While this is a huge victory for consumers who do not want to buy garments made with animal fur, the new law exempts garments with animal fur from the labeling requirement when the following conditions are met: (1) the garment contains fur obtained from an animal through trapping or hunting; (2) the fur is sold by the hunter or trapper in a face to face transaction; (3) the sale takes place at a short-term or temporary location like a residence or craft fair; and (4) revenue from the sale of apparel or fur products is not the hunter or trapper's primary source of income.<sup>3</sup>

Many consumers, clothing retailers, and designers supported the Act because of the nefarious animal cruelty in the fur industry, where animals suffer in traps until they are electrocuted or their necks are broken in order to preserve their fur so that it can be used to make garments.<sup>4</sup> Under current law,

garments with small amounts or low value of animal fur do not have to have a label identifying what fur the garment is made with.<sup>5</sup> This makes it virtually impossible for people to know whether such garments contain real or fake fur.

Thankfully, the new law will allow people to make an informed decision as to whether the garment they are buying is made with real animal fur.

*Stacey Evans is an Attorney and Legislative Counsel with the Federal Maritime Commission in Washington, D.C. She also volunteers as a board member with the Baltimore Animal Rescue and Care Shelter, Inc. and as a dog walker at the Maryland SPCA in Baltimore.*

## Endnotes:

<sup>1</sup> H.R. 2480: Truth in Fur Labeling Act of 2010, [www.govtrack.us/congress/bill.xpd?bill=h111-2480](http://www.govtrack.us/congress/bill.xpd?bill=h111-2480).

<sup>2</sup> H.R. 2480, 111th Cong. § 2 (2010).

<sup>3</sup> *Id.* § 3 (2010).

<sup>4</sup> The Humane Society of the United States, [www.humanesociety.org/issues/fur\\_production/](http://www.humanesociety.org/issues/fur_production/).

<sup>5</sup> Fur Products Labeling Act, 15 U.S.C. § 69 (2007).

---

---

## Phoenix. . .

(continued from page 7)

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *The Animal-Cruelty Syndrome, supra.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Application for Statement of Charges, *supra.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> Office of the State's Attorney for Baltimore City Media Advisory dated March 22, 2010. "Tremayne and Travers Johnson Trials for Violation of the Animal Abuse Laws and Possession of Firearms are

Scheduled for Monday, Mar. 22, 2010."

<sup>49</sup> *Id.*

<sup>50</sup> Anti-Animal Abuse Task Force/Media Reports: *Teens To Be Tried As Adults In Dog's Fatal Burning, supra.*

<sup>51</sup> Telephone conversation with Joseph Sviatko, Deputy Division Chief, Communications and Government Affairs, Office of the State's Attorney for Baltimore City (Dec. 13, 2010).

<sup>52</sup> Maryland Judiciary Case Search conducted on Dec. 19, 2010. [caseresearch.courts.state.md.us/inquirySearch.js](http://caseresearch.courts.state.md.us/inquirySearch.js). Search parameters included "Tremayne" & "Johnson" (DOB 02/05/1992)

and "Travers" & "Johnson" (DOB 02/05/1992).

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> Interim Report of the Anti-Animal Abuse Task Force at page 1.

<sup>66</sup> *Id.* at page 2.

<sup>67</sup> *Id.*

<sup>68</sup> Tammy Zalusney, *Anti-Animal Abuse Task Force Has Successful First Public Meeting*, September 17, 2009.

[www.examiner.com/pets-in-baltimore/anti-animal-abuse-taskforce-has-successful-first-public-meeting](http://www.examiner.com/pets-in-baltimore/anti-animal-abuse-taskforce-has-successful-first-public-meeting). Downloaded on Dec. 28, 2010.

<sup>69</sup> Anti-Animal Abuse Task Force/Press Release, *Mayor Rawlings-Blake Signs Bill Creating Anti-Animal Abuse Advisory Commission*, Nov. 3, 2010. [www.baltimorecity.gov/OfficeoftheMayor/MayoralInitiatives/AntiAnimalAbuseTaskForce/PressReleases/tabid/1186/articleType/ArticleView/articleId/766/Mayor-Rawlings-Blake-Signs-Bill-Creating-Anti-Animal-Abuse-Advisory-Commission.aspx](http://www.baltimorecity.gov/OfficeoftheMayor/MayoralInitiatives/AntiAnimalAbuseTaskForce/PressReleases/tabid/1186/articleType/ArticleView/articleId/766/Mayor-Rawlings-Blake-Signs-Bill-Creating-Anti-Animal-Abuse-Advisory-Commission.aspx).

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> Report of the Mayor's Anti-Animal Abuse Task Force. Submitted to Mayor Stephanie Rawlings-Blake. Jul. 30, 2010. [www.baltimorecity.gov/OfficeoftheMayor/MayoralInitiatives/AntiAnimalAbuseTaskForce.aspx](http://www.baltimorecity.gov/OfficeoftheMayor/MayoralInitiatives/AntiAnimalAbuseTaskForce.aspx). Pp 35 – 38.

<sup>75</sup> Animal Legal Defense Fund 2010 State Animal Protection Law Rankings: The Best & Worst Places to Be an Animal Abuser, December 2010. [www.aldf.org/downloads/ALDF2010StateRankingsReport.pdf](http://www.aldf.org/downloads/ALDF2010StateRankingsReport.pdf). Downloaded on January 14, 2011.