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A brief history of the California Three Strikes Law and cruelty to animals. December 2009 Update

Dear pet lover,

In 1993 a repeat violent rapist Richard Allen Davis kidnapped, raped and killed twelve year old Polly Klaas. Davis' Family told of his killing neighborhood pets. But they were only animals and nobody took it seriously. Had it been treated very seriously, Polly might be a young woman today with children and pets of her own.

Richard Allen Davis was used as a poster boy to pass the 1994 California Three Strikes Law. It was overwhelmingly approved by voters who thought it would keep repeat violent criminals out of our community.

After the Three Strikes Law was enacted, Voices for Pets continued to follow cruelty to animal arrests. If we were able to verify that the perpetrator had a history of previous violent convictions, we would lobby the district attorney to charge under the Three Strikes Law. However, we were always told that the law does not allow them to bring such charges.

Then on May 14th 1997 Joey Trimm was arrested for killing Guinness, his girl friend's four month old puppy. Voices for Pets discovered that Trimm had two felony convictions for child molestation on his record, stemming from a 1990 case. Trimm was convicted of sex with a minor under 14 years of age by force or fear, and penetration with a foreign object. This was a very violent attack. The minor was a three year old boy, and the foreign object was the wooden handle of a bathroom plunger.

For his crimes against the child, Trimm was sentenced to ten years, but like most violent criminals, he only did a fraction of his time before being released back into the community.

For killing the puppy, Guinness, assistant district attorney Chuck Haines, with the backing of his boss San Francisco District Attorney (D.A.) Terence Hallinan, charged Trimm under the Three Strikes Law.

At a preliminary hearing, veterinarian Ruth Dilts testified that the puppy, Guinness, "had a large deep bruise to the whole top of his head, the ribs had punctured the lung on the left side, and there were massive fractures of most of the left lobes of the liver."

By May 2000 Trimm had been in jail for 3 years on \$50,000 bail, which he had not been able to make. The judge in the case decided that the two previous felonies for the attack on the child would not be counted as strikes. Trimm wanted to change his plea to guilty and walk out of the court room free with time served. This did not happen as the D.A. appealed the judge's decision. The appellate court over turned the judge's decision and reinstated Trimm's previous felonies as strikes, making him eligible for 25 years to life.

This also did not happen. Just before the trial, the D.A. announced that a plea bargain had been made. Trimm would plead guilty to cruelty to an animal and one strike would be dropped. Trimm was sentenced to five years. With three years time served and automatic time off, Trimm was released back into the community five months later.

I talked with Deputy D.A. Chuck Haines and he was as disappointed as I was, but all he could officially say was “We put a lot of time and resources into this case”.

It is true the D.A. put a lot of time and resources into the case as did the public defenders office, all at tax payer expense.

So, what was accomplished in this precedent setting case?

- Trimm was unable to victimize the defenseless for 3 ½ years
- Trimm became the first person to be convicted under the Three Strikes Law, in which a charge of cruelty to animals played an integral part
- And, we never again had to hear a D.A. say that the law doesn’t allow us to bring such charges

In 2002 in Orange County, 40 year old James Abernathy killed his German Shepherd after fighting with his girlfriend. Abernathy used a collection of swords and knives to mutilate and decapitate his dog named Marie. His family said he had pointed a gun at his sister's head and had killed animals when he was younger and put them in the refrigerator. Abernathy also had two prior felony convictions for assault with a deadly weapon. For killing his dog, he was charged and convicted under the Three Strikes Law and sentenced to 25 years to life.

In 2007 in Santa Clara County, 49 year old Alex Castro killed his girlfriend's 10 year old Cocker Spaniel named Copper. After Castro moved in with his girlfriend, Copper was forced to live on the small porch of a trailer house. Relatives of the girlfriend and numerous neighbors said that Castro would on a daily basis kick, punch, and choke Copper every time he passed by the dog but no one called the police. Then on July 1, 2007 Castro killed Cooper. Castro told a neighbor “I kicked him and he was yelping so loud I had to kill him, so I took my hammer and put a hole in his head”. Castro had two previous violent felony convictions and for killing Copper was charged and convicted under the Three Strikes Law and in May 2009 was sentenced to 25 years to life. While in county jail he sent a letter to a motorcycle club asking that a witness not be allowed to testify. The club turned the letter over to the D.A., and Castro received six more years for threatening a witness. Castro will be eligible for parole in 31 years.



Copper

In May 2008 in San Bernardino County 24 old Timothy Kooyman was arrested and prosecuted for three felony counts of cruelty to animals, and one count of misdemeanor arson. Kooyman lured three cats with cat food from different neighborhoods in San Bernardino County. Kooyman admitted torturing one cat by breaking here legs and cutting off her tail, dousing her with gasoline, and setting her on fire while she was still alive. This resulted in a hillside fire.

Later that day when Kooyman was arrested, officers found two cats still alive, covered with blood, and gasping for air in a sealed plastic container. Kooyman had broken all the legs of both cats and cut their tails off with scissors. Kooyman was already on felony probation for a 2007 conviction of repeatedly torturing a cat.

The F.B.I. was interested in Kooyman because he had been in the area of a forest fire that threatened many people and homes on Mt. Baldy in San Bernardino County. The San Bernardino County Sheriff’s Department also took a serious look at Kooyman. Detective Allonzo Daniel was assigned to work with an F.B.I. agent. Kooyman agreed

to accompany the officers to various locations where suspected criminal activities had occurred. At Kooyman's camp site on Mt. Baldy a Forest Ranger said a dead animal had been found in a plastic bag but he had disposed of it. Kooyman was not charged in connection with the forest fire.

Kooyman was taken by the officers to a motel where he had previously stayed in Riverside County. There he told them he had broken the legs of three other cats, ran over one of them with his truck, decapitated another with an ax, and after a failed attempt at drowning the third, repeatedly cut it with a razor knife. **Kooyman has never been prosecuted for these Riverside County crimes.**

In December 2008 I contacted Napa County D.A., Gary Lieberstein asking him for advice. Among his many other accomplishments, Lieberstein is President of the California District Attorney's Association. Many of you will remember Lieberstein for his 2001 vigorous prosecution of Martin Berg for pouring lighter fluid on cats and lighting them on fire. Berg received the maximum prison sentence. Lieberstein called me to give me advice and information on the Three Strikes Law. He said that there is a list of previous crimes that can be charged as a strike, but cruelty to animals was not on that list, and therefore Riverside County D.A. Rod Pacheco could not charge Kooyman with previous strikes. Lieberstein said he had sent the information about the Kooyman case on to Riverside D.A. Pacheco, and had also talked with him.

In January 2009 D.A. Rod Pacheco wrote a letter to Voices for Pets saying that he is aware of the case and is looking into it.

In February 2009 San Bernardino County Deputy D.A. Debbie Ploghaus added two new felony charges of using a deadly weapon in the commission of a felony. These are charges that are on the list of previous crimes that can be charged under the Three Strikes Law. The deadly weapon was the pair of scissors Kooyman used to cut the tails off the cats.

In May 2009 in the San Bernardino County case Kooyman accepted a plea bargain from the prosecution and plead no contest to five felonies including three counts of animal cruelty, one count of unlawfully casing a fire when he poured gasoline on one cat and set her on fire, which resulted in a hillside brush fire, and one count of using a deadly weapon in the commission of a felony, one count of using a deadly weapon was dropped and Kooyman was sentenced to five years in state prison.

Now that the San Bernardino County case has been concluded, we strongly believe that Riverside County D.A. Pacheco should pursue charges for the crimes committed in Kooyman's motel room in Riverside County. Below are some details.

As mentioned above, Kooyman admitted to officers that he had broken the legs of three other cats, a calico, a black and white, and a Siamese. That he ran over one of them with his truck, decapitated another with an ax, and after a failed attempt at drowning the third, repeatedly cut it with a razor knife.

Also, motel staff told officers that a maid found a large amount of blood and fur while cleaning Kooyman's room including inside the mini refrigerator.

And finally, Corona Animal control was called to pick up the three dead cats found in a plastic bag in an alley near the motel.

We previously asked you in our December 2008 Update to contact Riverside County D.A. Pacheco, and ask him to charge Kooyman under the Three Strikes Law for the torture and killing of the three cats in Kooyman's motel room.



Kooyman Mug Shot

Riverside County D.A. Pacheco is aware of these events, and as of this date, Kooyman has not been charged in Riverside County. Even if you have written to D.A. Rod Pacheco in the past, we urge you to please write him again and ask him to charge Kooyman for the April 23, 2008 torture and killings of the three cats in Kooyman’s motel room. Ask him to charge Kooyman under the Three Strikes Law and put this sadistic serial killer away for as long as possible, to prevent him from inflicting his sadism on other defenseless victims.

After 16 years of responding to violence against defenseless victims, it is my personal belief and conviction that Timothy Kooyman is one of the most sadistic killers that I have knowledge of. He enjoys inflicting long-term suffering on his victims. He will continue to torture and kill. His lust for dominance and control over defenseless victims will not be confined to non-humans. His evilness will not end until he is convicted of killing a human, most likely a child. It is D.A. Pacheco’s job and responsibility to do all he can to protect the community from him.

Leroy Moyer - Director Voices For Pets 925-685-5388

You can contact District Attorney Pacheco by mail, fax, and email:

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Dear Supporter:

Voices for Pets has worked for 16 years to make a positive change in the way our culture treats senseless violence against defenseless victims. For those of you who have been part of Voices for Pets over the years, you know that we have had many successes and there is so much more work to be done.

The last two years have been particularly difficult for all of us, but we must not allow ourselves to be discouraged by feelings of helplessness and being overwhelmed. The larger organizations that had reserves invested in the stock market lost much of their investments and had to lay off paid staff. Some organizations, such as domestic violence and women’s shelters, have lost millions in government grants.

Animal welfare organizations receive no government money and smaller organizations such as Voices for Pets, which is 100% volunteer-supported, have no one to lay off. The only support for our work comes from individuals like you.

Please take a moment now to make your gift to Voices For Pets so we can continue to be the “Voices” for those who cannot seek justice for themselves. We thank you and wish you and your furry companions a peaceful and joyous holiday season.

*Leroy Moyer, Director
Voices for Pets
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