

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

December 20, 2021

The Honorable Vern Pierson  
El Dorado County District Attorney

Dear Mr. Pierson:

I hope this letter finds you well. I'm writing to request that your office add cruelty-to-animals charges, as appropriate, to the arson charges that David Scott Smith and Travis Shane Smith already face in connection with the devastating Caldor fire. The suffering that animals endured in this fire must not be ignored.

While it's well known that the Caldor fire destroyed more than 1,000 homes and other structures and more than 346 square miles of land, what might be less known is that catastrophic fires also cause many domestic and wild animals to endure terror, suffering, and prolonged, agonizing deaths. For example, a black bear's paws were burned so severely in the Caldor fire that he had to be euthanized. Wildlife rescues have reported treating porcupines and a fox injured in the fire, while animal shelters and veterinary clinics treated cats for painful burns.

[Cal. Penal Code § 597\(b\)](#) states that any person who "tortures, torments ... or cruelly kills any animal, or causes ... any animal to be ... tortured, tormented ... or cruelly killed" is guilty of cruelty to animals.<sup>1</sup> [Cal. Penal Code § 599\(b\)](#) states that "'torment,' 'torture,' and 'cruelty' include every act ... whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted."

Because the Smiths are accused of recklessly starting a wildfire that has led to unnecessary and unjustifiable pain and suffering for numerous animals, we respectfully ask that investigators and your office add cruelty-to-animals charges to those that they already face, in the same way that an [Oregon prosecutor did last year in a similar case](#) related to the Alameda fire. If your office does not find these charges appropriate, would you please consider applying additional arson charges based on domestic animals' severe injuries, as [another prosecutor recently did](#) in her case against PG&E for the Zogg fire?

Thank you for your consideration and for the difficult work that you do.

Sincerely,



Sarah Deffinger  
Senior Evidence Analyst  
Cruelty Investigations Department

<sup>1</sup>The first clause of § 597(b) does not require custody of an animal to support a cruelty-to-animals charge. Subsection (b) sets forth two alternative bases upon which charges can be brought; the custody requirement of the subsection's second clause is not to be imputed to the first clause. The Third District Court of Appeal has found this reading to be the proper interpretation of the statute. *People v. Youngblood*, 109 Cal. Rptr. 2d 776, 780 (Cal. Ct. App. 2001).

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