

A summary version of the case against the RSPCA

.....to tempt you to make the effort to get to grips with the vicious cruelties perpetrated 'under the radar', and in the guise of 'law enforcement', in the course of RSPCA prosecutions conducted under the false flag of animal welfare.

Hopefully you can be persuaded to line up with The Force, and help get these renegades consigned to Dante's infinite mercy, while simultaneously supporting the provision of compensation to those who have had their lives viciously destroyed by "due process of law".

(Glynne Sutcliffe, Adelaide 16 Oct '20)

NB - There are impending fallouts for the RSPCA from:

- 1)** the recent NSW Parliamentary Inquiry into 'using charities to enforce animal welfare legislation', and
- 2)** the UK's equally interesting, just concluded Parliamentary Inquiry into the problems with 'private prosecutions', when the supposed 'safeguards' simply don't protect due process or fair trials.

1. Selective profiling of victims

Dorothy Robertson :

"Single women, 60+, are a great target group. Many have had losses (spouse through divorce or death, empty nest), are on somewhat limited income but are generally frugal and live well without much of what younger people consider essential...high dollar cell phones, wifi, cable etc. Many live in paid for homes that are 30-50 years old and are much simpler than today's homes. I think that for many the animals do indeed become "family"...often due to lack of contact with their human family....and the loss of the animals can have a terrible emotional and physical impact. Aging is a process of slowly and gradually losing things...of dying a bit at a time...family, money, health, strength, capabilities...each loss brings the older person inevitably closer to the final loss, their physical death. The targeting of this group is despicable and, in destroying so much of their lives, is, imo, state sanctioned elder abuse."

2. A very summary account of the RSPCA's approach to 'law enforcement'

"The **RSPCA selectively profile soft targets, steal stock** in organised **raids ('swoops')**, grab/seize **top quality high value animals** they say are living in squalor, **lay criminal charges against the victims of these heists**, run **private prosecutions**, abuse **prosecutorial discretion**, exploit the **plea bargain**, use statute law to **demand money with menaces**, use **fabricated claims of neglect**, and get **automatic convictions** from colluding courts.

All of the above is initiated with 'Investigations' to follow up 'anonymous tips', and vigilantist mobs to invade the homes and properties of older women (today's version of the witch hunts that were prelude to the witch trials)."

3. A few voices from folk who have gone through an RSPCA raid and "prosecution"

'People experience things like seeing much loved horses shot in front of them, having animals they've bred, assisted in the birthing of, loaded taken away and then killed after court processes end.

Respected breeders publicly vilified, named and shamed. Careers and reputations ruined.

Lies told by 'Inspectors' under oath. I've attended a number of trials and it's astonishing the preparedness of even the vets to lie.

People can have PTSD after a burglary when it's just possessions takenthe feeling with pets/animals is so much harder.

You have to have experience it, to understand the absolute anguish, hurt and complete feeling of failure, inadequacy and public humiliation and it still continues after trial.

If anything it gets worse because then it's not just the RSPCA making you feel these things. It's complete strangers....members of the public who think they have a right to try and belittle you, lie and torment you constantly.

It doesn't matter to them if you're innocent and have been the one bullied and ruined by that charity, and the ridiculous thing is others believe them because the RSPCA gave left a toxic stain on your life.

It's a living hell for many, in the same way that many soldiers, victims of crime and victims of the RSPCA feel.

No one cares, no one helps.

You're on your own and your muddling through. But you're ready to crack at times. Even when you're strong.

The emotional, absolute feeling of immense hurt is always there and you refuse every minute of every day to let them ruin your life. But it's ruined and you're just kidding yourself when you say you can get through this and carry on.

You don't know until they hit you. There is no escape. The rspca and sspca have the power to totally destroy your whole life. Powers from the government that DO not even regulate them. They are out of control.

4. Re this list of possible charges, please note that: "*Most can be identified in almost any randomly picked case*"

**Those who live by the sword
should die by the sword**

Time to prosecute the RSPCA : Free association exercise to create a beginning list of possible charges:

1. Conspiracy to defraud
2. Extortion, using the law as the menace by which to "demand money with menaces"
3. Brazen disregard for *locus standi* ban on proxy prosecutors
4. Elder abuse, and use of courts to indulge sadism
5. Defamation
6. Abuse of process by way of (huge variety of) improper purposes
7. Theft, as well as resort to seizure as first resort, not last!
8. Wrongful access to police surveillance, linked to trespass associaed with their 'raids' which they also like to designate as 'swoops'
9. Use of MOUs to corrupt state agencies (leading to making the deep - bureaucratic - state into the dark state).
10. Perjury
11. Cruelty to animals - both by neglect, and by wrongful resort to killing (euthanasia)
12. False claims to expertise in animal welfare
13. Usurpation of role of Minister, who may not delegate responsibility for specific decision regarding role of inspectors (see Maitland, Submission 18 to Victorian Inquiry into RSPCA)
14. Entrapment, creating situations then used as 'evidence' in subsequent prosecutions

15. Trespass (including harassment, and regular entry to private property without proper warrant)
16. Timing raids when surveillance has alerted to absence of owner
17. Refusal to obey court orders - eg to return 'seized' animals
18. Organising witness collusion to aid fabrication of evidence
19. Failure to prove intent (the *mens rea* rule, at heart of common law)
Without criminal intent there is no crime!
20. Listing of witnesses at outset, to 'enrich' media publicity, who are later withdrawn when it is obvious that their testimony is gross hearsay.
21. Selective profiling of victims with intent to target accusations at those least able to defend themselves (cf bullying).
22. Selective employment of young women who have conflicts with their mothers, and/or educational deficits, as attack dogs for older women, as well as using those with more attractive appearance as media liaison officers.
23. Acting as default agencies of the state for enforcement of animal welfare legislation, while failing to observe the requirement that state prosecutors must act as model litigants
24. Conflicts of interest when commercial activities profit from attacks on competitors, or when pursuit of donations and bequests determine who will be prosecuted
25. Avoiding prosecution of owners with manifestly inadequate facilities because they give the RSPCA an annual donation
26. Corruption of the public domain of community living
27. Using the legal system to create a financial empire, in part (but not only) by false allegations that ruin decent people
28. Participation in political lobbying in ways that corrupt the political system (strengthening the party network in order to control the bureaucratic apparatus of government and create revenue streams that transfer public resources to private benefit)
29. Dirty tricks in general.
30. Regarding 'law enforcement' as a blank check for lawless behaviour
31. Use of reprisals to threaten critics

5. A very concise short story. Classic RSPCA. They are even proud enough of it to put it up on their own web site.

<https://www.rspcasa.org.au/prosecutions-2017-18/> February 2018

Woman convicted for keeping five cats in car

A woman of no fixed abode pleaded guilty in February 2018 to keeping multiple animals in a car.

The defendant was **evicted from her property in July 2017** and began living in her car with multiple cats and dogs.

After the situation was reported to RSPCA South Australia in August 2017, the animals were temporarily seized as inspectors attempted to educate the woman on the dangers of keeping animals in hot cars.

She was issued with an Animal Welfare Notice prohibiting her from keeping the animals in the car, and her cats and dogs were returned.

However, in **October 2017, she was again found with five cats in her vehicle.**

Inspectors immediately **seized all five** cats and they were **later adopted** into new families.

In Bordertown (South Australia) Magistrates Court on February 23, 2018, the defendant was convicted for failing to provide adequate living conditions.

She was *fined \$1000* and ordered to pay *\$10,304* in veterinary and legal fees. She was banned from owning cats indefinitely.

6. What happened to me : "Dirty tricks are used to back up the pseudo-legal railroading of the targeted victims of the RSPCA 's criminal thefts and harassment."

Theoretically these dirty tricks could be brought into legal visibility under the head of 'unconscionable behaviour' in initial early appeals (to the magistrate and at the same time to the public prosecutor) for either, or both, to dismiss the case - before the prosecutor has a chance to entrench the RSPCA's defamatory description of the defendant in the opening statement laying out why the case has been brought.

But, sadly, these strategies have not worked, with neither the magistrate nor the public prosecutor allowing any of the unconscionable behaviours to surface into legal visibility. Both use the easy way out here - they simply deny interest in considering the facts or arguments presented!



The public prosecutor is then linked with the magistrate in being necessarily included as a participant in the conspiracy to defraud.

My Story - of harassment, bullying, thefts, break-ins, misogyny and racism



In my case a *non-exhaustive* list of harassments and 'unconscionable behaviour' includes **theft of my Greenfield ride-on mower, home invasions, house double doors smashed** (still boarded up), **death threats** via leaving of dead animals (Burmese blue point cat, rat and very large kangaroo) outside three different doors into my house, **car-stalking, breach of lawyer client privilege** by

... and that is **WHY** the chicken crossed the road.

police cars parked outside lawyers' offices when seeking professional assistance¹, and

intimidation of my vet who would otherwise have provided a reference/testimony on my behalf, an affidavit², etc. etc. etc.

Oh I nearly forgot - **creeping around in home while I slept, interference with computers, reputational smearing, placing a surveillance cop in the Repat's ICU after left hip replacement surgery in 2012**, etc. etc. etc.

My experiences are not in any way unique - the pattern is repeated over and over ("**rinse and repeat**" style) and **case studies abound** to demonstrate this. Did I mention RSPCA's **use of the Chancellor of Flinders University as a decoy while they broke into my home** and turned it over? Well, that's exactly what they did.

In the line up of the **conspirators** (in the racketeering conspiracy to defraud) I have mentioned our **so-called investigative journalists**, and the mainstream media (MSM) as a whole. The MSM regularly **do for the RSPCA** what they are **now doing for the Covid19 pandemic panic**.

Add the **police**, who have been programmed to say that *they think* the RSPCA has 'authority' in this area of so-called 'animal welfare', as well as **that section of the public consisting of the useful idiots that believe everything they are told** to believe by the mass media and the government.

Both the police and an aroused public lynch mob back up the racketeers by making the lives of accused as close to hell on earth as they can - following the by now reasonably well-known script for gang-stalkers, and driven to act by the sheer pleasure (and the petty rewards) they get from being part of, or onside with politically powerful networks.³

I am hoping my story might fire a rocket up the backsides of our **investigative (sic)** journalists. So far they have been **ruled by the three monkeys**.

¹Nicola Gobbo was a startling revelation, but only of the common and garden total irrelevance of the supposedly inviolate privilege attached to lawyer-client conversations.

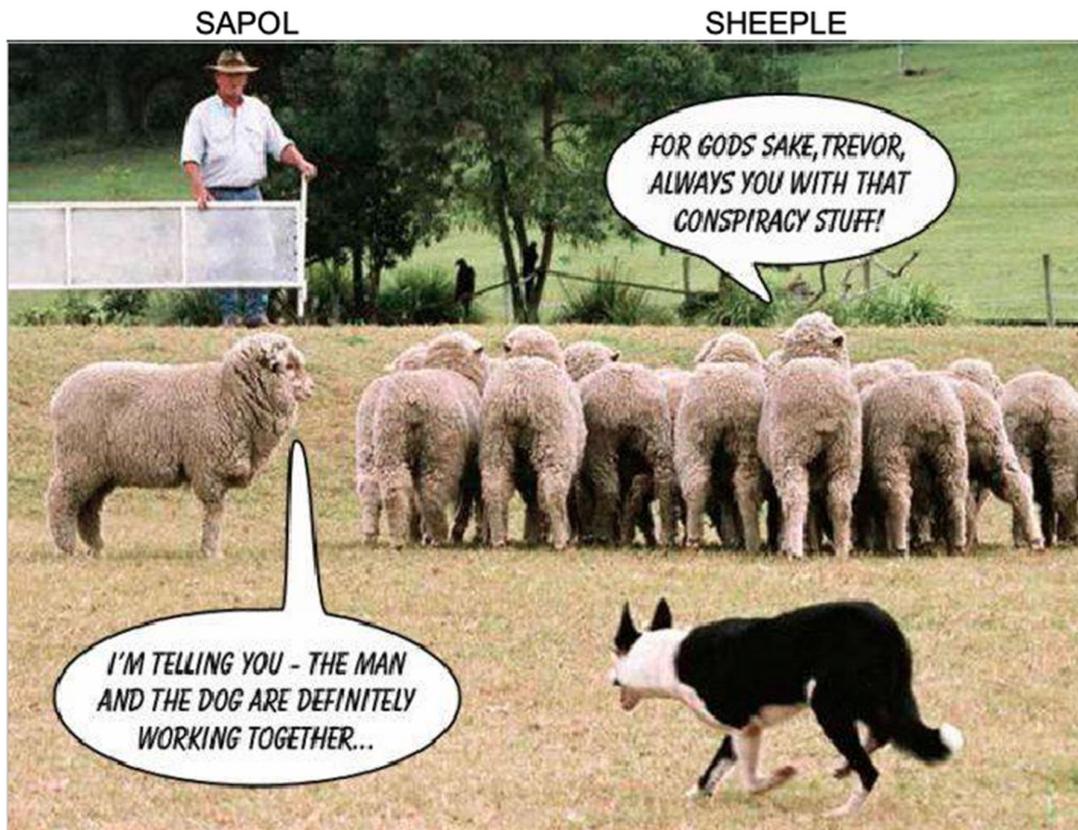
²My vet was told that - if he pursued the idea of supporting me in court - then the two female vets, who had just bought his practice when he decided to retire, would assuredly experience severe loss of business. Reprisals for any kind of protest or resistance are a key element in the RSPCA's tool-kit.

³See ATTACHMENT E in longer associated monograph, detailing how the Stasi have provided text book instructions not only for the use of surveillance techniques to develop police states on a global scale, but also how all are to be found in South Australia!

Of all the dirty tricks, the worst have probably been the provision of **fake friends**, and the systematic **interception of all my connections** to almost every other human being on this earth - to **ensure near total social and political isolation, and to allow only those connections they figure won't result in breaking the silence in which they have blanketed my voice.**

Given the only way I could respond to the intimidation and threats was to lock myself in my home, I have been amazed by the public's outrage at the demand by Australian state governments for 2 weeks self-isolating quarantine in lockdown as a response to the Covid19 crisis.

I haven't left my home now since 18th November 2014 - ie a period now approaching six years! It has not been good! (*But it has suggested to me that the general public is thought to have a very low level of resilience!*)"



Glynne

RSPCA

7. We need to set out the charms of liberal democracy before we enumerate any of those institutional weaknesses that the ill-intentioned learnt, fairly quickly, how to exploit.

Rather than tell this tale myself it is better to provide you with the thoughtful analysis given by Ho Hock Lai, a Chinese lawyer from Singapore who was for some time teaching in the Law School of the University of Sydney. He has set out the principles behind the development, after 1688, of a legal system that was intended to play a fundamental role in the creation of a liberal democracy as a functioning polity.

In the interest of ensuring the complexities and subtly nuanced details of his account are not misrepresented I have excerpted summarising statements from his published paper in a way that reconstitutes his argument in briefer, but still complete, form. If you find the resulting abbreviated version inadequate in any way I urge you to read the original paper. In the meantime here are my summarising excerpts from Ho Hock Lai's paper, on the role allocated to the criminal trial in a liberal democracy. The phrasings are all his.

There is a blind spot I have detected in Ho Hock Lai's account, insofar as he neglects, (as the system itself now neglects) the issue of restitution for the victim. He does stay within the paradigm of punitive justice, of retribution as a penalty that re-establishes the socio-moral order as being the prime purpose of the trial. I personally believe that restitution to the victim is a far more important function on which a criminal trial should focus. Restitution as a key purpose comes from the historically prior purpose of community attention to wrong-doing in the context of 'dispute resolution' (rather than punishing fault).

KEY EXCERPTS FROM

Liberalism and the Criminal Trial

Ho Hock Lai □

Abstract

The adversarial trial (is) primarily a process of holding the executive (ie the prosecution) to account on its request for conviction and punishment.

(There has recently been) an expansion of the judicial role to include(ensuring that) liberal principles are reflected in (all)...criminal proceedings (with respect to) the importance of a 'fair trial' or 'due process'

I Introduction

Why not ... do away with criminal trials altogether?

We could (for instance) vest in the executive branch of government not only the authority to charge citizens for offences but also to declare them guilty as charged.

Dealing with criminals would be much cheaper if we dispensed with the need for a trial. It would also be a lot faster.

(But) legal proceedings are not designed to make the administration of penal law more efficient.

We (do not) conduct a trial out of an abundance of caution,...for the sake of accuracy (in the determination of 'the truth',... or to ask) the court to second- (or third-) guess (the police and the public) prosecutor...(in the manner of asking for) another medical opinion, just to be on the safe side.... to vet the evidence, so to speak

Much more than epistemic prudence is at stake.

We pay the price for a system of criminal trial because we fear the alternative, quite literally, a police state.

(The) right to due process, or fair trial...is...intrinsic to the idea of the rule of law'

(If)'rulers are held strictly responsible or accountable to those over whom they exercise power' (how much more so should be the government in a liberal democracy)

(The) criminal trial... is a facet of this 'form of accountable polity'... based on the demand that the executive justifies its call for criminal censure and punishment in an open proceeding wherein the accused has the right of challenge, and the adequacy of the proffered justification is (or should ideally be) judged by the jury representing the citizenry.

(The) state poses no greater threat to individual liberty than when it proceeds in a criminal action.

Fundamental to liberalism is the belief that freedom is normatively basic, and so the onus is on the state to justify the limitation whenever it seeks to curtail the liberty of its citizens.

The trial....is a highly significant stage in controlling the use by the executive branch of its formidable coercive powers on citizens.

(The prosecutor is required) to present evidence and reasoned arguments in an open forum to support clearly specified charges, and to have its case subjected to challenge and scrutiny.

The state cannot (be allowed to) arbitrarily and without good

justification inflict (punitive) harm on its citizens.

The court is the political institution responsible for examining the justification put forward by the ...(prosecutor) in support of this request.

(On a) broader view, the function of the criminal court ... is to oversee ... the conduct of criminal investigation.

The legitimacy of a particular verdict depends on how the trial was conducted, on the quality of the interaction between the state and the accused in the process by which the outcome was reached.

II The Criminal Trial as a Liberal Institution of the State

The criminal trial is often portrayed as 'a search for the truth'. It is more accurately seen as a process of calling upon the (prosecution) to account for its request to have a citizen officially condemned and punished for an offence.

This conception of the trial is reflected in the presumption of innocence and in the common law doctrine that places on the prosecution the burden of proving guilt.

(The prosecutor) has to prove that the accused is guilty as charged, bearing the onus of establishing beyond reasonable doubt the elements of the crime and.....of disproving any defence that has been raised.

At common law, the accused does not carry the burden of disproving the ingredients of the crime. Indeed, the accused is not even required, generally speaking, to prove the elements of the defence upon which he or she wishes to rely.

The court **must deliver an acquittal**, and let the citizen go free, **unless the (prosecution) succeeds in demonstrating his or her guilt *in a proper manner***.

This is the substance of the maxim that justice must not only be done (in the outcome of the trial) but must also be seen to be done (by calling on the (prosecutor) to openly explain and support its accusations against a citizen).

On a narrow viewthe court must not be distracted by any police misconduct in the investigation of the case.

The narrow view does not require judges to ignore all aspects of pre-trial investigative improprieties. But **judicial intervention is allowed only on bases that have to do with protecting interests in, for example, the accuracy of the verdict or its public acceptability or *the fairness of the***

trial proceedings When the court acts on...these latter bases, it (is) merely keeping its own house in order.

A wider view **of the court's role** includes the further responsibility of **scrutinising** other aspects of the enforcement of criminal law (on the grounds that) the judiciary has the duty..... **to ensure that the enforcement....was properly conducted.**

On this broader view, the court's duty includes the supervision of police (and RSPCA) conduct.

The court responds to...impropriety in a particular case with a view to influencing...conduct generally in the future.

The branches of the criminal justice system are so structurally and normatively integrated that **the infringement of any of its underpinning values by one branch (the (privately prosecuting RSPCA in lieu of the) police) cannot be ignored by another (the criminal court) without disrupting that normative unity.**

The court must not be seen to be complicit in police (or RSPCA) improprieties and....must respond to them in a manner vigorous enough to protect the repute of the criminal justice system as a whole.

The question of **police misconduct** in the investigation of a crime allegedly committed by the accused **cannot.....be decoupled from the question of whether the prosecution should be allowed to obtain the conviction that it is seeking from the court.**

The narrow and broad conceptions of judicial power compete for dominance in many areas of procedural law, such as the admissibility of confessions and illegally obtained evidence. A topic that is less well explored in this connection is state entrapment.

There has recently been a dramatic growth in the doctrine of 'abuse of process' (on the grounds that) *the judiciary (should)....refuse to countenance behaviour that threatens either basic human rights or the rule of law, (and) if it comes to the attention of the court that there has been a serious abuse of power it should ... express its disapproval by refusing to act upon it.*

It is simply not acceptable that the state *through its agents* should (cause) its citizens to commit acts forbidden by the law and then seek to prosecute them for doing so. That would be entrapment. That would be *a misuse of state power, and an abuse of the process of the courts. The unattractive consequences, frightening and sinister in extreme cases, which state conduct of this nature could have are obvious. The role of the courts is to stand between the state and its citizens and make sure this does not happen.*

The English court, qua criminal court (takes) upon itself the duty to check police misuse of...power...occur(ing) prior to the trial, (and)

the judge has discretion.....to exclude evidence of an(y) offence that the police have helped to create.

It has long been established that, once a court is seized of criminal proceedings, it has control of them and may, in a variety of circumstances, reject relevant and otherwise admissible evidence on discretionary grounds or temporarily or permanently stay the overall proceedings to prevent abuse of its process.

The court's exclusion of the evidence was manifestly a direct response to state misconduct. In justifying the exclusion of evidence, the court alluded to the ways in which the police and those in higher positions had acted illegally or improperly.

Among the factors cited in support of its decision were the following features of the case: **'grave and calculated police criminality; the creation of an actual element of the charged offence; selective prosecution.**

(The court has a direct) interest in 'ensuring the observance of the law and minimum standards of propriety by those entrusted with powers of law enforcement'.

Exclusion of evidence and a consequential stay of proceedings are a **means of keeping the executive within the proper limits of its policing powers.** (Since the RSPCA assumes investigatory and policing powers, both and ##### ?????)

The trial should be seen as a process in which the (prosecution) is called upon to account for its request that the state convicts a citizen for an offence. Where the citizen was entrapped by the police into committing it, the request should not be entertained.

III The Criminal Trial as an Institution of a Liberal State

Part II of this article considered the political function of the criminal court in a constitutional set-up that features a system of checks and balances among the separate branches of government. From that examination of the court as an *institution of a liberal state*, we now turn to reflect on the court as a *liberal institution of the state*.

We will see how **principles of liberal democracy are or can be assimilated into the structures of criminal proceedings. It is with the core of those structures in mind that one speaks of 'due process' or a 'fair trial' (I treat the two phrases as synonymous and expressive of a general idea rather than as terms of art.72)**

While due process is important because it legitimises the verdict, it also has intrinsic value: the liberal trial is not merely a method of determining guilt or a means of bringing criminals to justice; it is also a process of doing justice to accused persons, a political obligation owed by the state to the citizens it seeks to censure and punish.

A. Liberal Credentials of a Criminal Trial

Imagine a legal system where judges lack independence from the executive, (or a legal system where the judges lack sufficient independence from the manipulative and abusive prosecutorial template of the RSPCA !!) **Such a court cannot be an effective check on the executive (or the privately prosecuting RSPCA) since it is not independent of it.**

The claim that the criminal trial has a central place in a liberal polity, and exists to prevent the oppression of a 'police state', supposes a form of proceedings that respects certain liberties and rights of citizens.

The criminal trial should embody liberal democracy by incorporating within its structures basic elements of that political philosophy.

(The rights of an accused citizen must include) **control one has over the 'theory of the case' to advance, trial strategy to pursue, and defence to raise, in the selection of evidence to bring forward (or not) and the questions to ask (or not) of witnesses, and so forth.**

Participation is enabled by recognising the right to be heard, including the extended right to legal representation and legal professional privilege, and the right to 'confront witnesses' and to challenge evidence produced by the prosecution.

The value of participation, the ability to control and influence one's case, lies in the intrinsic value of self-direction (the positive 'freedom which consists in being one's own master'), independently of its contribution to the probabilities of reaching the correct verdict.

Citizens are not objects to be acted upon and kept away by the state for the sake of (secondary benefits, even when these are as valuable as) public safety and order; **they are individuals that bear rights against the state in the process that seeks their conviction and punishment.**

It is the hallmark of constitutionalism that those rights act as trumps.

Some jurisdictions include among those rights **the right** (in some cases) **to a jury trial. The operational flaws of the jury system have drawn many criticisms, and often rightly so. But as an ideal, its democratic roots are clear:** theoretically, to be tried by jury is to be tried by one's peers and hence to be judged, in complex ways, by the norms of his or her community.

Jury deliberation, the process of reasoning and discussion by a representative group of citizens in search of a collective judgment on a fellow citizen, has been described as **'the crucible of democracy'**. It has also been remarked that '[t]he democratic theory of law would favour the retention of trial by jury as the means whereby the people play a direct, contributory part in the application of the law'.

The jury system serves not just community and democratic values; it is also regarded as an important safeguard of personal liberty. **It is well-known that juries occasionally refuse to apply a law despite its literal applicability in the case at hand because they find the law illegitimate or its particular application oppressive. Through this power of 'jury nullification', 'juries serve as a popular check on the legislative and executive branches'.**

A trial is a process of public justification.

The grounds the executive has for a conviction (in the form of evidential proof and reasoned argument) **must be presented in a forum to which the citizenry must be given the right of access — justice must be seen to be done**

the grounds offered by the executive as justification for a guilty verdict must aim.....to be acceptable to reasonable citizens as constituting sound and sufficient bases for a conviction.

B Due Process and the Legitimacy of the Verdict

What is good about due process? When a system is evaluated as illegitimate in this sense, the 'speaker ... is not saying people believe that the system is unjust or unworthy of adherence, but rather that it *really is* unjust or unworthy of adherence'. *Legitimacy means a political order's worthiness to be recognized'.*

(Similarly), the.....legitimacy (of a verdict) means it has.....moral weight, normative acceptability, rightful authority or some such notion.....(And this heavily depends on whether the trial incorporates due process and procedural fairness).

The moral weight of a conviction depends partly but crucially on the quality of the interaction between state and citizen in the process by which the latter is found guilty.

Due process is not a sufficient condition for justice. It is a necessary condition. If a person is denied due process, the person is thereby unjustly treated.

It violates due process to use against the accused evidence of a kind that is generally and manifestly unreliable (and)... carries an unacceptable risk of error...(but) it is not wrong merely because it increases the risk of injustice in the outcome. The failure of due process is *in itself* a wrong.

Just results ought to be achieved by just means ... if unjust means are employed an outcome becomes tainted with injustice'.

Police officers, prosecutors and judges, like everyone else, are subject to morality just because they are human beings.

The central (moral and ethical) question....is: **How should one live?**

