

Willig, Robert A.

From: [REDACTED]
Sent: Wednesday, March 15, 2023 5:04 PM
To: ACRE Shared Mailbox
Subject: [EXTERNAL] Cervidae Farm in Tioga County PA
Attachments: IMG_20230315_0001.pdf

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My name is [REDACTED], I have a Whitetail Deer farm at [REDACTED]. I am being charged for Aggravated Cruelty to Animals - Causing Death (F3) on 2 Counts. I have attached a letter and some other information that I hope you will read and help me out with. I have also sent you a letter as well. Thank you for your time and I hope to hear back from you soon. If you have any questions please call me at [REDACTED]. Thank you [REDACTED]

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Willig, Robert A.

From: [REDACTED] <astefanowicz72@gmail.com>
Sent: Wednesday, March 15, 2023 5:20 PM
To: ACRE Shared Mailbox
Subject: [EXTERNAL] ACRE Law
Attachments: IMG_20230315_0002.pdf

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I wanted to send this letter as well to show you what I have been going through and the way I have been treated here in Tioga County. Thanks [REDACTED]

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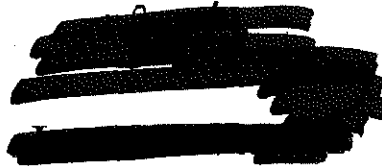
3/15/2023

Josh Shapiro Pennsylvania Attorney General:

My name is [REDACTED] and my wife and I have a Cervidae Farm in Tioga County. We started our [REDACTED] farm March 9 2020. We had a neighbor who had three German shepherds that wouldn't tether her dogs when she left them out. We had problems from the first day she moved in, we asked her to keep her dogs on her own property. We built our farm and spoke with the local dog warden what we could do if her dogs or any dogs were seen pursuing or wounding or killing our deer. They told us we could shoot the animal then report it. On Sunday September 27, 2020 two German shepherds were at our house, the dogs worked as a pack and got one deer stuck in the fence and both dogs started to bite at his face, several other deer were injured trying to get away from the dogs. I shot a warning shot nothing happened the dogs continued to attack the deer. I then shot the one dog, the other dog continued to attack the deer so I shot that one to. We called the state police and reported the incident. The state trooper came out and seen the two dead dogs, the damage to the fence and the deer. We didn't hear anything till November 18, 2020 when the owner of the dogs was charged with animals running at large and I was charged with 5534 Aggravated Cruelty to Animals (F3) 2 counts. Under the Department of Agriculture "Dog Law" 3 P.S. 459-501 it is legal to kill any dog which he sees in the act of pursuing or wounding or killing domestic animals. It also states that there shall be no liability on such persons in damages or otherwise for such killings. Title 459-305 Leash Law or Confinement of Dogs they must confine dogs within the premises of the owner. The owner is responsible for the damages done to my fence and the deer that died due to the dogs. I have been in and out of court since November 20, 2020. I fired one lawyer for not doing his job, I have spent lots of money and time and tried talking to all my local representatives about this case and what the District Attorney is trying to do to me. I had a jury trial on February 8, 2023 and the jury found me not guilty on 1 count of Aggravated Cruelty to Animals Causing Death

and 1 count guilty of Aggravated Cruelty to Animals Causing Death. I requested a retrial or to have this case thrown out. My sentencing date is March 20, 2023. They want me in jail for 2.5 – 7 years and up to \$15,000.00 in fines. I want the owner of the dogs to pay for the damages to my fence and the deer that died. They say I can't sue her because its to late. I have included a copy of the letter I wrote to request a retrial. As a farmer in PA we have a right to protect our livestock and raising deer is my source of income. Since the day I shot the dogs we got death threats, threats to our deer and other animals, vandalism to our property and vehicles. I am asking for help I have tried all my options and I just want justice for my deer and peace of mind that I can protect my animals and not sit and watch them get attacked to death. I want dog owners to be held accountable for their dog/dogs actions. I want money for the damages and what my deer that died is worth. This is a felony and living on a farm I need a gun to protect my livestock. This will effect every farmer in PA, I'm not being treated fairly. I have lots of pictures, court documents and research that we have done that protects me for what I did but in Tioga County they don't follow the laws.

Sincerely,

A large, solid black rectangular redaction mark covering the signature area of the letter.

REQUEST FOR RETRIAL

THE REQUEST FOR RETRIAL IS BECAUSE OF TECHNICAL IMPERFECTIONS. THE TRIAL HAD SUCH IRREGULARITIES THAT THE HARM WAS IRREPARABLE. NOTHING ELSE MATTERS OTHER THAN THE IRREGULARITIES OF AND TECHNICALITIES ASSOCIATED WITH THE TRIAL TAINTED IT, RESULTING IN A DECISION THAT DOES NOT MATCH LEGAL STATUTE AND PRECEDENT. THERE WAS NO PROPER CHARGE IDENTIFIED, THUS THE CHARGE THAT WAS PRESENTED WAS VAGUE AND OVERINCLUSIVE. BASED ON THE FAILURE TO PROVIDE THE APPROPRIATE CHARGE, WITHOUT THE APPROPRIATE CHARGE, THE JURY COULD NOT KNOW THE ELEMENTS OF THE CRIME THAT THE PROSECUTION NEEDED TO PROVE, ABSENT THAT, THE JURY COULD NOT HAVE BEEN PROPERLY INSTRUCTED, AND THUS, BASED ON FAULTY INSTRUCTIONS, PLUS THE FACT THAT THE JURY WAS NOT ALLOWED TRIAL EVIDENCE FOR DELIBERATIONS, AND THE INABILITY TO PROVIDE A VALID, PROPER, APPROPRIATE, ACCURATE, AND WHOLLY APPLICABLE DEFENSE CONSTITUTES SUCH PREJUDICIAL ERROR THAT IT WOULD BEHOVE THE COURT TO CONSIDER STREAMLINING THIS BY GRANTING A NEW TRIAL, AND FOREGOING THE APPEALS PROCESS, WHICH, CONSIDERING THE RECORD, WOULD BE IMMEDIATELY GRANTED.

WHEN THE TRIAL IS SO FRAUGHT WITH ERRORS, THE ONLY APPROPRIATE REMEDY, AS A MATTER OF LAW, MUST BE STRICKEN AND A NEW TRIAL ADMINISTERED.

THERE WAS IMPROPER EXCLUSION OF EVIDENCE: DEPT. OF AG LAW "DOG LAW" 3 P.S. 459-501 STATING THE I WAS IN MY RIGHTS TO TAKE THE ACTIONS THAT I DID. ALSO, HOUSE BILL 1580 ALSO SAYS I WAS IN MY RIGHTS TO ACT AS I DID.

INEFFECTIVE ASSISTANCE OF COUNCIL: ALLOWED A POTENTIAL JURY MEMBER WHO STATED FOR NO REASON SHALL ANYONE BE ALLOWED TO KILL A DOG UNLESS THE DOGS WERE ATTACKING HUMANS, BE ALLOWED ON THE JURY.

PROSECUTIONAL MISCONDUCT: THIS HAS BEEN HAPPENING FROM THE FIRST HEARING I HAD IN ELKLAND TO HER OFFICE PERSONEL AGAINST ME USING PROFANITY. FROM THE BEGINNING OF THE JURY SELECTION SHE ALLOWED 14% WOMAN ON THE JURY AND

THE ALTERNATES. SHE MADE THE JUDGE STOP THE HEARING AND SHUT OFF HIS MICROPHONE TO REPREMAND HER. SHE CALLED MY WIFE AND I A LIAR IN FRONT OF THE JURY. THIS WAS NOT FACTUAL BUT PREJUDICE AGAINST US. SHE ASKED THE DOG WARDEN THE SAME QUESTION TWICE BECAUSE SHE DID NOT LIKE THE FIRST ANSWER. THE QUESTION WAS WHEN THE DOG WARDEN TOLD ME I WAS ABLE TO SHOOT THE DOGS ACCORDING TO THE DOG LAW. HE WAS SO CONFUSED THAT HE GAVE TWO DIFFERNT ANSWERS TO THAT SAME QUESTION THEREFORE CONFUSING THE JURY. THE FAILURE TO REMOVE THE PREJUDICIAL JUROR AS WELL. TITLE 18 PERTAINS TO DOG OWNERS, AND WAS INAPPROPRIATELY USED, AS I AM NOT THE OWNER OF THE DOGS, THE CHARGES WERE INAPPROPRIATE AND SHOULD HAVE BEEN CHARGED TO THE DOG OWNER. ALSO, NOT ALLOWING ME TO USE THE AGRICULTURAL STATUTES IN MY DEFENSE. WHICH THE JUDGE LATER REINSTATED BUT I ALREADY TESTIFIED AND OPENING STATEMENT WITHOUT THE IMPORTANT INFORMATION WAS LEFT OUT.

IN ADDITION, THE JURY DID NOT UNDERSTAND THE CHARGES AGAINST ME AND HOW THEY APLY TO THE DOG OWNER NOT ME. THEY ALSO WERE NOT ALLOWED TO TAKE NOTES SO WHEN DELIBERATING THEY HAD NO COPY OF DEFINITIONS OR THE DOG LAWS AND DOG LEASH LAW OR THE CHARGES IN FRONT OF THEM TO MAKE AN INFORMED DECISION. THEY OBVIOUSLY MADE A DEAL WITH THE WOMAN WHO SHOULD HAVE BEEN REMOVED FROM THE JURY BECAUSE YOU CAN'T POSSIBLY BE GUILTY AND NON GUILTY OF THE SAME EXACT CHARGE.

FURTHERMORE, THE TESTIMONY OF DOG WARDEN [REDACTED] WAS VERY HARD TO UNDERSTAND BECAUSE OF THE PHONE NOISE. I ALSO NEVER ADMITTED TO THE ELEMENTS OF THE CRIME BECAUSE THEY DO NOT PERTAIN TO ME BUT THE DOG OWNER.

WHAT THE STATE DOESN'T UNDERSTAND IS "CAPTURE MYOPATHY" WHICH IS EXPLAINED ON ADDITIONAL PAPER.

I am requesting a mistrial for the following reason: an impropriety of a jury member that was not impartial. The woman sitting in the second row back right side stated before the trial started that she thought no one should shoot a dog for any reason therefore not able to be impartial for the trial. Also when questioning the dog warden [REDACTED] it was very difficult to understand him and when asked if I had permission to kill the dogs in the beginning he said he did before the killings took place then later when asked the same question he said after. This confused the jury. Also my lawyer asked to allow the jury to have a copy of the police report. Or allowed to have a copy of the charges and the dept of ag law or notes to be taken. Also, I was not able to use the dept of ag law at the time of my testimony which was later allowed by judge wheeler. I should been able to go back up on stand and explain to the jury the law and what it meant. Also when the da called my wife and I liars it made the jury not believe the pictures were authentic. I can't be charged with a crime that I'm not allow to be charged with period!

The mistrial should be granted but if not I am requesting retrial in front of Judge Wheeler.

The charges that I have been charged with don't even pertain to me but the dog owner. This law was enacted in 2017 because of dog owners abusing their animals thus causing death. I did not fail to give proper food, water, or shelter to these dogs as I don't own them. I did not illtreat, overload, beat, abandon, abuse or torture the dogs either. It was the act of illtreating of the dogs by not tethering the dogs as she was instructed to do so and purposely ignored that which was cited and pled guilty to. She admitted that some time the dogs get loose and that she does not tether up the oldest dog. She should have been charged with this crime not myself.

I am a farmer just trying to make a living on our property without having dogs harass our livestock.. I am governed by the dept of ag and I must follow all their rules and regulations. I was instructed by dept of ag and dog warden to follow the dog law which states any person may kill any dog which he sees in the act of pursuing or wounding or killing any domestic animal, wounding or killing other dogs, cats, or household pets, or pursuing, wounding or attacking human beings, whether or not such a dog bears the license tag required by the provisions of this act. There shall be no liability on such persons in damages or otherwise for such killing.

This law does not say the dog needs to be inside an enclosure. The definition of pursuing is to follow. The dogs did not have to physically touch the deer even though they did. They not only wounded my deer but attacked my deer and killed my deer.

The definition of domestic animal according to the dept of ag is as follows: any equine animal or bovine animal, sheep, goat, pig, poultry, bird, fowl, confined hares, rabbits and mink, or any wild or semiwild animal maintained in captivity..

Furthermore the definition of a wild or a semiwild animal is a domestic animal which is now or historically been found in the wild, including, but not limited to bison, deer, elk, llamas or any species of foreign or domestic cattle such as ankole, gayal, and yak.

I have been saying the entire time that I should have never been charged of these crimes and the above proves this. The Tioga County District Attorney has been committing Malicious Prosecution towards me with prejudice this entire time and therefore this case should be thrown out. First instance was when I had my preliminary hearing in Eklund PA where she after hearing [REDACTED] the dog wardens testimony with my wife sitting right behind her looked over at police officer brown with her arms up in the air and mouth the words "what the [REDACTED]" to him. Next instance was when I started to defend

myself and asked to any information on the case that I was allowed to have but wasn't given to me so I requested it from judge wheeler in court which he then told the da's office to give me what I asked for. Upon going with my wife to their office we were waiting outside and through the hole in the window here some woman call me a [REDACTED] which we reported to the county commissioners office where they made the woman from the da's office apologize to my wife and I. Next, the da took my right as an american citizen away by have another judge get involved and stating to me through a four way call with my wife standing with me that I am not going to loose this case. After this conversation I asked the courthouse to cancel the next hearing until it is in front of judge wheeler which is was not done. Therefore after the hearing the judge ruled in the da's favor for me not to use the defense from the dept of ag law. He purposely waited to day 28 so I did not have enough time to appeal this decision. Last and not least the unprofessionalism of the da during court. Calling my wife and I a liar in court made the jury not believe us. Acting in such a way that judge wheeler had to shut microphone off and talk with her and my lawyer away from the jury and myself.

This has been a disgrace to the farming community. This affects every and all farmers in the state of PA.

Thank you for your time and consideration.

[REDACTED]