



LEGAL MEMORANDUM

To: Wayne Pacelle
From: Scott Edwards
Date: April 8, 2024
Re: Wyoming Wolf Case with Cody Roberts

A recent incident of abject animal torment and torture in the state of Wyoming has raised questions about the applicability of the state's animal cruelty laws to the actions taken by a local resident. According to reports, on February 29, 2024 a Daniel, Wyoming resident, Cody Roberts, ran down a wolf with his snowmobile while hunting in the state's "predator zone," which accounts for 85% of the state's land area and allows for wolf killing without license or limit. Hunting methods are not proscribed. Wyoming law allows for the running down of predator species, like coyotes and wolves, with snowmobiles as a legal form of "hunting."

According to a news report, Roberts ran down and struck the wolf with his snowmobile, crushing and injuring the animal. That allowed him to approach the grievously wounded animal. He then illegally took possession of the animal and bound the wolf's mouth with heavy tape. Roberts reportedly returned home with its mouth taped shut, took photos of himself with the animal and then brought the animal to a local bar, where it was tormented by him in front of other patrons for an unknown length of time. Again, according to a report, he then brought the wolf out back and killed the animal, by means not yet described.

In response, Roberts was cited and fined \$250 by the state's wildlife agency for being in possession of the live wolf.

Local prosecutors have raised questions about whether the state's animal cruelty provisions would apply to the actions of Roberts, citing exemptions in the law for "predatory animals" and suggesting that the laws only apply to domestic animals, like cats and dogs. Such a narrow reading of the law is not accurate. The law's reach is not restricted only to domesticated animals. The plain language of the statute makes it clear that once he took possession of the animal, he would be compelled not to violate the states prohibition on animal cruelty.

Applicable sections of Wyoming's animal cruelty provisions are contained in **Wyo. Stat. § 6-3-1005. Felony cruelty to animals; penalty.** The statute reads, in part, as follows:

(a) A person commits felony cruelty to animals if the person:

(i) Commits cruelty to animals as defined in W.S. 6-3-1002(a)(v) through (ix), that results in the death or required euthanasia of the animal; or

(ii) Knowingly, and with intent to cause death or undue suffering, beats with cruelty, tortures, torments or mutilates an animal.

The phrases “tortures” and “torments” contained in subsection (ii) are not defined anywhere in the statute. However, dictionary definitions of these phrases make clear that Roberts engaged in each of these prohibited acts when he taped the wolf’s mouth closed, brought it home for photographs, and then brought it to a bar where the animal was subjected to inhumane acts before killing it. The Merriam-Webster dictionary defines the verb torture as “cause intense suffering” while the verb “torment” is defined as “cause severe usually persistent or recurrent distress of body or mind.” There is no doubt, given the nature of wolves in the wild, that having its mouth taped shut and being brought in close proximity to humans and exposed to sensory impacts like dragging, touching, and a raucous environment resulted in undeniable distress and suffering. Witnesses can be questioned about whether he struck the wolf, in addition to delivering psychological torment and torture.

Roberts violated Wyo. Stat. § 6-3-1005(a)(ii) with his actions subsequent to capturing the wolf with his snowmobile and eventually killing it behind the bar.

There are suggestions that exemptions in the animal cruelty laws make the § 6-3-1005 provisions inapplicable to predatory animals like wolves. Those exemption provisions state as follows:

6-3-1008. Use of agricultural and livestock management practices, wildlife management and humane destruction not prohibited.

(a) Nothing in this article may be construed to prohibit:

(i) A person humanely destroying an animal, including livestock;

(ii) The use of industry accepted agricultural and livestock practices on livestock or another animal used in the practice of agriculture;

(iii) Rodeo events, training for rodeo events or participating in rodeo events, whether the event is performed in a rodeo, fair, jackpot, agricultural exhibition or other similar event;

(iv) The use of dogs in the management of livestock by the owner of the livestock, his employees or agents or other persons in lawful custody of the livestock;

(v) The use of dogs or raptors in hunting;

(vi) The training of dogs or raptors or the use of equipment in the training of dogs or raptors for any purpose not prohibited by law;

(vii) The hunting, capture, killing or destruction of any predatory animal, pest or other wildlife in any manner not otherwise prohibited by law.

While the language in subsection (vii) arguably would apply to Roberts' actions in **hunting** and then **capturing** the wolf with his snowmobile and then **killing or destroying** the wolf later outside the bar, there is nothing in this exemption provision that is applicable to the torment and torture of the wolf in the intervening hours between capture and killing. Roberts' binding of the wolf's mouth, his return home with it and his ongoing torment of torture of the animal both at his home and in the bar before shooting it dead are not exempted by the 6-3-1008 as they fall outside of the permissions granted for "hunting, capture, killing or destruction."

The "not otherwise prohibited by law" language in the subsection (vii) language also provides a justification for prosecution for felony animal cruelty under state law. As cited above, tormenting and torture an animal is against the law in Wyoming, under 6-3-1005(a)(ii). Therefore, his actions are "otherwise prohibited by law," rendering the exemption inoperable.

Under 6-3-1005(b), cruelty to animals such as that committed by Roberts is a felony crime punishable by imprisonment for not more than two (2) years, a fine of not more than five thousand dollars (\$5,000.00), or both. Given the severity of the crime and the deep depravity of his actions, prosecutors should pursue the maximum penalty allowed.