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**QUEENS DISTRICT ATTORNEY BRINGS LANDMARK ANIMAL CRUELTY CASE**  
*First Time Order of Protection Granted for Both Owner and Animal*

Queens District Attorney Richard A. Brown announced today that a Bronx man who allegedly beat his friend's Bichon Frise has been charged with animal cruelty and has been ordered to stay away from the dog – the first of its kind protection order for an animal in New York State.

District Attorney Brown said, "The defendant is accused of repeatedly hitting his friend's Bichon Frise – often referred to as a live stuffed animal because of its small size and weight – while alone with the animal. When the dog's owner returned home from work, he allegedly found his once-healthy pet severely bruised and yelping and wincing in pain at the slightest touch."

District Attorney Brown added, "Over the years New York State has enacted a number of laws prohibiting the abuse of animals. My office takes a strong stand against animal cruelty and is committed to aggressively enforcing those laws to protect animals from harm. Recently the Legislature enacted legislation authorizing the issuance of orders of protection on behalf of companion animals. This legislation provides a novel and effective means to keep animals safe and we intend to use it in all appropriate cases."

The District Attorney identified the defendant as Fredrick Fontanez, 20, of 250 West 195<sup>th</sup> Street in the Bronx, no known employment. He was arraigned on Thursday, August 31, 2006, before Queens Criminal Court Judge Alex J. Zigman and charged with Agricultural Marketing Law 26-353 (Overdriving, Torturing and Injuring Animals: Failure To Provide Sustenance), an Unclassified A-misdemeanor punishable by up to one year in jail and/or a \$1,000 fine. The defendant, who was released without bail, was ordered to stay at least 100 yards away from both the dog and its owner. His next court date is October 10, 2006.

District Attorney Brown said that, according to the charges, between 10:00 a.m. and 6:00 p.m. on July 20, 2006, the defendant was pet-sitting Bebe, a five-year-old Bichon Frise, in its owner's Howard Beach apartment on 149<sup>th</sup> Avenue when he allegedly hit or kicked the dog repeatedly, causing the animal to sustain extensive and severe pain, bruising and redness to its back, left thigh and right eye. The following day, the dog's owner, Derek Lopez, 27, brought Bebe to a veterinarian who confirmed that the fourteen-pound dog had been abused and, in addition, observed that the animal to have a lack of appetite and to be limping.

District Attorney Brown said that following a thorough investigation by the Humane Law Enforcement Department of the American Society for the Prevention of Cruelty to Animals (ASPCA), the defendant was arrested on August 30, 2006.

The investigation was conducted by Humane Law Enforcement Department Special Agent Paul Lai with assistance of William Dunn, a senior director and counsel for the Humane Law Enforcement Department at the ASPCA.

The case is being prosecuted by Assistant District Attorney Heather R. Nicoletti of the District Attorney's Criminal Court/Intake Bureau under the supervision of Assistant District Attorneys Joan I. Ritter, Bureau Chief, Kimberly A. Affronti, Deputy Bureau Chief, and Patricia M. Theodorou, Supervisor, and the overall supervision of Senior Executive Assistant District Attorney for Trials James C. Quinn and Deputy Executive Assistant District Attorneys for Trials John H. Larsen and Robert J. Masters.

It should be noted that criminal charges are merely accusations and that a defendant is presumed innocent until proven guilty.

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