

Mistrial Declared in Cat Shooting Trial

The Associated Press

GALVESTON, Texas - The trial of a prominent birdwatcher accused of animal cruelty for shooting a cat ended in a mistrial Friday after jurors couldn't reach a verdict.

Jim Stevenson, the founder of the Galveston Ornithological Society, has admitted he shot the cat last fall because he saw it hunting a threatened species of bird near the San Luis Bridge Pass. If convicted, he would have faced up to two years in prison and a \$10,000 fine.

The trial sparked an Internet debate between cat lovers who decry Stevenson's actions and birders upset by the toll feral cats take on bird species. It's also raised questions about what makes an animal a pet, especially if it lives outside.

Jurors deliberated for more than eight hours before the judge declared the mistrial.

"The jury was hopelessly deadlocked, so the government has to decide if they are going to waste more of taxpayers' money trying this again," said Stevenson's attorney, Tad Nelson. "But they can try this a thousand times and they will never get a guilty because he didn't commit a felony."

First Assistant District Attorney Joel Bennett said prosecutors would not retry the case.

"We have gathered all the evidence that is there to be gathered, and a jury that heard all this evidence could not reach a unanimous verdict," Bennett said in a story for Saturday's editions of The Galveston County Daily News. "There's no reason to suspect another jury would be able to do so, and we're considering the matter closed."

Nelson said he was relieved that the case wouldn't be pursued.

Nelson said his client thought the cat was a stray. A state law bars the killing of domesticated animals without the owner's permission.

But prosecutors argued that a toll bridge worker took care of the cat and named it "Mama Cat," effectively becoming the pet's owner. And they say Stevenson could have easily realized that if he'd looked around the bridge before firing.

While the jury deliberated, Stevenson told The Associated Press that he thoroughly researched local and state law and thought long and hard about what he should do before he killed the cat. He said he decided to shoot it because he believed it was a threat to the birds. He added that he felt sorry for the animal.

The bridge, Stevenson said, "is a revolving door for cats. Dozens and dozens of cats go through there and disappear. They're getting run over ... they're getting killed by coyotes. It's no life for a cat out there."

A revision of the cruelty law that took effect Sept. 1 broadens protection to stray animals, but it does not apply in Stevenson's case.