

SOUTH AFRICAN POLICE SERVICE



PART A 1

PREAMBLE TO STATEMENT

Station KLEINVLEI		CAS no. / 09 / 2026	
PERSONAL PARTICULARS			
Title	M R	Initials	L
Surname		NTUNGELE	
First names LWAZI			
Identity number	9 9 0 2 0 5 5 3 2 6 0 8 4	Race	A ☐ Br ☒ W ☐ Other ☐
Passport number		Country of issue	
Date of Birth	1 9 9 9 0 2 0 5	Age	
Nationality	SOUTH AFRICAN	Gender	☒ M ☐ F ☐ L ☐ G ☐ B ☐ T ☐ I ☐ Q
Citizenship		SOUTH AFRICAN	
I am/am not a member of the SAPS with PERSAL no* ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐			
RESIDENTIAL ADDRESS			
Street name			
Building/farm/plot/place			
Suburb/Extension/Area			
Town/City			
Telephone number	Home Code	No	Work Code
Cellphone number	Fax Code	No	
ADDRESS - WORK/BUSINESS/INSTITUTION/ORGANISATION			
Name of Institution/Organisation CAPE OF GOOD HOPE - SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS			
Street name C/O FIRST ROAD & 1ST AVENUE			
Building/farm/plot/place SPCA BUILDING			
Suburb/Extension/Area GRASSY PARK			
Town/City CAPE TOWN			
Telephone number	Home Code	No	Work Code 021 No 700 4158 / 9
Cellphone number 083 326 2377	Fax Code 021	No 705 2127	
Would you like to receive information regarding this case via sms? ☒ Yes ☐ No			
SERVICES RENDERED ON INITIAL REPORTING			
Psycho-social Services ☐ Y ☐ N		Medical ☐ Y ☐ N	
Shelter ☐ Y ☐ N			
Other:(Indicate).....			
PLEASE INDICATE WHETHER THE VICTIM HAS ANY OF THE FOLLOWING DISABILITIES			
Vision impairment (blind, partially sighted) ☐		Hearing impairment (deaf or hard of hearing) ☐	
Mental impairment (Down Syndrome, Epilepsy, Autism, Psychiatric) ☐			
Physical impairment (Limping, using wheelchair or crutches, leg amputation, arm amputation) ☐			
Albinism ☐			
Multiple Disabilities ☐ Specify if multiple			
CONTACT PERSON (IF APPLICABLE)*			
Title	M R	Initials	J H J
Surname		PIETERSE	
Telephone number	Home Code 083	No 678 8460	Fax Code 021 No 700 4158 / 9

Date

Member's Signature (Rank, Name, Surname)

In case of theft of a vehicle the statement must be continued on form SAPS 3M(c).
 In case of theft of a firearm the statement must be continued on form SAPS 3M(d).
 In all other cases the statement must be continued on blank folio paper.

SOUTH AFRICAN POLICE SERVICE



PART A 1

STATEMENT

Station KLEINVLEI	CAS no. / 09 / 2026
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The following particulars in respect of the offence/incident is supplied:

PARTICULARS OF OFFENCE/INCIDENT																												
Date and time of offence/incident												-		Or Period between														
2 0 2 6 0 8 0 5												and		1 3 0 0		on		2 0 2 6 0 8 1 3										
																Day of week												
																Su M T W T F S												

Description of Offence/Incident CONTRAVENTION OF THE ANIMAL PROTECTION ACT, 71 OF 1962

Method used/Entrance gained UNNECESSARILY TETHER / STARVE / DENY WATER AND DENIAL OF VETERINARY CARE

Type of instrument used ANIMAL - DOG / ROPE
--

SCENE OF CRIME	
Between: Name of place	
and: Name of place	
or	
Street name	ANEMOON STREET
Building/farm/plot/place	NUMBER 36
Suburb/Extension/Area	KLEINVLEI
Town/City	CAPE TOWN
Geographical block no	
Type of premises	RESIDENTIAL
Postal Code	7 1 0 0

PLEASE INDICATE WHETHER THE <u>VICTIM</u> ☐ OR <u>ACCUSED</u> ☐ HAS ANY OF THE FOLLOWING	
Vision impairment (blind, partially sighted)	☐
Hearing impairment (deaf or hard of hearing)	☐
Mental impairment (Down Syndrome, Epilepsy, Autism, Psychiatric)	☐
Physical impairment (Limping, using wheelchair or crutches, leg amputation, arm amputation)	☐
Albinism	☐
Multiple Disabilities	Specify if multiple ☐

Date	Signature
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In case of theft of a vehicle the statement must be continued on form SAPS 3M(c). In case of theft of a firearm the statement must be continued on form SAPS 3M(d). In all other cases the statement must be continued on blank folio paper.
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AFFIDAVIT

I, the undersigned

**LWAZI NTUNGELE
(ID 9902055326084)**

Do hereby make oath in English and state that:

1. I am an adult male Inspector employed as such by the Cape of Good Hope Society for the Prevention of Cruelty to Animals ("SPCA") at corner of 1st Avenue and First Road, Grassy Park with contact telephone number/s 021 700 4158/9 or 083 326 2377 and with email address insp7@spca-ct.co.za.
2. The facts contained herein fall within my personal knowledge, unless the contrary appears from the context or is expressly indicated otherwise, and are, to the best of my knowledge and belief, both true and correct.
3. On 5 August 2026, the Cape of Good Hope Society for the Prevention of Cruelty to Animals (SPCA) received a complaint regarding an underweight Pitbull-type dog that was allegedly being tethered on a thick chain on a 24-hour basis. The incident was reported to have occurred at 36 Anemoon Street, Kleinvlei, hereinafter referred to as "the property".
4. On the same day, the complaint was allocated to me for investigation. Upon arrival at the property, I met with the owner's partner. I explained the welfare concerns that had been brought to the attention of the SPCA, whereafter she permitted me to enter the property and conduct an inspection of the animal.
5. The animal was reported to be owned by Mr. Elfranco Theunissen (Date of Birth: 1 December 1984).
6. During my inspection, I observed one (1) dog, described as a female Pitbull-type dog, brown and white in colour and unsterilised. The dog appeared to be underweight, with its ribs visibly prominent. The dog was tethered by means of a short rope, which significantly restricted its ability to move freely.
7. The owner's partner informed me that the dog had previously given birth and had unfortunately not regained weight thereafter. Shelter was provided; however, the shelter was inadequate for the size of the dog. The dog was unable to stand upright or move freely when inside the shelter. I further observed that no suitable drinking water was available to the dog at the time of my inspection.
8. I issued a warning notice, number 25087, attached hereto as "A5", instructing the owner to comply with the following:
 - a. The dog was to receive veterinary attention within 48 hours, alternatively the dog was to be surrendered to the SPCA;

I, Lwazi Ntungele, further state under oath and in English that:

- b. Adequate shelter was to be provided within 14 days;
 - c. An adequate running tethering system was to be provided, as per the information contained in the SPCA leaflet provided;
 - d. Adequate and appropriate food was to be provided to the dog; and
 - e. Clean, drinkable water was to be available to the dog at all times.
9. On 7 August 2026, I conducted a follow-up inspection at the property. I met with the owner, Mr. Elfranco Theunissen, and informed him of the purpose of my visit and the welfare concerns regarding the dog. He permitted me to enter the property and conduct a further inspection.
10. I observed the Pitbull-type dog free-roaming on the property. The shelter provided remained inadequate and did not provide sufficient protection from the elements or adequate space for the size of the dog.
11. No drinking water was available to the dog. The dog continued to appear underweight, with its ribs and spine visibly prominent.
12. I asked the owner whether he had obtained veterinary attention for the dog as instructed. He informed me that he had not done so and stated that he was experiencing financial difficulties.
13. I advised the owner that, should he be financially unable to obtain the necessary veterinary attention, he could surrender the dog to the SPCA so that the animal could receive the necessary veterinary care and treatment and to prevent any unnecessary suffering.
14. The owner stated that he would “make a plan” and that he wished to retain ownership of the dog. He further stated that he had received the dog in its existing condition approximately one month earlier and had been attempting to improve its condition.
15. I explained to the owner that, irrespective of the condition in which he had acquired the dog, he had a responsibility to ensure that the animal received appropriate veterinary assessment and care.
16. I issued a further warning notice, number 25091, attached hereto as “A6”, requiring the owner to obtain veterinary attention for the dog within 18 hours, alternatively providing him with the option to surrender the dog to the SPCA if he was unable to obtain the necessary veterinary care.
17. On 10 August 2026, I attempted to conduct a further follow-up inspection at the property. There was, however, no one present at the property and I was unable to gain access.
18. On 11 August 2026, I conducted a further follow-up inspection and met with the owner. I informed him that the dog was required to have been taken to a veterinarian for an assessment and any necessary veterinary treatment.
19. During the inspection, I observed that the dog had again been tethered by means of a short rope, which restricted its movement. No drinking water was available to the dog.

I, Lwazi Ntungele, further state under oath and in English that:

20. The shelter remained inadequate and consisted of a blue plastic drum. The dog was unable to stand upright or move freely within the drum, and the shelter did not provide adequate protection against the elements.
21. The living environment was dirty, with potato peels and plastic debris observed in the area occupied by the dog.
22. The dog continued to appear severely underweight and emaciated, with its ribs visibly prominent.
23. The owner showed me medication which he claimed was intended for the dog. The medication is attached hereto as part of the supporting documentation. Upon inspection, I observed that the medication was dated from 2022 and bore the name of a different person, namely Mrs. September.
24. I asked the owner whether he had obtained veterinary attention for the dog. He admitted that he had not. He stated that he intended to administer the medication he had in his possession.
25. I explained to the owner that medication prescribed to another animal or person, and medication dating from 2022, should not be administered to the dog without the animal first being examined and assessed by a veterinarian.
26. The owner again stated that he could not afford veterinary treatment. I once again offered him the option of surrendering the dog to the SPCA so that the dog could receive appropriate veterinary assessment and treatment and to prevent further unnecessary suffering.
27. The owner then informed me that he had spoken to his attorney and that I was required to speak to his attorney regarding the matter. He further stated that his attorney had advised him regarding "possession of property". I attempted to establish further information regarding his attorney and the court proceedings he referred to. The owner stated that the matter was in the High Court.
28. Based on my repeated observations, the owner's failure to comply with the warnings issued to him, his failure to obtain veterinary attention for the dog despite being expressly instructed to do so, and the worsening condition and living environment of the dog, I formed the opinion that the animal was at risk of continued suffering if it remained in the owner's care.
29. I therefore deemed it necessary to approach the court for a warrant authorising the removal and seizure of the dog.
30. On 13 August 2026, I approached the Kuilsriver Magistrates' Court and applied for a warrant in respect of the dog. The presiding Magistrate considered my application and supporting affidavit and granted the warrant.
31. Later on the same day, I returned to the property accompanied by members of the Law Enforcement Animal Control Unit and was in possession of the signed Kuilsriver Magistrates' Court warrant.

I, Lwazi Ntungele, further state under oath and in English that:

32. I met with the owner, who appeared displeased to see me and the officials accompanying me. I informed him that I was in possession of a duly signed warrant and that I was there to conduct a further inspection and determine whether he had complied with the warnings previously issued to him.
33. The owner stated that he had not complied with the warnings and confirmed that the dog was still on the property.
34. I provided the owner with a copy of the warrant and my supporting report and affidavit. I thereafter entered the property pursuant to the authority granted by the warrant and conducted an inspection of the dog and its living conditions.
35. The dog was again tethered by means of a short rope, which restricted its movement. When questioned regarding the tethering of the dog, the owner stated that there were children playing in the yard. I did not observe any behaviour from the dog indicating that it was aggressive or that such extensive confinement was necessary.
36. The owner had previously indicated during my earlier inspection that the dog would be allowed to free-roam on the property. Despite this, the dog was again found tethered during the inspection. The dog appeared underweight, with its ribs visibly prominent.
37. The shelter provided remained a plastic drum. The shelter was unsuitable for the size of the dog, as the dog was unable to stand upright or move freely within it. The shelter further did not provide adequate protection from the elements.
38. The area in which the dog was kept was dirty, with old potato peels and plastic debris observed within the living area. No suitable drinking water was available to the dog. The water bowl was dry at the time of my inspection. I did not observe an adequate supply of suitable food available to the dog.
39. Based on my observations, the owner's failure to comply with the warnings previously issued, the failure to obtain veterinary attention for the dog despite having been afforded reasonable opportunity to do so, and the continued and worsening inadequate living conditions, I exercised my powers in terms of the Animals Protection Act No. 71 of 1962 read with regulation 468, and the authority granted by the warrant and seized the dog.
40. The dog was loaded into the SPCA vehicle and transported to the Cape of Good Hope SPCA in Grassy Park, where it could receive appropriate veterinary assessment and treatment.
41. The owner had been afforded repeated opportunities and sufficient time to obtain veterinary attention for the dog, but failed to do so. The continued failure to obtain veterinary attention placed the dog at risk of continued pain, distress, suffering and deterioration.
42. Dr. Natara Moodley subsequently examined the dog and provided a veterinary report. The veterinary report is attached hereto as "A2".
43. During my inspections, I took photographs using my cellular telephone, being a Samsung Galaxy S24 FE.

I, Lwazi Ntungele, further state under oath and in English that:

44. The photographs contained in Album A were taken on 5 August 2026, Album B on 7 August 2026, Album C on 11 August 2026, and Album D on 13 August 2026.
45. I confirm that the photographs accurately and fairly represent the conditions and findings observed by me during the respective inspections. The photographs have not been edited, altered, enhanced or otherwise manipulated in any manner.
46. I hereby respectfully request that Mr. Elfranco Theunissen be charged with contraventions of the Animals Protection Act No. 71 of 1962, in particular:
- a. Section 2(1)(a), in that he neglected and ill-treated the dog by failing to provide for its welfare and allowing it to remain in a condition in which it was visibly underweight/emaciated and at risk of continued suffering;
 - b. Section 2(1)(b), in that he failed to provide the dog with adequate shelter and improperly confined/tethered the dog in circumstances where the tethering restricted its movement and the shelter provided was inadequate;
 - c. Section 2(1)(c), in that he failed to provide the dog with adequate and suitable food and failed to ensure that clean, drinkable water was available to the dog at all times;
 - d. Section 2(1)(e), in that he failed to procure or provide the dog with necessary veterinary attention despite the dog's visibly poor physical condition and despite being repeatedly instructed and afforded opportunities to obtain veterinary assessment and treatment;
Section 2(1)(q), for creating or contributing to conditions which were likely to cause the dog unnecessary suffering, and
Section 2(1)(r), for failing to provide the dog with adequate care, nutrition, and attention and/or otherwise permitting the horse to suffer unnecessarily.

47. I know and understand the content of this declaration.
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.

DEPONENT

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at _____ on this the ____ day of _____ 20____, the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

COMMISSIONER OF OATHS

Full names:

Designation:

Business address:



Affidavit – Veterinary Report

I, **Dr. Natara Moodley**, hereby make oath and declare in English as follows:

1.

I am an adult female veterinarian registered with the South African Veterinary Council (SAVC) under registration number CS26/17195. I hold a Bachelor of Veterinary Science degree (BVSc). I am currently employed by the Cape of Good Hope SPCA. I am competent to provide veterinary services and experienced in identifying clinical signs of neglect and cruelty in animals.

2.

The facts contained in this affidavit fall within my personal knowledge unless indicated otherwise or unless it appears so from the context. The facts are also, to the best of my knowledge and belief, both true and correct.

3.

On 24 August 2026, a canine was admitted into the care of the Cape of Good Hope SPCA after reportedly being seized from a property situated at 36 Anemoon Street, Kleinvei. The animal in question was seized by Inspector Lwazi Ntungele under SPCA case number INSP235798.

3.1. ANIMAL INFORMATION:

The details of the animal are as follows:

- **Admission Number:** A101151
- **Species:** Canine
- **Breed:** Pitbull type mix breed
- **Sex and Reproductive Status:** Female (intact)
- **Estimated Age:** Adult
- **Colour and Markings:** Brown and white
- **Microchip:** Unknown
- **Name:** Unknown

3.2. CLINICAL EXAMINATION FINDINGS:

I conducted a full clinical examination of the animal in question. The following findings were recorded:

General Condition:

- **Body Condition Score:** 2/9 (severely underweight)
- **Weight:** 15.25 kg
- **Behaviour:**
 - Friendly and timid

I, **Dr. Natara Moodley**, hereby further make oath and declare in English as follows:

Nails:

Nails were excessively long and overgrown.

Head and Oral Examination:

An old, healed wound/scar was present on the ear.

Skin and Coat:

- Coat appeared dull and in poor overall condition.
- Skin was dry and lacked normal elasticity consistent with the animal's poor nutritional status.
- No other significant external skin abnormalities were noted during the examination.

Musculoskeletal System:

- Marked loss of muscle mass was evident, particularly over the spine, pelvis and hind limbs, consistent with the animal's severely poor body condition.
- Prominent bony structures were palpable due to inadequate body fat and muscle coverage.
- The animal was ambulatory, with no obvious acute lameness noted during the examination.

Parasite Burden:

- No external or internal parasites noted during the clinical examination.

Most Significant Clinical Findings

- Severe underweight condition with a Body Condition Score of 2/9.
- Significant loss of muscle mass and body fat.
- Prominent skeletal structures due to inadequate nutritional condition.
- Excessively long and overgrown nails.
- Old wound/scar to the ear.
- Poor overall physical condition consistent with prolonged inadequate nutritional support.

4.

VETERINARY OPINION:

Based on my clinical examination and diagnostic findings, it is my professional veterinary opinion that the animal presented with a severely compromised nutritional status, characterised by a Body Condition Score of 2/9 and significant muscle and body fat loss. The animal also presented with an old wound/scar to the ear and excessively overgrown nails.

The animal's severely underweight condition is consistent with chronic inadequate nutritional intake (chronic underfeeding) and/or an underlying undiagnosed medical condition resulting in inadequate weight maintenance.

The clinical findings are indicative of a chronic condition rather than an acute episode. The degree of emaciation and muscle wasting would have developed over a prolonged period.

The animal would have experienced suffering associated with its severely compromised nutritional state. Chronic undernutrition can result in persistent hunger, weakness, reduced

I, **Dr. Natara Moodley**, hereby further make oath and declare in English as follows:

energy, muscle wasting, impaired physiological function and an overall diminished state of welfare.

6.

PROGNOSIS AND RECOMMENDATIONS:

Prognosis

Guarded to poor in terms of the animal's ability to recover to an acceptable state of health and welfare without prolonged veterinary intervention and nutritional rehabilitation.

Recommendations

Given the animal's severely compromised physical condition and the assessment that it is unsuitable for adoption, humane euthanasia is recommended to prevent further suffering.

7.

CONCLUSION

In conclusion, the animal presented in a severely underweight and physically compromised condition, with a Body Condition Score of 2/9, marked muscle wasting and inadequate body fat reserves. The clinical findings are consistent with prolonged inadequate nutritional intake and/or an underlying undiagnosed medical condition.

The degree of emaciation and muscle wasting indicates that the condition was chronic and would not have developed over a short period. The animal would have experienced suffering as a consequence of its prolonged poor nutritional state, including hunger, weakness, reduced physical capacity and compromised overall welfare.

In my professional veterinary opinion, the animal's condition was inconsistent with acceptable standards of care and resulted in unnecessary suffering. Humane euthanasia is recommended where rehabilitation and rehoming are not considered appropriate, in order to prevent the continuation of suffering.

8.

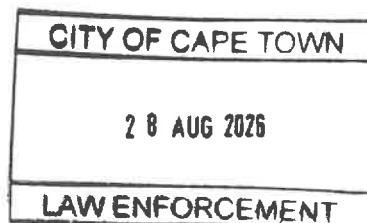
I know and understand the content of this declaration.
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.

DEPONENT

Dr. Natara Moodley (BVSc)

The deponent has acknowledged that she knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at GRASSY PARK on this the 28 day of AUGUST 2026 the regulations contained in Government Notice No R1258 of 21 July 1972, as amended, and Government Notice No R1648 of 19 August 1977, as amended, having been complied with.

COMMISSIONER OF OATHS



I, **Dr. Natara Moodley**, hereby further make oath and declare in English as follows:

Full names: _____



JUSTIN DE VOS

Designation: _____

COMMISSIONER OF OATHS

Peace Officer - Law Enforcement

City of Cape Town Staff No. 40004230

Business address: _____

401 Old Strand, Centurion Rd., Ottery, Cape Town, 7808



Cape of Good Hope SPCA



Photo Album A

SAPS CAS Number: ____ / 09 / 2026

SAPS Station: Kleinvlei SAPS

Date Taken: 2026-08-05

Taken By: Inspector Lwazi Ntungele

Address: 36 Anemoon Street, Kleinvlei



Taken at: 36 Anemoon Street, Kleinvlei

Photo taken by: Inspector Lwazi Ntungele

Taken on: 2026-08-05

Taken with: Samsung S24FE



Photo 1 - The dog in question



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-05
Taken with: Samsung S24FE



Photo 2 - The underweight dog on a short rope



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-05
Taken with: Samsung S24FE



Photo 3 - The underweight dog with inadequate shelter

Cape of Good Hope SPCA



Photo Album B

SAPS CAS Number: ____ / 09 / 2026

SAPS Station: Kleinvlei SAPS

Date Taken: 2026-08-07

Taken By: Inspector Lwazi Ntungele

Address: 36 Anemoon Street, Kleinvlei



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-07
Taken with: Samsung S24FE



Photo 1 - Top view of the dog in question, indicating its underweight status with spine, ribs and pelvic bones prominent



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-07
Taken with: Samsung S24FE



Photo 2 - The underweight dog in question



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-07
Taken with: Samsung S24FE



Photo 3 - Another angle of the underweight dog



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-07
Taken with: Samsung S24FE



Photo 4 - The inadequate shelter

Cape of Good Hope SPCA



Photo Album C

SAPS CAS Number: ____ / 09 /2026

SAPS Station: Kleinvlei SAPS

Date Taken: 2026-08-11

Taken By: Inspector Lwazi Ntungele

Address: 36 Anemoon Street, Kleinvlei



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-11
Taken with: Samsung S24FE



Photo 1 - Top view of the underweight dog whose condition remains unchanged



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-11
Taken with: Samsung S24FE



Photo 2 - Living environment of the underweight dog



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-11
Taken with: Samsung S24FE



Photo 3 - Side profile of the underweight dog with ribs clearly visible



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntungele
Taken on: 2026-08-11
Taken with: Samsung S24FE



Photo 4 - Dirty living environment

Cape of Good Hope SPCA



Photo Album D

SAPS CAS Number: ____ / 09 / 2026

SAPS Station: Kleinveel SAPS

Date Taken: 2026-08-13

Taken By: Inspector Lwazi Ntugnele

Address: 36 Anemoon Street, Kleinveel



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntughele
Taken on: 2026-08-13
Taken with: Samsung S24FE



Photo 1 - The dog in question still tethered on a rope



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntugnele
Taken on: 2026-08-13
Taken with: Samsung S24FE



Photo 2 - Side profile of the dog in question



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntugnele
Taken on: 2026-08-13
Taken with: Samsung S24FE



Photo 3 - The inadequate shelter



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntughele
Taken on: 2026-08-13
Taken with: Samsung S24FE



Photo 4 - Top view of the dog



Taken at: 36 Anemoon Street, Kleinvlei
Photo taken by: Inspector Lwazi Ntugnele
Taken on: 2026-08-13
Taken with: Samsung S24FE



Photo 5 - Top view of the dog in question which still appears to be underweight

**NATIONAL
COUNCIL OF
SPCAs**



**NASIONALE
RAAD VAN
DBVs**

Incorporated Association not for gain

Inglyfde Vereniging sonder winsoagmerk

Reg No 003-189 NPO

bx 1320

Alberton

1450

Republic of South Africa

☎ (011) 907-3590/1/2/3

Fax (011) 907-4013

e-mail nspca@nspca.co.za

website: <http://www.nspca.co.za>

ANIMALS PROTECTION ACT 71 of 1962

MAGISTERIAL AUTHORISATION

By virtue of the powers vested in me under section 8(1) of the Animals Protection Act 71 of 1962, I hereby authorise

LWAZI NTUNGELE

ID No. 9902055326084

A Qualified Inspector and an Officer for the **CAPE OF GOOD HOPE SPCA (Society for the Prevention of Cruelty to Animals)**, to exercise within the Magisterial District of **KUILSRIVER (WC)**, all or any of the powers conferred by the said Act, and in particular those under Section 8(1)(a), (b), (c) and (d) and supporting Regulation No R468 2.(1), for the purpose of carrying out his/her duties as an Officer of the SPCA.

This Authority will remain enforceable only whilst the Appointee is authorised by the **CAPE OF GOOD HOPE SPCA** to act on its behalf.

Given under my hand this 16th day of March 2023

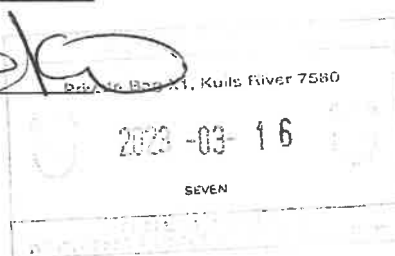
Name Ms N.G. Sibeko *Official Stamp to go here*

Signed [Signature] *Bridge Road, Kuils River 7580*

Holder's Photograph



SPCA NATIONAL COUNCIL
Authorisation No. **14357**



Incorporated Association not for gain

Co No. 1939/013624/08
NPO 003-244 • PBO 930004317



Ingelyfde Vereniging sonder winsoogmerk

Cnr 1st Avenue & 1st Road, Grassy Park, 7941
PO Box 3, Plumstead, 7801
Tel: 021 700 4140
Fax: 021 705 2127

inspectorate@spsca-ct.co.za
www.capespsca.co.za

25087

WARNING

To: <u>Mr / Mrs / Ms E. Franco Theunissen</u>	Date: <u>05/08/2026</u>
Address: <u>36 Anemur Street, Kleinalei</u>	
Tel No	ID No <u>01 12 1984</u>
Veh Reg No	Cell No
	Trailer Reg No

You are hereby warned: (Please pay attention to all the points on this warning, even those not ticked)

- ☒ 1. To provide the animal/s with adequate food on a daily basis.
- ☒ 2. To provide the animal/s with sufficient potable water 24 hours a day.
- ☒ 3. To provide the animal/s with adequate shelter against the elements within 14 hours / days.
- ☒ 4. To provide the sick or injured animal/s with adequate veterinary treatment within 48 hours and provide the SPCA with a veterinarian report within the given time frame.
- ☐ 5. To clean and hygienically maintain the animal/s living environment within — hours.
- ☐ 6. To groom the animal/s within — hours and keep them in a fit and healthy state at all times.
- ☒ 7. To untie/unchain the animal/s immediately to roam freely inside the property or as a last resort place the animal/s on a "running chain" within 14 hours / days.
- ☐ 8. Possible abandonment of animal/s on the property is suspected.
- ☐ 9. Tail / ear maiming or any other surgical mutilation is not permitted on animals.
- ☐ 10. Baiting, inciting or provoking any animal to attack another animal or to allow any animal to attack another animal is not permitted.
- ☐ 11. No animal may be trained, exhibited or used for safeguarding without being in possession of a valid licence that is issued in terms of the Performing Animals Protection Act 24 of 1935. The use of animals for training, exhibition or safeguarding must cease with immediate effect until the said licence is obtained.
- ☒ 12. To refrain from leaving your animal inside a vehicle unattended.
- ☒ 13. To contact SPCA Inspector Lwazi Ntengile on **021 700 4158** or **021 700 4159** within — hours / days to discuss the concerns.

☐ 14. Other / remarks:

- If you are unable to provide the dog with the above mentioned you have the option to surrender the dog over to the SPCA

This warning has been issued in terms of the Society for the Prevention of Cruelty to Animals Act 169 of 1993.

Failure to comply with this warning may render you liable for prosecution under the Animals Protection Act 71 of 1962 and / or Performing Animals Protection Act 24 of 1935.

Any person who:- obstructs, hinders or resists an officer authorised in terms of the Animals Protection Act 71 of 1962 or conceals any animal shall be guilty of an offence in terms of Section 8(4) of the aforementioned Act.

SIGNED & ACCEPTED BY: AMBER Small A.T. Small

PLACE: Kleinalei TIME: 13:14

INSPECTOR: Lwazi Ntengile

Incorporated Association not for gain

Co No. 1939/013624/08
NPO 003-244 • PBO 930004317



Ingelyfde Vereniging sonder winsoogmerk

Cnr 1st Avenue & 1st Road, Grassy Park, 7941
PO Box 3, Plumstead, 7801
Tel: 021 700 4140
Fax: 021 705 2127

inspectorate@spca-ct.co.za
www.capespca.co.za

25091

WARNING

To: Mr / Mrs / Ms <u>ELFRANCO THOMASSEN</u>	Date <u>07/08/2026</u>
Address <u>KL. ANANDIA STREET</u> <u>KLEINVLEI KERSTERVIER</u>	ID No <u>8412015185089</u>
Tel No	Cell No <u>0810605242</u>
Veh Reg No	Trailer Reg No

You are hereby warned: (Please pay attention to all the points on this warning, even those not ticked)

- ☐ 1. To provide the animal/s with adequate food on a daily basis.
- ☒ 2. To provide the animal/s with sufficient potable water 24 hours a day.
- ☐ 3. To provide the animal/s with adequate shelter against the elements within — hours / days.
- ☒ 4. To provide the sick or injured animal/s with adequate veterinary treatment within 18 hours and provide the SPCA with a veterinarian report within the given time frame.
- ☐ 5. To clean and hygienically maintain the animal/s living environment within — hours.
- ☐ 6. To groom the animal/s within — hours and keep them in a fit and healthy state at all times.
- ☐ 7. To untie/unchain the animal/s immediately to roam freely inside the property or as a last resort place the animal/s on a "running chain" within — hours / days.
- ☐ 8. Possible abandonment of animal/s on the property is suspected.
- ☐ 9. Tail / ear maiming or any other surgical mutilation is not permitted on animals.
- ☐ 10. Baiting, inciting or provoking any animal to attack another animal or to allow any animal to attack another animal is not permitted.
- ☐ 11. No animal may be trained, exhibited or used for safeguarding without being in possession of a valid licence that is issued in terms of the Performing Animals Protection Act 24 of 1935. The use of animals for training, exhibition or safeguarding must cease with immediate effect until the said licence is obtained.
- ☒ 12. To refrain from leaving your animal inside a vehicle unattended.
- ☐ 13. To contact SPCA Inspector — on **021 700 4158** or **021 700 4159** within — hours / days to discuss the concerns.

☒ 14. Other / remarks:

- If you are unable to provide the above mentioned, you have the option to surrender the dog over to the SPCA

This warning has been issued in terms of the Society for the Prevention of Cruelty to Animals Act 169 of 1993.

Failure to comply with this warning may render you liable for prosecution under the Animals Protection Act 71 of 1962 and / or Performing Animals Protection Act 24 of 1935.

Any person who:- obstructs, hinders or resists an officer authorised in terms of the Animals Protection Act 71 of 1962 or conceals any animal shall be guilty of an offence in terms of Section 8(4) of the aforementioned Act.

SIGNED & ACCEPTED BY: ELFRANCO THOMASSEN

PLACE: Kleinvlei TIME: 15:46

INSPECTOR: Lwazi Ntshengile

83/26

WARRANT IN TERMS OF SECTION 8(1) OF THE ANIMALS PROTECTION ACT 71 OF 1962, READ TOGETHER (WHERE APPLICABLE) WITH REGULATION 468 ISSUED IN TERMS OF SECTION 10(1)(b) AND (c) OF THE AFORESAID ACT

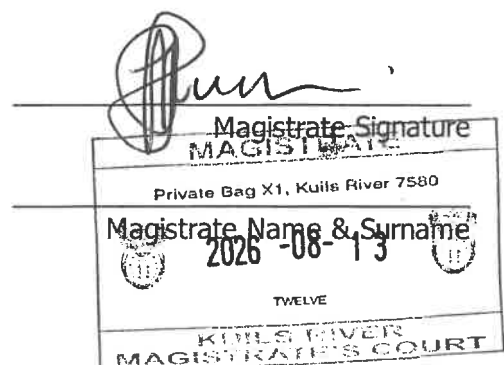
To: **INSPECTOR LWAZINTUNGELE OF THE CAPE OF GOOD HOPE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)**

WHEREAS it appears to me from information provided on oath that there are reasonable grounds to believe that within the Magisterial District of **KUILS RIVER** there is / are certain animals in the possession of / under the control of / upon the premises of and / or upon the person of **ELFRANCO THEUNISSEN** or any other person designated to care for the animals and / or manage the property known as **36 ANEMOON STREET** in **KLEINVLEI** whose conditions are required to be examined for purposes of determining whether an offence in terms of section 2 of the aforesaid Act has been, is being or is likely to be committed.

This is therefore to authorise you to enter by any means necessary and search the identified premises and direct you to:

1. Examine the animal/s and the conditions in which it/they is/are kept.
2. Take such photographic and/or video footage of such conditions as may be reasonably necessary.
3. Take into custody any and all evidence and/or equipment and/or documentation and/or any animal/s required for the purposes of a prosecution.
4. If necessary take with you onto the aforesaid property the following persons:
 - a. **Members of the South African Police Service (SAPS)**
 - b. **Members of the City of Cape Town Metropolitan Police**
 - c. **Members of the City of Cape Town Law Enforcement**
 - d. **Members of the Society for the Prevention of Cruelty to Animals (SPCA)**
5. Seize any animal/s and take it/them into your custody if it is reasonably necessary to prevent cruelty to or suffering of such animal/s.
6. Deal with it/them according to law.

GIVEN UNDER my hand at **KUILS RIVER** on this ____ day of **AUGUST 2026**



Incorporated Association not for gain

Co No. 1939/013624/08
NPO 003-244 • PBO 930004317



Ingelyfde Vereniging sonder winsoogmerk

Cnr 1st Avenue & 1st Road, Grassy Park, 7941
PO Box 3, Plumstead, 7801
Tel: 021 700 4158/9
Fax: 021 705 2127

inspectorate@spca-ct.co.za
www.capespca.co.za

SEIZURE NOTICE

To: Mr / Mrs / Ms <u>ALFONSO THOMAS</u>	Date <u>13/08/2026</u>
Address <u>12 HERBERT</u>	
<u>1116 NW 1st</u>	ID No <u>8417015187089</u>
Tel No	Cell No
Veh Reg No	Trailer Reg No

The following animals have been seized:

02588

1 x Dog

1 x affidavit

1 x copy Warrant

Refer to Regulation 468 in reverse

The above-mentioned animals have been seized in terms of the Animals Protection Act 71 of 1962, read together with Regulation 468 issued in terms of Section 10(1)(b) and (c) of the aforementioned Act.

SIGNED & ACCEPTED BY:

PLACE:

TIME:

INSPECTOR:



ATT: Public Prosecutor,

CHARGES IN TERMS OF THE ANIMALS PROTECTION ACT NO 71 OF 1962

In the case of the State versus:

- ELFRANCO THEUNISSEN (ACC 1).

The Cape of Good Hope Society for the Prevention of Cruelty to Animals (SPCA) request that the accused be charged for animal cruelty in terms of the following Sections of the **Animals Protection Act No 71 of 1962**:

SECTION 2

Offences in respect of animals - (1) Any person who:

(a) overloads, overdrives, overrides, ill-treats, neglects, infuriates, tortures or maims or cruelly beats, kicks, goads or terrifies **any animal**;

- *The accused neglected and ill-treated the dog by failing to provide for its basic welfare needs. The dog was repeatedly observed to be severely underweight, with its ribs and spine visibly prominent, and was kept in inadequate living conditions. Despite being repeatedly warned of the dog's condition and afforded opportunities to obtain veterinary attention, the accused failed to take the necessary steps to address the dog's condition, thereby exposing the dog to unnecessary suffering and deterioration.*

(b) confines, chains, tethers or secures any animal unnecessarily or under such conditions or in such a manner or position as to cause that animal unnecessary suffering or in any place which affords inadequate space, ventilation, light protection or shelter from heat, cold or weather;

- *The accused repeatedly tethered the dog by means of a short rope which significantly restricted the dog's movement. The shelter provided consisted of a plastic drum which was unsuitable for the size of the dog, as the dog could not stand upright or move freely inside it. The shelter further failed to provide adequate protection from the elements. Despite being warned regarding the inadequate confinement and shelter, the accused failed to remedy these conditions.*

(c) unnecessarily starves or under-feeds or denies water or food to any animal;

- *The dog was repeatedly observed to be severely underweight, with its ribs and spine visibly prominent. During multiple inspections, including on 7, 11 and 13 August 2026, no suitable drinking water was available to the dog, with the water bowl observed to be dry on 13 August 2026. No adequate food was observed. Despite being repeatedly warned to provide adequate food and clean, drinkable water at all times, the accused failed to remedy these conditions.*

(e) being the owner of any animal, deliberately or negligently keeps such animal in a dirty or parasitic condition or allows it to become infected with external parasites or fails to render or procure veterinary or other medical treatment or attention which he is able to render or procure for any such animal in need of such treatment or attention, whether through disease,

injury, delivery of young or any other cause, or fails to destroy or cause to be destroyed any such animal which is so seriously injured or diseased or in such a physical condition that to prolong its life would be cruel and would cause such animal unnecessary suffering; or

- *The accused failed to procure veterinary assessment and treatment for the dog despite its visibly poor physical condition, including severe loss of body condition and prominent ribs and spine. The accused was repeatedly instructed to obtain veterinary attention and was afforded reasonable opportunity to do so, but admitted that he had not taken the dog to a veterinarian. The accused further indicated that he intended to administer medication dating from 2022 which was not prescribed in the dog's name, instead of obtaining a veterinary assessment. The accused stated that he could not afford veterinary treatment and was repeatedly offered the option of surrendering the dog to the SPCA so that the necessary veterinary care could be provided. The accused nevertheless failed to procure the required veterinary attention, resulting in the dog remaining without appropriate medical assessment or treatment and being exposed to continued unnecessary suffering.*

(q) causes, procures or assists in the commission or omission of any of the aforesaid acts or, being the owner of any animal, permits the commission or omission of any such act;

- *The accused, being the owner of the dog, permitted the continued neglect and inadequate care of the animal by failing to take reasonable steps to prevent the ongoing inadequate tethering, insufficient shelter, lack of suitable food and water, and failure to obtain necessary veterinary attention. The accused was repeatedly informed of the welfare concerns and was issued with warnings requiring him to remedy the conditions, but failed to do so. The continued commission and omission of the aforesaid acts occurred while the dog remained in the accused's care and control.*

(r) by wantonly or unreasonably or negligently doing or omitting to do any act or causing or procuring the commission or omission of any act, causes any unnecessary suffering to any animal;

- *The accused, through his unreasonable and negligent acts and omissions, caused the dog to experience unnecessary suffering by failing to provide adequate food, clean drinking water, suitable shelter, appropriate freedom of movement and necessary veterinary attention. Despite repeated warnings and being afforded sufficient opportunity to remedy the conditions, the accused failed to do so. The dog's physical condition and living environment failed to improve and were observed to have deteriorated, resulting in the dog being exposed to continued unnecessary suffering.*

shall, subject to the provisions of this Act and any other law, be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding twelve months or to such imprisonment without the option of a fine.

(2) For the purposes of sub-section (1) the owner of any animal shall be deemed to have permitted or procured the commission or omission of any act in relation to that animal if by the exercise of reasonable care and supervision in respect of that animal he could have prevented the commission or omission of such act.

(3) Notwithstanding anything to the contrary contained in any law, a magistrate's court shall have jurisdiction to impose any penalty provided for in this section.

Please do not hesitate to contact us for further information or clarification.

Kind regards,

**Inspector Lwazi Ntungele
Inspectorate Department
CAPE OF GOOD HOPE SPCA**



To whom it may concern,

SPCA APPLICATION IN TERMS OF SECTION 3 OF ACT NO 71 OF 1962

The Cape of Good Hope Society for the Prevention of Cruelty to Animals hereby requests, upon conviction of the accused, that the following be awarded -

Denial of ownership in terms of **Section 3(1)(c) of Act 71 of 1962** (Animals Protection Act):

3. Powers of court - (1) Whenever a person is convicted of an offence in terms of this Act in respect of any animal, the court convicting him may in addition to any punishment imposed upon him in respect of that offence –

- (a) order such animal to be destroyed if in the opinion of the court it would be cruel to keep such animal alive;
- (b) order that the person convicted be deprived of the ownership of such an animal;
- (c) declare the person convicted to be unfit to own or be in charge of any animal, or of any animal of a specified kind, for a specified period;**
- (d) make any order with regard to such animal as it deems fit to give effect to any order or declaration made under any of the preceding paragraphs.

(2) Any person who is found in possession or in charge of any animal in contravention of a declaration made in terms of paragraph (c) of sub-section (1), shall be guilty of an offence and liable on conviction to the penalties prescribed in subsection (1) of section two.

We hope that the above would be considered in the benefit of these animals, as well as other animals, to prevent any possible future suffering being caused.

Kind regards,

**Inspector Lwazi Ntungele
Inspectorate Department
CAPE OF GOOD HOPE SPCA**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF THE CITY OF CAPE TOWN SUB-DISTRICT KUILS RIVER, HELD AT BLUE DOWNS

Case No/Saak Nr: _____

Count: 1

THE STATE

V

ELFRANCO THEUNISSEN (ID: 8412015183089)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

COUNT 1:- CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(a) OF THE ANIMALS PROTECTION ACT 71 OF 1962

THAT the accused is guilty of the crime of contravening Section 2(1)(a) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on and in between 5 August 2026 and 13 August 2026 and at or near 36 Anemoon Street, Kleinvlei in the District/Regional Division of City of Cape Town: Kuils River, the accused did unlawfully and intentionally: -

- neglect and/or ill-treat, to wit one (1) dog (a brown and white, unsterilised female Pitbull-type dog), in his possession, custody, care or under his control, by neglecting the said dog and failing to fulfil his most basic duties of care as the owner of such animal, to be severely underweight and emaciated.

Penalty provision:

An unspecified fine not exceeding R40 000 (in terms of the Adjustment of Fines Act 101 of 1991) or to imprisonment for a period not exceeding twelve (12) months, or to such imprisonment without the option of a fine (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

**IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF THE CITY OF CAPE TOWN SUB-
DISTRICT KUILS RIVER, HELD AT BLUE DOWNS**

Case No/Saak Nr: _____

Count: 2

THE STATE

V

ELFRANCO THEUNISSEN (ID: 8412015183089)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

**COUNT 2:- CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(b) OF THE
ANIMALS PROTECTION ACT 71 OF 1962**

THAT the accused is guilty of the crime of contravening Section 2(1)(b) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on and in between 5 August 2026 and 13 August 2026 and at or near 36 Anemoon Street, Kleinvlei in the District/Regional Division of City of Cape Town: Kuils River, the accused did unlawfully and intentionally: -

- confine and/or tether and/or secure, to wit one (1) dog, unnecessarily, alternatively under such conditions and/or in such a manner and/or in such a position that the dog was caused to suffer unnecessarily, alternatively in a place which afforded inadequate space and/or protection and/or shelter, in that the said dog was repeatedly tethered by means of a short rope which significantly restricted its movement, and was provided with a plastic drum as shelter, in which the dog was unable to stand upright or move freely and which did not provide adequate protection from the elements.

Penalty provision:

An unspecified fine not exceeding R40 000 (in terms of the Adjustment of Fines Act 101 of 1991) or to imprisonment for a period not exceeding twelve (12) months, or to such imprisonment without the option of a fine (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF THE CITY OF CAPE TOWN SUB-DISTRICT KUILS RIVER, HELD AT BLUE DOWNS

Case No/Saak Nr: _____

Count: 3

THE STATE

V

ELFRANCO THEUNISSEN (ID: 8412015183089)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

COUNT 3:- CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(c) OF THE ANIMALS PROTECTION ACT 71 OF 1962

THAT the accused is guilty of the crime of contravening Section 2(1)(c) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on and in between 5 August 2026 and 13 August 2026 and at or near 36 Anemoon Street, Kleinvlei in the District/Regional Division of City of Cape Town: Kuils River, the accused did unlawfully and intentionally: -

- starve and/or under-feed and/or deny food and/or water to, to wit one (1) dog, in that the dog was found, on repeated inspections, including on 7, 11 and 13 August 2026, to have no suitable drinking water available and no adequate food observed, and to be severely underweight with a Body Condition Score of 2 out of 9, notwithstanding written warnings directing that adequate food and clean, drinkable water be provided at all times.

Penalty provision:

An unspecified fine not exceeding R40 000 (in terms of the Adjustment of Fines Act 101 of 1991) or to imprisonment for a period not exceeding twelve (12) months, or to such imprisonment without the option of a fine (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF THE CITY OF CAPE TOWN SUB-DISTRICT KUILS RIVER, HELD AT BLUE DOWNS

Case No/Saak Nr: _____

Count: 4

THE STATE

V

ELFRANCO THEUNISSEN (ID: 8412015183089)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

COUNT 4:- CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(e) OF THE ANIMALS PROTECTION ACT 71 OF 1962

THAT the accused is guilty of the crime of contravening Section 2(1)(e) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on and in between 5 August 2026 and 13 August 2026 and at or near 36 Anemoon Street, Kleinvlei in the District/Regional Division of City of Cape Town: Kuils River, the accused did unlawfully and intentionally: -

- being the owner of, alternatively having in his possession, custody or control, to wit one (1) dog, fail to render or procure veterinary treatment for the said dog, which was in need of such treatment as a result of its severely underweight and emaciated condition, notwithstanding two (2) written warnings requiring that veterinary attention be obtained, alternatively that the dog be surrendered to the SPCA, and notwithstanding being repeatedly offered the option of surrendering the dog for treatment, which he declined.

Penalty provision:

An unspecified fine not exceeding R40 000 (in terms of the Adjustment of Fines Act 101 of 1991) or to imprisonment for a period not exceeding twelve (12) months, or to such imprisonment without the option of a fine (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF THE CITY OF CAPE TOWN SUB-DISTRICT KUILS RIVER, HELD AT BLUE DOWNS

Case No/Saak Nr: _____

Count: 5

THE STATE

V

ELFRANCO THEUNISSEN (ID: 8412015183089)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

COUNT 5 (in the alternative to Counts 1 to 4):- CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(q) OF THE ANIMALS PROTECTION ACT 71 OF 1962 (IN THE ALTERNATIVE TO COUNTS 1 TO 4)

IN THE ALTERNATIVE TO COUNTS 1 TO 4 ABOVE, THAT the accused is guilty of the crime of contravening Section 2(1)(q) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on and in between 5 August 2026 and 13 August 2026 and at or near 36 Anemoon Street, Kleinvlei in the District/Regional Division of City of Cape Town: Kuils River, the accused did unlawfully and intentionally: -

- cause, procure and/or assist in the commission of the acts referred to in Counts 1 to 4 above, in respect of, to wit one (1) dog;
- alternatively, being the owner of, to wit one (1) dog, permitted the commission of the acts referred to in Counts 1 to 4 above.

Penalty provision:

An unspecified fine not exceeding R40 000 (in terms of the Adjustment of Fines Act 101 of 1991) or to imprisonment for a period not exceeding twelve (12) months, or to such imprisonment without the option of a fine (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF THE CITY OF CAPE TOWN SUB-DISTRICT KUILS RIVER, HELD AT BLUE DOWNS

Case No/Saak Nr: _____

Count: 6

THE STATE

V

ELFRANCO THEUNISSEN (ID: 8412015183089)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

COUNT 6 (in the alternative to Counts 1 to 4):- CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(r) OF THE ANIMALS PROTECTION ACT 71 OF 1962 (IN THE ALTERNATIVE TO COUNTS 1 TO 4)

IN THE ALTERNATIVE TO COUNTS 1 TO 4 ABOVE, THAT the accused is guilty of the crime of contravening Section 2(1)(r) of the Animals Protection Act 71 of 1962, also read with Section 1 and 2(2) of said Act, also read with Section 90 and 250 of the Criminal Procedure Act No 51 of 1977 and the Adjustment of Fines Act 101 of 1991 (where applicable).

IN THAT on and in between 5 August 2026 and 13 August 2026 and at or near 36 Anemoon Street, Kleinvlei in the District/Regional Division of City of Cape Town: Kuils River, the accused did unlawfully and intentionally: -

- did and/or omitted to do, wantonly, unreasonably and/or negligently, an act or acts in relation to the care of, to wit one (1) dog, thereby causing the dog unnecessary suffering, despite repeated written warnings and being afforded sufficient opportunity to remedy the situation;
- alternatively, caused and/or procured the commission or omission of such act or acts, which caused, to wit one (1) dog, unnecessary suffering.

Penalty provision:

An unspecified fine not exceeding R40 000 (in terms of the Adjustment of Fines Act 101 of 1991) or to imprisonment for a period not exceeding twelve (12) months, or to such imprisonment without the option of a fine (as specified under Section 2(1) of the Animals Protection Act 71 of 1962).



INVESTIGATION DIARY * ONDERSOEKDAGBOEK

Station Stasie	KLEINVLEI	CAS no MAS no	09 / 2026
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Date and Time Datum en Tyd	Particulars of investigation / Enquiry Besonderhede van ondersoek / Navraag	Reference Verwysing
	FIC AS PER	A1
	COMPLAINANT: AS PER INSPECTOR LWAZI NTUNGELE CAPE OF GOOD HOPE SPCA CORNER FIRST ROAD AND FIRST AVENUE, GRASSY PARK 083 326 2377	
	COMPLAINT: CONTRAVENTION OF ANIMAL PROTECTION ACT 71 of 1962 Section 2(1)	
	SCENE: 36 ANEMOON STREET, KLEINVLEI	
	DATE / TIME: 13H00 ON 2026/08/05 TO 13H00 2026/08/13	
	ACCUSED: (1) ELFRANCO THEUNISSEN	
	MODUS: AS PER A1	
	DOCKET CONTENTS:	
	Commissioned Veterinary Report	A2
	Photographic Evidence	A3
	Magisterial Authorisation	A4
	Warning Notice 25087	A5
	Warning Notice 25091	A6
	Warrant	A7
	Seizure Notice 02588	A8
	Animal Protection Act 71 of 1962	B1
	Regulation 468	B2
	Section 92 of Magistrates Courts Act 32 of 1944	B3
	Adjustment of Fines Act 101 of 1991	B4
	Gazette No. 37477 of 27 March 2014	B5

