



**COURT OF MAGISTRATES (MALTA)  
AS A COURT OF CRIMINAL JUDICATURE**

**MAGISTRATE DR.  
MIRIAM HAYMAN**

Sitting of the 28 th February, 2013

Number. 1114/2009

**THE POLICE  
INSPECTOR EDMOND CUSCHIERI**

**VS**

**MYRIAM SUZANNE ARNETT aka Sue Arnett, aged 52 years, daughter of Hugh Arnett and Eve Depasquale, born on the 25<sup>th</sup> September, 1960, in the UK, residing at 5, Ponderosa, Triq is-Sacra Familja, Bidnija, holder of identity card number 571781M;**

**The Court;**

Having seen charged brought against the above-mentioned **Myriam Suzanne Arnette** who was charged of having:

1. Inside the place known as Funny Farm found in Bidnija, I/o Mosta, on the 28<sup>th</sup> July, 2009 and previous days and months, by means of several acts, even if at different times, that constituted violations of the same provision of the Law, and committed in pursuance of the same design, have caused animals (dogs) under her care unnecessary pain, suffering of distress, and left the said animals abandoned without adequate food and water and did not give the said animals health care when this was so required (Art 8(2) of Chapter 439 of the Laws of Malta);

2. Also of having, on the same date, time, place and circumstances, as a person who keeps any animal or who agrees to look after animals, was not responsible enough for their health and welfare (Art 8(3) of Chapter 439 of the Laws of Malta).

Seen also that read the same charges, accused answered that she was not guilty of the charges above-mentioned. Seen also that accused

Seen also that accused consented to the summary proceedings and also that Attorney General issued consent for the same.

Seen the evidence tendered and documents exhibited.

Thus Inspector Edmond Cuschieri testified that on the 27<sup>th</sup> August, 2009, he was approached by a certain Emmanuel Buhagiar from the Animal Welfare Department, and informed him that on conducting an inspection at the Funny Farm, Bidnija, run according to the report by the accused, Buhagiar reported that during the inspection dogs kept at this shelter were found in very poor conditions. He thus presented Dok ED and Dok EC1, the latter being a letter to prosecute. He proceeded to the arrest of the accused and latter released a statement presented as Dok EC2. Inspector Edmond Cuschieri also testified that he himself carried an on-site inspection in the presence of the accused. This he carried out on the 26<sup>th</sup>

of September. He testified that all the dogs had food in the bowls and were kept in a clean environment.

As premised the accused released a statement on the 26<sup>th</sup> September, 2009. The Court in view of the recent Constitutional decisions laid down in the judgments in relation to Charles Steven Muscat, Jovica Kolakovic and Anthony Camilleri, is examining the contents thereof, regard also being had to the fact that the statement itself is not the only evidence brought by the Prosecution to sustain its case.

Accused was duly cautioned before the statement was released and also signed the same statement. She explained that she run a horse rescue operation called the Funny Farm, providing a shelter for horses and also taking in other animals in need of help such as stray dogs. She also explained that her organisation was a registered NGO.

She explained that a lot of her friends were vets and that she did what she did because she loved animals. She disagreed with the conclusion arrived at by the Animal Welfare – that the dogs were being mistreated and cruelly kept, answering that all volunteers at the farm did their utmost to give the dogs a good quality of life. She also explained that at that moment there were twenty-seven dogs at the farm, hoping to re-home three of them once their condition improved, one having liver problems and the other two afflicted by sand fly.

Regarding the photos shown to her, folio 19 – 22, she replied that both Rottweilers were afflicted by sand fly, and were being treated for it. She said that she was informed that the dogs had been taken away and put down. Regarding the Samoyette she reiterated that the dog was rehomed and was not at the farm when the inspection took place. Regarding the fact that the dogs were reported not to have adequate shelter and water at the time of the inspection, she commented that this only occurred because the inspection happened at half past

nine in the morning and the dogs were fed and cleaned in the afternoon.

She also said with regards to the reports in question that it was an ex volunteer who was picking on her and thus reported her due to the case of the Rottweilers and the Samoyette saying the these dogs should have been put down not been saved. She said that if an animal shows happiness at seeing people, eats, drinks, but visibly shows signs of sand fly; then that animal should be allowed to live, and that the sanctuary stands for that.

Thus Emanuel Buhagiar testified in representation of the Animal Welfare offices in the Animal Welfare Department about an inspection conducted on the 28<sup>th</sup> of July at the Funny Farm, Bidnija - according to him property of Sue Arnett. This inspection according to this witness was triggered by telephone calls reporting cruelty to animals. An anonymous letter was also received in this respect. He stated that he also informed the accused about the inspection. He said that from the inspection it transpired that five dogs were not well kept at the farm, affirming however that there were other animals. He said some of them were mainly underfed and two were sick with sand fly. He also testified that the environment was dirty and the animals had no food or water. The inspection according to this witness happened at 10.00am. He exhibited a report Dok EB (folio 33) of the resulting circumstances found at the inspection, as also photos attesting the situations seen by him and the other inspectors. About the dogs found in poor state he testified that three of them were homed, two had to be put down because of their poor health.

He also spoke briefly about another second inspection with another vet, Dr Duncan Chetcuti Ganado, where the outcome was also a negative one.

Godric Marston, also one of the signatories to Dok EB, also gave evidence, stating he was an Animal Welfare Officer in the Animal Welfare Department. He confirmed the inspection at the Funny Farm of the 28<sup>th</sup> July, 2009 and the finding there of five dogs in a poor state. He

described one Rottweiler being in such a bad state that he could not even move. Thus witness had to lift him up to take him to the van. The others were in such a state because of insufficient nutrition. He described the state of the dogs and the farm as witnessed in the photos exhibited.

Dr Patrick Caruana, also part of the Animal Welfare inspection that happened on the 28<sup>th</sup> of July as premised, testified that he was involved in the inspection as the official Government vet together with an Animal Welfare team. He said that the horses found were in a good welfare condition, well fed and kept in clean shelters. However the dogs were not in such a good condition. He explained that most of the dogs were thin, a body score rating from 1 – 5, he said the ideal would be 3, the five dogs confiscated were according to the vet in a poor condition, body score 2 – 1 tending towards 1, these animals having bony projections, their hip bones and ribs evident.

He said that apart from two Rottweilers being afflicted with sand fly which were removed on accused's request, the environment of these five dogs - the said Rottweilers included, was poor in the sense that they had no food, and their holding pens were covered with faeces indicating that the pens were not cleaned on a daily basis. He evidenced that the accused did show him sand fly treatment pills. He also testified that the two sand fly dogs were put down due to their very poor condition. The other three were re-homed and now were in a very good condition.

With regards to confiscation of the animals he said that these were in an extremely bad condition and the farm was not a place that they should have been left in, not just here referring to the sick Rottweilers. He testified about a particular black mongrel which was locked in a room describing him as a skeleton.

Jacqueline Laferla, a volunteer at the farm for a period of two years, testified that she found an abandoned pit-bull

around July, 2007, thus going to the farm everyday since she was responsible for this animal. She evidenced about many dogs at the farm that were neglected, hungry, skinny and constantly confined. According to her, Sue Arnett was responsible for the farm. She gave evidence about two Samoyettes which over a period of two years deteriorated rapidly due to the fact that their sand fly condition was neglected. She evidenced about another dog, a Great Dane, confined in a tiny pen, afflicted with a chronic diarrhoea and a limp on her leg, sometimes not being taken out for 3 – 4 days and walking in her filthy pen. About the dogs suffering hunger, she said that she fed them, buying food herself and that the dogs “would wolf down the food.” (folio 66). She described a Rottweiler whose pen was in the sun all day. She gave evidence about another dog that was left untreated suffering from sand fly which, again left untreated, deteriorated fast. She spoke about two Alsatians belonging to accused that were always kept confined and in a skeletal condition. Later on, in 2009, she found that one had died and the other was full of ticks and flees. She gave evidence of another dog that was kept in a dark pen, completely neglected, never taken out for several weeks. She described one dog actually drowning in its own pee and that of other dogs it was with. She also testified that when she consulted Gareth, a vet trainee, he told her not to interfere. She exhibited a set of photos, Dok JL, folio 70, of some of the animals she had testified about and the conditions they were kept in.

Wendy Monk testified that she started attending Funny Farm at about 2006. Here she witnessed some horses being kept with inadequate and dirty bedding, remembering two horses in particular having spent winter on concrete floors with no bedding at all. She re-called leaking roofs and horses not receiving enough water.

She testified that there were not a lot of helpers during the week and that she would be on the farm on her own; and that Mrs Arnett would go in the morning to give water and food to the horses, and then again later in the afternoon.

Again she testified about dogs having no shelter from sun, cold and rain; having no bedding if not a dirty blanket or cloth if lucky, getting wet if it rained, describing also faeces on the floor. She described flees, awful smells, pig bins and buckets full of faeces covered with cardboard, also dog faeces that was never picked up. She evidenced that most of the times the dogs were kept penned. She also evidenced that Sue Arnett also boarded dogs against payment whilst their owners were abroad. About all these ailments described, she testified that she did not address these to accused because she was afraid she would not be allowed to take care of the horses, so she kept her mouth shut. She also exhibited a set of photos, Dok WM of the two dogs she had testified about amongst others.

Colin Kelly, another Animal Welfare officer, also testified about an inspection conducted at the Funny Farm, the one of the 28<sup>th</sup> July, 2009, stating that dogs therein were badly treated, kept in a band condition, so much so their poor health that they had to be carried out, unable to walk on their own. He saw animals that he had no food or water bowls, dogs in a poor condition due to lack of training.

On his part, Victor Turchett testified that as part of the Animal Welfare Team, together with others, he conducted an inspection at the animal farm on the 28<sup>th</sup> July, 2009. He said they contacted the Funny Farm owner pointing to the accused. During the inspection photos were taken and five emaciated dogs taken. He said that there he saw dirt and that the place was inadequate. He described that there was a lot of dog faeces, that two of the dogs confiscated were so weak that they had to be carried.

Dr Luke Sultana, a vet, testified that he had visited the Funny Farm various times on being called either by Sue Arnett or other volunteers. He remembered having treated two dogs afflicted with sand fly, putting an old dog in pain down. He did not follow up on the treatment of the sand fly-afflicted dogs. About the two Rottweilers he said that visually, on another inspection they seemed to be doing better.

With regards to the conditions the animals were kept in, he said that these were not ideal due to the large presence of faeces, flees, smells; that they were kept in cages. He said that the place could be kept cleaner. He said the dogs were sick and looked terrible, however on a second visit the dogs looked better, always those with the sand fly condition.

On her part, WPC 301 Lauren Vella, confirmed the signature and identity of the accused with regards to the statement exhibited.

Dr Duncan Chetcuti Ganado testified as a veterinarian officer working within the Animal Welfare Department, having also inspected the Funny Farm on June, 2009, thus drawing up a report exhibited at folio 104, Dok DG. He stated in his report that the inspection was carried out without any pre-advise to the accused. She was however phoned up and turned up for the inspection. With regards to the horses, he testified these were all in good state. Most of the dogs were kept according to him in good condition, in a large enough space, having inside and outside areas. Few dogs seemed to be in a poor condition, poor score, having exfoliations on ears and face. He concluded that the allegations made regarding animal welfare were not founded and advised that no action should be taken. This inspection according to this witness was conducted on the 8<sup>th</sup> of June, 2009. He said that when he was there, animals had food and water. He did comment that the hygiene standard was not high for the keeping of a dog. He also agreed with defence counsel that the dogs were receiving the correct medication for sand fly. He also affirmed in being shown photos of the dogs taken on the second inspection (to which he did not attend), that the dogs could have deteriorated because of their condition.

Emanuel Buhagiar gave evidence again, this time under cross-examination. He re-affirmed that there were other visits at the Funny Farm to which he did not attend. He also admitted that he inspections were conducted due to



complaints regarding ill treated dogs. He confirmed seeing the neglect of the animals.

He again exhibited photos of dogs he found on the farm in a skeletal state, Dok EB and EB1, folio 129 et seq. He was aware that the Funny Farm was an NGO re-iterating however that its purpose was to keep dogs in a good state as also that the dogs he saw on the farm were in breach of their five freedoms: hunger, thirst, ready access to fresh water, a diet to maintain health and figure; freedom from discomfort by being provided with an appropriate environment including shelter and a comfortable resting area; freedom from pain, injury and disease; freedom to express normal behaviour by providing sufficient space facilities and company of other animals or kind; freedom from fear and distress, ensuring conditions and treatment which avoid mental suffering (Dok EB2 folio 131).

To prove his point he also exhibited two more photos – Dok EB3 and Dok EB4, folio 135 – 136, purportedly to show the state of one of the dogs taken a month later once it was placed at another NGO.

Jacqueline Laferla was also cross examined. She said that she was aware that the Animal Welfare had been to the farm through the news papers. She also affirmed she had filed a report in relation to the condition the animals were kept at the farm, this in 2009. She spoke again about the two Samoyettes – Pearl and Sam, whose health deteriorated over a period of two years. She also affirmed that regardless of the fact that they had sand fly, they were not being medicated because they fell under Tony's charge but Tony was never there. She stated that they deteriorated terribly. She stated she reported their deterioration to Sue. She also affirmed that a lot of dogs died there because of neglect. She also stated that at times in summer, the dogs did not have water and that she even fed the dogs secretly. She evidenced that between thirty to fifty dogs were kept at the farm; that dogs and horses needed water everyday not once a week. She also testified about a dog Sue was being paid to take care of (together with a cat), which developed sand fly and Sue told her she was not going to medicate.

She also affirmed she filed a report with the Animal Welfare Department.

Wendy Monk was also cross examined. She re-affirmed that as a volunteer at the farm she took care of the horses during the week, mostly on her own, seeing Sue Arnett on Saturdays occasionally on a late afternoon. She insisted that Sue Arnett was not a volunteer but the person responsible. She witnessed horses being kept short of food, water and adequate bedding, re-affirming the story of one horse having spent a whole winter wet and cold with no bedding, and a continuously leaking roof. She also testified having spoken to the accused about the bedding or lack of it and the latter answered that there was no use in buying bedding as due to the roof leak it would only get wet, so the horse remained without bedding.

She affirmed that the Funny Farm was a voluntary organisation depending on donations and fund raising, believing that Mrs Arnett was not using the money she raised from fund raising and donations to take proper care of the animals.

Accused herself chose to take the stand. Viva voce she testified and confirmed she was the chair person of the Funny Farm Horse Rescue Association. She said Funny Farm had been in existence since 2006 and became a voluntary organisation in 2008. The objective of the farm - according to the accused, was to extend the life of horses no longer on the track. She also stated that dogs left outside their gates are taken in, mostly sick ones. She said the committee never believed in putting down animals. With regards to the first inspection, she made reference to two Rottweiler puppies who were afflicted with sand fly and that she had immediately taken the inspectors to see them. She said at the end she got a handshake and was told to carry on. She insisted that inspection was unannounced. The second inspection according to her happened after she returned from holiday. She said that she was given a choice whether to keep to Rottweiler puppies previously mentioned and decided that if she was going to be harassed about them, then she might as well give them up. She later got to

know they were put to sleep. She affirmed that the other three dogs were taken, as she was told, because they were underweight.

She denied that any of the dogs were underfed. She explained that they were a voluntary organisation - about 25 volunteers and that she herself at times goes in the morning before work and then after to feed and water the animals, spending four to five hours at the farm. She affirmed that she received no payment for her work.

About the second inspection and the fact that a lot of faeces was found onsite, she explained she had just returned from a break and she was cleaning the horses, intending to clean the dog section in the afternoon. She said that on the day of the inspection the dog pens were not cleaned since the day before. She confirmed that the dogs were fed and watered by her father Hugh. She exhibited Dok MSA2, photos showing the state and condition of the pens, showing also a patch of shade.

She also said with regards to the evidence tendered by Laferla and Monk that they had clashed badly. With regards to Laferla she said that the witness insisted on walking the dogs outside the farm to the annoyance of the neighbouring farmer; whilst with regards to Monk, Arnett insisted that she was annoyed by the fact that the sick Samoyeds were barky and bouncy because she disliked barking dogs. She insisted the dogs were always medicated. With regards to the horse without bedding under a leaking roof, she insisted that the horse was provided with rubber bedding (tiles) and that they had tried to fix the leak by adjusting the roof membrane. She insisted the dogs were fed very day and watered twice, especially in summer – this, according to her, being the responsibility of the volunteers.

Her father Hugh Arnett testified that he went to Funny Farm between October 2006 and October 2008, to feed and water all the horses. He said that due to old age he only continued looking after the dogs when Sue was abroad. With regards to the second inspection, he remembered having done his normal dog routine, walk each dog, water it and top up the food. He said he went

physically into each kennel area to water where necessary. Cleaning was left to somebody else - this usually done in mid-day. With regards to the sick dogs, he affirmed these were medicated everyday. He denied that the dogs were kept unfed, stating the dogs were fed twice-a-day.

Considers:

That most certainly the evidence tendered by Prosecution is in stark and cold contrast to that tendered by accused and her father. The photos exhibited by the independent witnesses and the Animal Welfare officers are a far cry from those presented by the accused. The state of the pens, the neglect portrayed and the amount of faeces present is not a question of a state reached within a day or two. The overall image is totally disgusting and deplorable. Nothing better can be said of the photos of the sick and emaciated animals as evidenced by the Welfare officers, in deep contrast to the one shown a month later, now housed in another organisation. Accused admitted viva voice to that being the same pup, a far cry from the one that left in her care.

Yes accused runs a voluntary organisation, yes depending on funding generosity and time afforded by volunteers, however lack of one or all of these elements can never ever justify neglect and cruelty towards animals. No excuse of a holiday justifies this. Besides accused's father testified that when his daughter was on holiday he continued looking after the animals. To be noted that although the Rottweiler puppies (ultimately put down) might have been registering progress (???), there is ample evidence of other animals left to suffer. Because suffer an animal does if so emaciated to reach a 2 – 1 score or even be able to stand or to be left in such an amount of dirt (faeces) or to be locked in abhorrent conditions. The Court thus questions that if according to Mr Arnett dogs were fed twice-a-day, why did the Animal Welfare officers record emaciated even skeletal animals?

Informal Copy of Judgement

Animal are by a responsibility and are owed respect always, everyday and every time of the day. If the Funny Farm cannot provide this, then it should sincerely think and consider its position, as an animal sanctuary, because the conditions evidenced and portrayed certainly offer none!!

All that being premised, the Court has no option but to find guilty as proffered of the accused, being ex admissis the chair person of the Sanctuary, this after having seen Articles 8 and 45 of Chapter 439 of the Laws of Malta, and condemns accused to a fine of €2,000.

Also transmits this judgment to the Animal Welfare Department and solicits that the same Department to more frequent inspections in order to improve conditions of animals therein homed.

**< Final Judgement >**

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