

Judge: Spring couple accused of animal cruelty can appeal seizure of 231 cats

By Marialuisa Rincon, Staff writer Updated 4:03 pm CST, Monday, November 26, 2018



Photo: Houston SPCA

More than 200 cats found in bad living conditions were seized from a home in Spring on Wednesday, Oct. 17, 2018.

A Montgomery County court allowed an appeal to go forward in the case of a Spring couple accused of animal cruelty to their more than 200 cats. Precinct 3 Justice of the Peace Edie Connelly ruled on Monday that David and Faye Spencer would be allowed to continue fighting to regain custody of the 231 cats seized from their home on Oct. 24 — without having to put up a bond of more than \$104,000.

The case will be tried de novo — meaning no evidence from the original hearing will be admissible — by County Court at Law 2 Judge Claudia Laird and a jury, should the couple choose to have one.

Connelly ordered the Spencers on Oct. 31 to surrender ownership of 231 the cats, who were found in varying states of illness, to the care of the Houston SPCA after officials found that several of the animals were in poor health. All of the cats showed symptoms of upper respiratory infections and one was euthanized due to its illness shortly after arriving at the HSPCA.

At the same Oct. 31 hearing, Connelly ordered the couple be held responsible for the more than \$52,000 accrued in veterinary bills and court fees since the original seizure of the cats on Oct. 16. The couple was first required to put up twice that amount as bond to appeal the decision, a total which was waived by Connelly on Monday.

On Nov. 13, in a closed session with Connelly, Montgomery County Assistant County Attorney Ronald Chin and officials from the HSPCA, the Spencers testified that they were unable to afford the bond amount, leading Connelly to delay ruling until she received documents pertaining to their financial situation. The couple stated in the documents that their only income came from social security and disability benefits and listed a \$40,000 truck as their only asset of value.

The couple claims that they cared for the cats with the help of donations made through a non-profit organization called Dave and Faye's Cat Sanctuary, a registered Texas domestic corporation founded in June 2017, according to state records. Connelly had originally given the couple until Nov. 20 to submit financial documentation on the non-profit — the exact tax-exemption status of the organization, as well as how much money they've raised through it, is unclear.

The couple maintains a website and Facebook page for their sanctuary, which has a link to a Paypal donation site that states it is managed in conjunction with WoodForest Bank. There was also a GoFundMe page set up for the couple, which showed several hundreds of dollars in donations from 15 donors.

Laird has 10 days from the order being handed down to set a hearing date for the Spencers.