

SOUTH AFRICAN POLICE SERVICE



PART A1.....

PREAMBLE TO STATEMENT

Station HOUT BAY CAS no.08...../.....2026.....

PERSONAL PARTICULARS

Title M R Initials M Y Surname ABRAHAMS
 First names MOHGAMAD YAASEEN
 Identity number 9 8 0 7 0 6 5 1 2 2 0 8 6 Race A ☒ BI W Other
 Passport number Country of issue
 Date of Birth 1 9 9 8 0 7 0 6 Age Gender ☒ F L G B T I Q
 Nationality SOUTH AFRICAN 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 N/A
 Town/City Postal Code
 Telephone number Home Code No Work Code No
 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 Postal Code 7 9 4 1
 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 HOUT BAY CAS no. / 08 / 2026

The following particulars in respect of the offence/incident is supplied:

PARTICULARS OF OFFENCE/INCIDENT																																					
Date and time of offence/incident														-		Or Period between												1		1		4		5		on	
2	0	2	6	0	8	0	3	and	1	3	3	0	on	2	0	2	6	0	8	1	9	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 ANIMAL CRUELTY - DENIAL OF VETERINARY CARE & FOOD

Type of instrument used ANIMAL - DOG

SCENE OF CRIME																											
Between: Name of place																											
and: Name of place																											
or																											
Street name														MOUNT RHODES DRIVE													
Building/farm/plot/place														21													
Suburb/Extension/Area														MOUNT RHODES, HOUT BAY													
Town/City														CAPE TOWN													
Geographical block no														Postal Code 7 8 0 6													
														Type of premises RESIDENTIAL													
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

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.



AFFIDAVIT

I, the undersigned

MOHGAMAD YAASEEN ABRAHAMS
(ID 9807065122086)

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 and with email address inspectorate@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. This affidavit is supplementary to the previous investigation conducted by Inspector Siviwe Noko in respect of a complaint concerning an underweight dog owned by Mr. Joshua-Dean Marais ("the owner"), residing at 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay ("the property"). Inspector Noko's affidavit is attached hereto as Annexure A2.
4. On 31 July 2026, the Cape of Good Hope SPCA received a further complaint concerning the same dog, which was reported to be significantly underweight and of concern from an animal welfare perspective.
5. On 03 August 2026, I took over the investigation of the complaint and attended the property.
6. Upon my arrival, I rang the bell twice, but there was no response from within the property. I thereafter attempted to contact the owner telephonically; however, the call went directly to voicemail.
7. As I was unable to make contact with the owner or gain access to the property, I issued Warning No. 25261, attached hereto as Annexure A7.
8. The warning required the owner to contact SPCA Inspector Y. Abrahams within 72 hours to discuss the concerns relating to the dog.
9. I affixed the warning to the front gate of the property.
10. On 06 August 2026, I again attended the property. I rang the bell twice, but there was no response.
11. I again attempted to contact the owner telephonically, but the call went directly to voicemail.

I, **Mohgamad Yaaseen Abrahams**, further state under oath and in English that:

12. I subsequently issued Warning No. 25268, attached hereto as Annexure A8, requiring the owner to contact SPCA Inspector Y. Abrahams within 72 hours to discuss the concerns relating to the dog.
13. I affixed the warning to the front gate of the property.
14. On 11 August 2026, I attended the property again and observed that the previous notice which I had affixed to the gate had once again been removed.
15. I rang the bell twice, but there was still no response from the property. I also attempted to contact the owner telephonically, but he did not answer.
16. Having regard to the photographic evidence provided to the SPCA, which appeared to show that the dog was severely underweight and potentially suffering from a veterinary condition, I issued a final warning, No. 15214, attached hereto as Annexure A9.
17. The final warning required the owner to provide adequate veterinary attention to the dog within 48 hours and to provide the SPCA with a veterinary report within the same period.
18. Despite the repeated attempts to contact the owner and the warnings issued to him, no satisfactory response or veterinary report was received.
19. On 17 August 2026, I again attended the property. I rang the bell twice, but there was no response.
20. I thereafter attempted to contact the telephone numbers provided to the SPCA by the complainant.
21. I first contacted a person identified as John, who informed me that he was the gardener at the property but was not present at the property on that day. John further informed me that he was not comfortable allowing me access to the property because he worked there and did not wish to anger his employer.
22. I thereafter attempted to contact a person identified as Michael. That call went directly to voicemail.
23. I again attempted to contact the owner, Joshua-Dean Marais, but he did not answer his telephone.
24. In an effort to establish the current condition of the dog and whether the owner had complied with the veterinary requirements contained in the final warning, I attended Hout Bay Veterinary Hospital, where the dog had previously received veterinary treatment.
25. At the veterinary hospital, I spoke with Dr. Emma, a veterinarian employed at the practice.
26. Dr. Emma accessed the veterinary records relating to the dog and informed me that the dog had last attended the practice on 02 May 2026. This attendance was a follow-up consultation to an earlier consultation in April 2026, during which the dog's weight had been a veterinary concern.

I, **Mohgamad Yaaseen Abrahams**, further state under oath and in English that:

27. Dr. Emma further informed me that one of the veterinarians at the practice had subsequently seen the dog during July 2026 and had expressed concern regarding the dog's weight and physical condition.
28. The veterinarian had accordingly requested that the owner bring the dog back to the practice for a further examination and assessment.
29. According to Dr. Emma, the owner did not respond to this request. The veterinary practice subsequently attempted to contact the owner telephonically, but he did not answer.
30. The veterinary practice also sent two WhatsApp messages to the owner over a period of time, requesting that the dog be brought to the practice for a further veterinary examination. The owner did not respond to these messages.
31. I showed Dr. Emma the photographic evidence supplied to the SPCA by the complainant.
32. Having viewed the photographs, Dr. Emma indicated that the dog appeared to be clearly underweight.
33. Dr. Emma further explained that, based on the dog's previous veterinary records and the examinations and testing undertaken, a possible digestive or gastrointestinal problem had been considered as a potential underlying cause of the dog's poor body condition.
34. However, the veterinary practice had been unable to confirm the cause of the dog's poor condition because the owner had failed to return the dog for the further examination and testing that had been requested.
35. Dr. Emma provided me with the microchip number associated with the dog.
36. I forwarded the microchip information to the SPCA office in order to establish the ownership and history of the animal.
37. I subsequently received confirmation that the dog had been adopted from the Cape of Good Hope SPCA.
38. In light of the dog's continuing poor body condition, the previous veterinary concerns, the failure of the owner to comply with the veterinary request, the owner's failure to respond to repeated attempts at communication, and the inability of the SPCA to properly assess the dog while it remained on the property, I formed the view that further lawful intervention was necessary to protect the animal.
39. On 18 August 2026, I applied for a warrant authorising the entry onto the property and the seizure of the dog.
40. The warrant was duly issued by the competent court.
41. On 19 August 2026, accompanied by members of Law Enforcement, I attended the property for the purpose of executing the court-issued warrant and removing the dog from the property.

I, **Mohgamad Yaaseen Abrahams**, further state under oath and in English that:

42. Initial access to the grounds was granted by a real estate agent identified as Cliff.
43. While I was briefing Cliff regarding the purpose of our attendance and the warrant, an adult male approached the gate.
44. The male refused to identify himself but confirmed that he was the owner's brother.
45. I informed him of the existence and authority of the court-issued warrant and explained that the SPCA and Law Enforcement were present to execute the warrant.
46. The male disputed the authority of the warrant, refused to acknowledge its legal authority and refused to permit access through the side gate leading to his section of the premises.
47. The male thereafter locked the side gate.
48. Law Enforcement informed the male that his conduct could constitute obstruction and requested additional backup.
49. The male retreated further into the property.
50. In order to execute the court-issued warrant, I manually unlatched the side gate and entered the property.
51. The male continued to dispute our entry while standing on the lawn area.
52. A second male, who was identified as Ethan, subsequently emerged from the residence and began recording the officers.
53. Law Enforcement Officer Nzonzo and I explained the warrant, its purpose and the legal process to Ethan. Ethan was more cooperative and engaged with us regarding the execution of the warrant.
54. During the initial refusal of entry, I had observed that the first male had moved a dog into the residence.
55. I instructed Ethan to produce the dog immediately.
56. While on the property, I also observed a second dog, appearing to be a Bull Terrier type, freely roaming in the garden. This animal appeared to be in fair body condition, and I observed no visible signs of distress or immediate welfare concerns in respect of that animal.
57. Following further discussion, Ethan opened the residence. The target dog, identified as "Obie", exited the residence. I conducted a physical and visual assessment of Obie.
58. Obie was friendly and alert. However, I observed pronounced spinal ridges and prominent ribs, which were readily visible and indicated that the dog was significantly underweight.
59. The physical condition observed was consistent with the photographic evidence previously provided to the SPCA.

I, **Mohgamad Yaaseen Abrahams**, further state under oath and in English that:

60. I informed Ethan that Obie was being seized pursuant to the court-issued warrant.
61. I secured Obie on a leash and safely loaded him into my SPCA transport vehicle. I subsequently returned to the premises for the purpose of serving the relevant documentation.
62. Both males refused to accept or sign the legal documentation. I accordingly left a copy of the court-issued warrant, the founding affidavit and the official SPCA Seizure Notice, No. 02965, on an exterior garden table at the property.
63. Additional Law Enforcement personnel subsequently arrived at the property.
64. As the situation had stabilised and there was no longer a need to arrest any person, no arrests were made.
65. We thereafter departed the property without further incident or injury.
66. I proceeded to Hout Bay SAPS to report the execution of the warrant, the seizure of Obie and the initial obstruction encountered during the execution of the warrant.
67. The incident was recorded under OB number 917/08/2026.
68. Obie was thereafter safely transported to the Cape of Good Hope SPCA, where he was admitted under admission number A101874 for care, assessment and further veterinary attention.
69. During the execution of the warrant and seizure of Obie on 19 August 2026, I used my cellular telephone, a Samsung A56, to take photographs of the animal and the relevant circumstances observed at the property. The photographs are contained in Album B.
70. I confirm that the photographs contained in Album B are a true and accurate representation of what I observed and photographed during the execution of the warrant and seizure of Obie on 19 August 2026.
71. I further confirm that, to the best of my knowledge, the photographs have not been edited, altered or enhanced in any manner.
72. The circumstances described above, considered cumulatively, demonstrate that the owner was repeatedly afforded an opportunity to address the welfare concerns relating to Obie.
73. Despite the repeated attempts by the SPCA to contact the owner, the warnings issued to him, the veterinary concerns communicated by the veterinary practice, the requests that the dog be presented for further veterinary assessment, and the final warning requiring veterinary attention and submission of a veterinary report, the owner failed to take the necessary steps to address the dog's condition.
74. I accordingly respectfully request that Mr. Joshua-Dean Marais, ID number 9310145014084, be charged with contraventions of the Animals Protection Act 71 of 1962, including the following:
 - a. Section 2(1)(a): In that the accused, being the owner of Obie, neglected and/or ill-treated the animal, thereby causing or permitting unnecessary suffering.

I, **Mohgamad Yaaseen Abrahams**, further state under oath and in English that:

- b. Section 2(1)(c): In that the accused unnecessarily starved and/or underfed Obie and/or denied the animal adequate food, resulting in the animal being significantly underweight.
- c. Section 2(1)(e): In that the accused failed to render and/or procure adequate veterinary treatment or attention for Obie when the animal was in need of such treatment or attention, despite previous veterinary concerns and repeated requests by the veterinary practice that the animal be presented for further examination and testing.
- d. Section 2(1)(q): In that the accused, being the owner of Obie, caused, procured and/or permitted the commission or omission of acts contemplated in section 2(1) of the Act, including the neglect, underfeeding and failure to procure necessary veterinary treatment and attention for the animal.
- e. Section 2(1)(r): In that the accused did and/or omitted to do acts which caused and/or permitted unnecessary suffering to be caused to Obie, including failing to provide adequate nutrition and failing to procure necessary veterinary attention for the animal.

75. 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

Inspector Yaaseen Abrahams

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

I, the undersigned

JONATHAN SIVIWE NOKO

(ID 9002206144088)

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. The Cape of Good Hope SPCA received a complaint concerning an allegedly underweight dog situated at 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay, hereinafter referred to as "the property".
4. The complaint alleged, inter alia, that the owner, Mr Joshua-Dean Marais (hereinafter the "owner"), was feeding the dog, named Obi, a vegan diet consisting primarily of fruits and vegetables which he prepared himself, allegedly without appropriate knowledge regarding the nutritional requirements of dogs.
5. According to the information available to the SPCA, Obi had been adopted from the SPCA in August 2022.
6. The complaint further described the dog as being severely underweight, with all of its ribs reportedly visible without palpation, a visible spine, a pronounced waistline, an absence of appreciable fat upon palpation, and visible hip bones. The complainant described the animal as resembling "a skeleton with German Shepherd fur".
7. On 16 April 2026, the complaint was allocated to me for investigation. I attended the property and, upon my arrival, encountered the owner, Mr Joshua-Dean Marais, hereinafter referred to as "the owner", outside the property. He was returning from a walk with the dog in question, a male German Shepherd-mix type dog. He was accompanied by another adult male who was walking a second dog.
8. I introduced myself to the owner and explained the reason for my attendance. The owner demanded to know the identity of the complainant. I informed him that the SPCA was not permitted to disclose the complainant's identity.

I, **Jonathan Siviwe Noko**, do hereby make further oath in English and state that:

9. The owner thereafter stated that I was invading his private space and refused to permit me to enter the property. He also refused to allow me to photograph the dog.
10. During my interaction with the owner, he stated that he fed the dog raw duck food. I observed the dog and noted that it appeared underweight, with the ribs visibly prominent.
11. The owner informed me that he intended taking the dog to a veterinarian later that afternoon.
12. On 17 April 2026, I contacted the owner telephonically. He confirmed that the dog had been taken to Hout Bay Veterinary Hospital/Clinic on the previous day. The owner further agreed to allow the SPCA access to the property to conduct an inspection and indicated that he would be available the following Tuesday.
13. I subsequently contacted the veterinary practice on telephone number 021 790 2640. I was informed that the dog was known to the practice, attended for regular veterinary check-ups, and had been examined there on 16 April 2026.
14. On 21 April 2026, I made several attempts to contact the owner telephonically. The owner did not answer my calls.
15. On 22 April 2026, I again attempted to contact the owner telephonically, but he did not answer my calls.
16. On 23 April 2026, I attended the property in an attempt to conduct the agreed inspection. Upon arrival, I activated the intercom, hooted my vehicle's horn and called out at the property. No person came outside to attend to me.
17. I also attempted to contact the owner telephonically, but there was no response.
18. I thereafter issued a 24-hour contact notice, recording that the SPCA had been unable to contact the owner on the telephone number provided and informing him that failure to make contact with the SPCA could result in further action being taken.
19. I affixed the notice to the main gate of the property. The notice instructed the owner to make contact with the SPCA.
20. On 29 April 2026, I returned to the property. Upon my arrival, I met with the owner, who granted me access to the property and permitted me to conduct an inspection.
21. During the inspection, I observed the owner's two dogs. The dog in question appeared to be in fair physical condition and had visibly gained weight since my previous observation on 16 April 2026.
22. I established that the dogs were kept inside the house and were permitted to sleep on the owner's bed. They also had free access to the rear garden, as the rear door was left open.
23. The owner informed me that he fed the dogs cooked food and raw duck meat. He showed me a video dated 16 April 2026 in which he was feeding the dog in question.

I, **Jonathan Siviwe Noko**, do hereby make further oath in English and state that:

He stated that he had increased the dog's food intake in accordance with advice provided by the veterinarian.

24. The owner further stated that the veterinarian had examined the dog and had found no underlying abnormality or condition requiring treatment. According to the owner, the veterinarian had advised that the dog's weight was appropriate for its breed and type.
25. The owner stated that he regularly took his dogs to the veterinarian for veterinary examinations. He further informed me that he intended taking the dog for another veterinary examination on the following day.
26. I contacted the veterinary practice, which confirmed that the dog was known to them and was brought in for regular veterinary examinations. I was further informed that there was no veterinary concern regarding the dog's condition at that time.
27. The owner also informed me that he shared certain fruits with the dogs, particularly watermelon and oranges, which the dogs appeared to enjoy.
28. During the inspection and my interaction with the owner, he expressed frustration regarding his former wife. He alleged that she had ongoing disagreements with him and portrayed him negatively. I record this only insofar as it formed part of the circumstances disclosed to me during my investigation.
29. Having regard to my observations during the inspection on 29 April 2026, including the dog's improved body condition, the conditions in which the dogs were kept, the owner's account of their diet and veterinary care, and the information obtained from the veterinary practice, I found no evidence at that stage to substantiate that the dog was being subjected to cruelty or neglect.
30. On the basis of the investigation conducted and the evidence available to me, I accordingly recommended that the matter be closed, as there was insufficient evidence to indicate a contravention of the Animals Protection Act 71 of 1962.
31. During my investigation, I took photographs using my cellular telephone, a Samsung S24 FE, to record my observations.
32. The photographs are contained in Album A and constitute a true and accurate representation of the observations made by me during the investigation. To the best of my knowledge, the photographs have not been edited, altered or digitally enhanced in any manner.
33. **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:

Inspector Siviwe Noko

I, **Jonathan Siviwe Noko**, do hereby make further oath in English and state that:

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____, in compliance with 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.

COMMISSIONER OF OATHS:

Full Name:

Designation:

Business Address:



AFFIDAVIT VETERINARY REPORT

I, **Dr. George Birch**, hereby make oath and declare in English as follows:

1.

I am an adult male veterinarian registered with the South African Veterinary Council (SAVC) under registration number D06/5077. I hold a Bachelor of Veterinary Science degree (BVSc), with 16 years of experience. 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 21 August 2026, I conducted a full clinical examination of a canine admitted into the care of the Cape of Good Hope SPCA. The animal had been seized from a property situated 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay, Cape Town, and was presented by Inspector Yaaseen Abrahams under Cape of Good Hope SPCA case number INSP230895.

3.1. ANIMAL INFORMATION:

The details of the animal are as follows:

- **Admission Number:** A101874
- **Species:** Canine
- **Breed:** German Shepard
- **Sex and Reproductive Status:** Male (neutered)
- **Estimated Age:** Adult
- **Colour and Markings:** Black and Tan
- **Microchip:** Unknown
- **Name:** Obi-Wan

3.2. CLINICAL EXAMINATION FINDINGS:

Upon clinical examination, the following findings were recorded:

- **Body Condition Score:** 2/9, indicating that the animal was severely underweight
- **Weight:** 23.1 kg
- **Behaviour:** Extremely anxious during examination.
- **External Parasites:** No abnormality detected.
- **Dentition:** Moderate dental plaque present.
- **Nails:** Fore nails excessively long.

J. R. V.

1. J. R. V.

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

3.3 PREVIOUS CLINICAL HISTORY:

The veterinary records obtained from Hout Bay Veterinary Hospital indicate that Obi-Wan had an established history of progressive weight loss and had previously been presented for veterinary assessment in relation to his poor body condition.

On 16 April 2026, Obi-Wan was recorded as weighing 26.0 kg. At that consultation, the attending veterinarian noted that he was mildly underweight, had lost approximately 6 kg since his dental procedure in July 2025, and had inadequate muscle mass, with at least four rib indentations visible and the spinous processes easily palpable. It was further recorded that Obi-Wan was very active and reportedly consumed his meals well. His diet at the time was described as consisting primarily of legumes, rice and vegetables, with fresh raw duck having subsequently been added.

The veterinary records further document that, during the April 2026 examination, a faecal examination identified undigested food particles, small undigested fat globules and a mild microbiome imbalance. No worm eggs or parasites were detected on faecal flotation. The attending veterinarian recommended increasing the caloric content and protein component of Obi-Wan's diet, together with the addition of Greek yoghurt, and recommended that his weight be reassessed.

Despite these interventions, Obi-Wan's weight continued to decline. On 2 May 2026, his recorded weight was 24.7 kg, representing a further loss of approximately 1.3 kg despite the reported increase in food volume by approximately 30%. The attending veterinarian noted soft, unformed stool on rectal examination, containing whole undigested grains and legumes. A faecal examination again demonstrated large undigested food particles and a large quantity of small fat globules. Further blood investigations were consequently undertaken due to concern regarding a possible underlying gastrointestinal or pancreatic condition.

The blood investigations recorded a low serum folate level of 10.9 and a low vitamin B12 level of 125 pmol/L. The veterinary notes record that the low vitamin B12 level could be associated with malabsorption, bacterial overgrowth and/or exocrine pancreatic insufficiency (EPI), while the low folate level was considered potentially consistent with chronic upper intestinal disease. The TLI result was subsequently recorded as 37.4 ng/mL, within the laboratory's normal range, and the veterinary records state that EPI was ruled out.

On 13 May 2026, the attending veterinarian communicated the results to the owner and advised that the low vitamin B12 and folate levels could indicate possible small intestinal bacterial overgrowth (SIBO) or food sensitivities. The recommended treatment included weekly vitamin B12 injections for four weeks followed by monthly injections, together with a change to a novel or hydrolysed pelleted diet. The owner was requested to make an appointment as soon as possible to commence the injections and discuss the dietary change.

The veterinary records indicate that the recommended vitamin B12 treatment and dietary trial were not commenced at that stage. On 17 May 2026, the veterinary practice followed up with the owner and again requested that an appointment be made to commence the vitamin B12 injections and discuss a revised diet. The owner responded that he would make an appointment as soon as possible, subject to time and financial considerations.

The weight history contained in the veterinary records demonstrates a substantial and progressive decline in body weight, namely:

- 25 October 2024: 29.0 kg
- 4 July 2025: 32.0 kg
- 16 April 2026: 26.0 kg

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

- 2 May 2026: 24.7 kg
- 19 August 2026: 23.1 kg

This represents a total recorded weight loss of approximately 8.9 kg from July 2025 to August 2026, equivalent to approximately 28% of the animal's July 2025 body weight.

The private veterinary records therefore demonstrate that Obi-Wan's poor body condition and weight loss were not an isolated or acute finding identified at the time of his admission to the SPCA. Rather, there was a documented history of progressive weight loss, inadequate muscle mass, abnormal faecal findings and nutritional deficiencies for which further treatment and investigation had been recommended.

4.

VETERINARY OPINION:

In my professional opinion, the principal medical concerns identified during the examination were severe weight loss resulting in a markedly poor body condition, together with significant anxiety.

In most cases we see husbandry is most often the root cause of weight loss. In this case however there seems to be a primary medical condition that has resulted in this progressive decline in condition. This according to findings that was carried out with primary physician.

Weight loss like this may have long term negative impacts on patient demeanour ie persistent hunger and possible discomfort from the ongoing disease process. Tendency to have insufficient immune response to stresses is also consideration.

The anxiety observed during the examination may have been influenced by the stressful hospital environment; however, it cannot be established from the clinical examination alone whether this behaviour is chronic. A behavioural assessment and observation of the animal in a less stressful environment would assist in determining the nature and possible cause of the anxiety.

PROGNOSIS AND RECOMMENDATIONS:

The prognosis for Obi-Wan is dependent on response to treatment from previous vet. This will then dictate if further diagnostics are necessary and then also affect prognosis. It is therefore imperative that these treatments are started at the earliest point.

The recommended course of action is to start Vit B12 treatment. It is unfortunately not feasible to start the appropriate diet trail at this point.

6.

CONCLUSION

This is an unfortunate situation where a primary medical condition was suspected and needed to be diagnosed and managed appropriately. This process was started with a primary physician but was not completed due to follow up from the owner – whatever the reasons may be.

Ongoing management and possibly further diagnostics are advised under care of veterinarian.

Considering the animal's poor body condition the removal of Obi-Wan from the environment in which he was being maintained and the investigation of these circumstances by the Cape of Good Hope SPCA was, in my professional opinion, necessary to protect his welfare and prevent further suffering.

J. a v
S. B. V. S.

I, Dr. George Birch, hereby further make oath and declare in English as follows:

7.

I know and understand the content of this declaration.

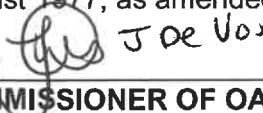
I have no objection to taking the prescribed oath.

I consider the prescribed oath to be binding on my conscience.


DEPONENT

Dr. George Birch (BVSc)

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration, which was signed and sworn to before me at GRASSY PARK on this the 27 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

Full names: JUSTIN DE VOS

Designation: PEACE OFFICER

Business address: 101 OLD STRANDFONTEIN RD, OTTERY



JUSTIN DE VOS

COMMISSIONER OF OATHS
Peace Officer - Law Enforcement

City of Cape Town Station No. 40004230

101 Old Strandfontein Rd, Ottery, Cape Town, 7808

CITY OF CAPE TOWN

27 AUG 2026

LAW ENFORCEMENT

Cape of Good Hope SPCA



Photo Album A

SAPS CAS Number: _____ / 08 / 2026

SAPS Station: Hout Bay SAPS

Date Taken: 2026-04-29

Taken By: Inspector Siviwe Noko

Address: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay



Taken at: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay

Photo taken by: Inspector Siviwe Noko

Taken on: 2026-04-29

Taken with: Samsung S24FE



Photo 1 - Top view of the dog in question



Taken at: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay

Photo taken by: Inspector Siviwe Noko

Taken on: 2026-04-29

Taken with: Samsung S24FE



Photo 2 - Side view of the dog in question



Taken at: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay

Photo taken by: Inspector Siviwe Noko

Taken on: 2026-04-29

Taken with: Samsung S24FE



Photo 3 - Rear view of the dog in question

Cape of Good Hope SPCA



Photo Album B

SAPS CAS Number: ____ / 08 / 2026

SAPS Station: Hout Bay SAPS

Date Taken: 2026-08-19

Taken By: Inspector Yaaseen Abrahams

Address: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay



Taken at: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay

Photo taken by: Inspector Yaaseen Abrahams

Taken on: 2026-08-19

Taken with: Samsung A56



Photo 1 - Top view of the dog in question. Dog appears underweight



Taken at: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay

Photo taken by: Inspector Yaaseen Abrahams

Taken on: 2026-08-19

Taken with: Samsung A56

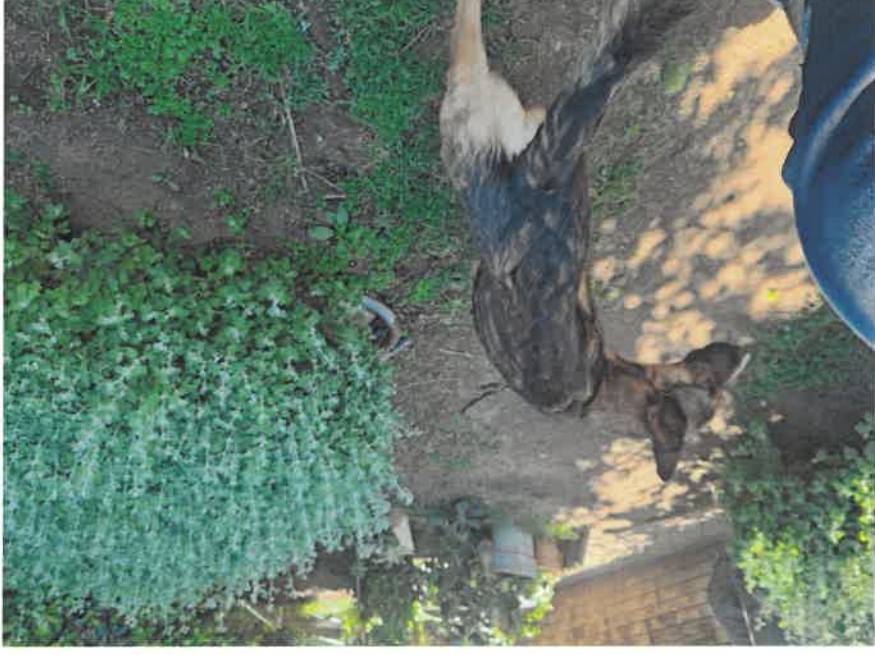


Photo 2 - Top view of the dog in question. Dog appears underweight



Taken at: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay

Photo taken by: Inspector Yaaseen Abrahams

Taken on: 2026-08-19

Taken with: Samsung A56

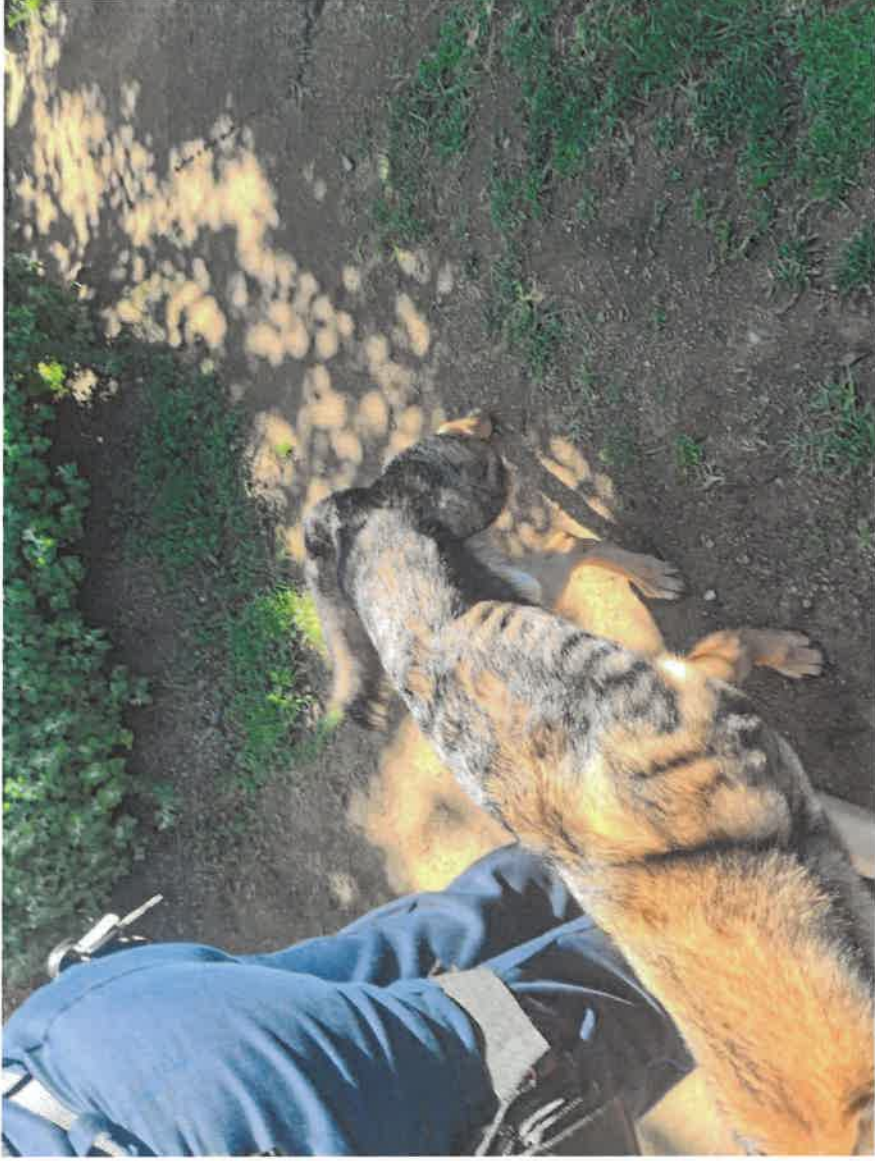


Photo 3 - Side profile of the dog in question, with ribs prominent indicating loss of muscle mass



Taken at: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay

Photo taken by: Inspector Yaaseen Abrahams

Taken on: 2026-08-19

Taken with: Samsung A56



Photo 4 - Another angle of the dog in question, showing the underweight condition of the dog



Taken at: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay

Photo taken by: Inspector Yaaseen Abrahams

Taken on: 2026-08-19

Taken with: Samsung A56



Photo 5 - The dog in question, a male GSD mix



Taken at: 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay

Photo taken by: Inspector Yaaseen Abrahams

Taken on: 2026-08-19

Taken with: Samsung A56



Photo 6 - Side profile of the dog in question with ribs clearly visible



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

MOHGAMAD YAASEEN ABRAHAMS

ID No.: 980706 5122 086

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 **WYNBERG (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 1 day of JUNE 2026

Official Stamp to go here

Name HAFIZA WCHAUED

Signed



Holder's Photograph



SPCA NATIONAL COUNCIL
Authorisation No. **16579**



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

Formsexpress 021 701 5530 WT205130



WARNING

25261

To: Mr / Mrs / Ms	TOSHUA DEAN MARAIS	Date	03/08/2026
Address	21 MOUNT RHODES DRIVE, MOUNT RHODES	ID No	
Tel No		Cell No	9660698473
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 _____ 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 Y. ABRAHAM on **021 700 4158** or **021 700 4159** within 72 hours / days to discuss the concerns.
- ☐ 14. Other / remarks:

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: LEFT ON FRONT GATE
PLACE: HOUT BAY TIME: 11H49
INSPECTOR: Y. ABRAHAM



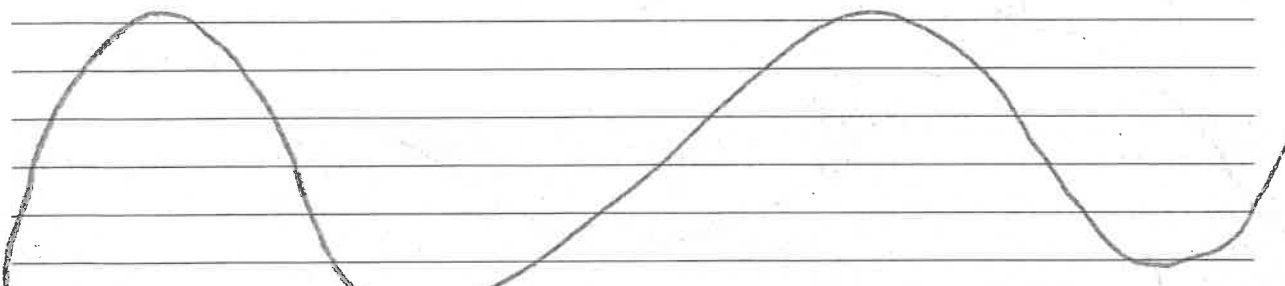
WARNING

25268

To: Mr / Mrs / Ms	JOSHUA MARAIS	Date	06/08/2026
Address	21 MOUNT RHODES DRIVE, MOUNT RHODES		
	ID No		
Tel No	Cell No	0660698473	
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 _____ 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 Y. ABRAHAM'S on **021 700 4158** or **021 700 4159** within 72 (hours) / ~~days~~ to discuss the concerns.
- ☐ 14. Other / remarks:



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: LEFT ON FRONT GATE

PLACE: HOUT BAY TIME: 12H31

INSPECTOR: Y. ABRAHAM'S

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

FINAL WARNING

To: Mr / Mrs / Ms <u>TOSHUA MARAIS</u>	Date <u>11/08/2026</u>
Address <u>21 MOUNT RHODES DRIVE, MOUNT RHODES</u>	ID No
Tel No	Cell No <u>060698473</u>
Veh Reg No	Trailer Reg No

You are hereby warned to:

• WE HAVE RECEIVED EVIDENCE THAT YOUR DOG APPEARS
SEVERELY UNDERWEIGHT AND HAS A VETERINARY CONCERN.
THEREFORE, YOU ARE REQUIRED TO PROVIDE ADEQUATE
VETERINARY ATTENTION FOR THE ANIMAL WITHIN 48
HOURS, AND PROVIDE THE SPCA WITH A VETERINARIAN
REPORT WITHIN SUCH TIMEFRAME.

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 office 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: LEFT ON FRONT GATE

PLACE: HOUT BAY TIME: 11H55

INSPECTOR: V. ABRAHAMIS

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

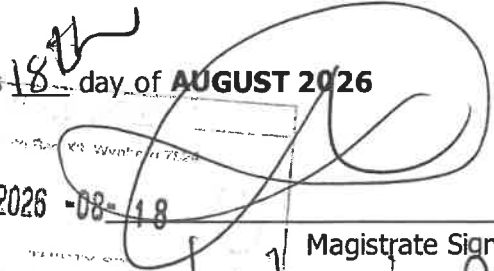
To: INSPECTOR MOHGAMAD YAASEEN ABRAHAMS OF THE CAPE OF GOOD HOPE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SPCA)

WHEREAS it appears to me from information provided on oath that there are reasonable grounds to believe that within the Magisterial District of **WYNBERG** there is / are certain animals in the possession of / under the control of / upon the premises of and / or upon the person of **JOSHUA DEAN MARAIS** or any other person designated to care for the animals and / or manage the property known as **21 MOUNT RHODES DRIVE** in **MOUNT RHODES** 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 **WYNBERG** on this 18th day of **AUGUST 2026**


2026-08-18
Magistrate Signature
Leilani Plaskett
Magistrate Name & Surname



SEIZURE NOTICE

To: Mr / Mrs / Ms	JOSHUA DEAN MARA	Date	14/08/2026
Address	21 MOUNT RHODES DRIVE, MOUNT RHODES		
	ID No		
Tel No	Cell No	0660698473	
Veh Reg No	Trailer Reg No		

The following animals have been seized:

02965

X1 DOG SEIZED
X1 COPY OF WARRANT LEFT AT PROPERTY
X1 FOUNDING AFFIDAVIT LEFT AT PROPERTY
X1 SEIZURE NOTICE LEFT AT PROPERTY
— REGULATION 468 ON 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: REFUSED TO SIGN, LEFT AT PROPERTY
PLACE: HOUT BAY TIME: 13:25
INSPECTOR: Y. ABRAHAMS

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF THE CITY OF CAPE TOWN SUB-DISTRICT WYNBERG, HELD AT WYNBERG

Case No/Saak Nr: _____

Count: 1

THE STATE

v

V

JOSHUA-DEAN MARAIS (ID: 9310145014084)

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 31 July 2026 and 19 August 2026 and at or near 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay in the District/Regional Division of City of Cape Town: Wynberg, the accused did unlawfully and intentionally: -

- neglect and/or ill-treat, to wit one (1) dog (a male, neutered German Shepherd-type dog known as "Obi"), 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, as a result of which the dog was found, upon seizure, to be significantly underweight with pronounced spinal ridges and prominent ribs clearly visible.

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 WYNBERG, HELD AT WYNBERG

Case No/Saak Nr: _____

Count: 2

THE STATE

V

JOSHUA-DEAN MARAIS (ID: 9310145014084)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

COUNT 2:- 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 31 July 2026 and 19 August 2026 and at or near 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay in the District/Regional Division of City of Cape Town: Wynberg, the accused did unlawfully and intentionally: -

- starve and/or under-feed and/or deny food to, to wit one (1) dog ("Obi"), in that the dog was found to be significantly underweight, notwithstanding previous veterinary concerns regarding the dog's weight.

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 WYNBERG, HELD AT WYNBERG

Case No/Saak Nr: _____

Count: 3

THE STATE

V

JOSHUA-DEAN MARAIS (ID: 9310145014084)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

COUNT 3:- 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 31 July 2026 and 19 August 2026 and at or near 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay in the District/Regional Division of City of Cape Town: Wynberg, the accused did unlawfully and intentionally: -

- being the owner of, alternatively having in his possession, custody or control, to wit one (1) dog ("Obi"), fail to render or procure veterinary treatment or attention, for the said dog, which was in need of such treatment as a result of its significantly underweight condition.

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 WYNBERG, HELD AT WYNBERG

Case No/Saak Nr: _____

Count: 4

THE STATE

V

JOSHUA-DEAN MARAIS (ID: 9310145014084)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

COUNT 4 (in the alternative to Counts 1 to 3):- CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(q) OF THE ANIMALS PROTECTION ACT 71 OF 1962 (IN THE ALTERNATIVE TO COUNTS 1 TO 3)

IN THE ALTERNATIVE TO COUNTS 1 TO 3 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 31 July 2026 and 19 August 2026 and at or near 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay in the District/Regional Division of City of Cape Town: Wynberg, the accused did unlawfully and intentionally: -

- cause, procure and/or assist in the commission of the acts referred to in Counts 1 to 3 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 3 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 WYNBERG, HELD AT WYNBERG

Case No/Saak Nr: _____

Count: 5

THE STATE

V

JOSHUA-DEAN MARAIS (ID: 9310145014084)

ACCUSED 1

ANNEXURE TO THE CHARGE SHEET

COUNT 5 (in the alternative to Counts 1 to 3):- CRUELTY TO ANIMALS - CONTRAVENTION OF SECTION 2(1)(r) OF THE ANIMALS PROTECTION ACT 71 OF 1962 (IN THE ALTERNATIVE TO COUNTS 1 TO 3)

IN THE ALTERNATIVE TO COUNTS 1 TO 3 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 31 July 2026 and 19 August 2026 and at or near 21 Mount Rhodes Drive, Mount Rhodes, Hout Bay in the District/Regional Division of City of Cape Town: Wynberg, 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, including a final warning, 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).



ATT: Public Prosecutor,

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

In the case of the State versus:

- JOSHUA-DEAN MARAIS – ID 9310145014084 (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 Obie, a dog in his ownership, by failing to provide the animal with adequate care and attention. Despite repeated concerns regarding Obie's significantly underweight condition, the accused failed to take the necessary steps to address the animal's condition. The accused was afforded several opportunities to remedy the situation, including warnings issued by the SPCA and requests that Obie be presented for veterinary assessment, but failed to do so. As a result, Obie remained significantly underweight and was subjected to unnecessary suffering.*

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

- The accused unnecessarily under-fed Obie and/or failed to provide the animal with adequate nutrition. Obie was observed to be significantly underweight, with pronounced spinal ridges and prominent ribs. The animal's poor body condition was consistent with photographic evidence previously provided to the SPCA and with concerns previously raised by veterinary professionals. Despite being aware of the animal's condition and being afforded opportunities to address the concern, the accused failed to ensure that Obie received adequate nutrition.

(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, being the owner of Obie, failed to render and/or procure veterinary treatment and attention for the animal despite being aware of concerns regarding the dog's weight and physical condition. Obie had previously received veterinary treatment for weight-related

concerns, and during July 2026 a veterinarian again expressed concern regarding the dog's weight and requested that the accused bring Obie back for further examination and testing. The veterinary practice subsequently attempted to contact the accused telephonically and sent two WhatsApp messages requesting that Obie be presented for a further veterinary examination. The accused failed to respond to these attempts and failed to bring Obie back for the required assessment. The accused was thereafter issued a final SPCA warning requiring him to provide adequate veterinary attention to Obie within 48 hours and to provide the SPCA with a veterinary report, but failed to comply.

(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 Obie, permitted and/or caused the aforesaid acts and omissions to continue by failing to exercise reasonable care and supervision over the animal. Despite repeated warnings from the SPCA, previous veterinary concerns, requests from the veterinary practice for further assessment, and a final warning requiring veterinary attention, the accused failed to take reasonable steps to prevent the continued neglect, under-feeding and failure to obtain necessary veterinary attention. By failing to act when he was reasonably able to do so, the accused permitted the acts and omissions complained of to continue.

(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, by wantonly, unreasonably and/or negligently failing to provide adequate nutrition and failing to procure necessary veterinary treatment and attention for Obie, caused and/or permitted unnecessary suffering to the animal. The accused was repeatedly afforded opportunities to address the dog's significantly underweight condition, including through veterinary intervention, but failed to take the necessary action. Obie was ultimately seized pursuant to a court-issued warrant and, upon seizure, was observed to be alert and friendly but significantly underweight, with pronounced spinal ridges and prominent ribs. The physical condition observed was consistent with the photographic evidence and the previous veterinary concerns relating to the animal.

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 Yaaseen Abraham
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 Yaaseen Abraham
Inspectorate Department
CAPE OF GOOD HOPE SPCA**



INVESTIGATION DIARY * ONDERSOEKDAGBOEK

Station Stasie	HOUT BAY	CAS no MAS no	08 / 2026
Date and Time Datum en Tyd	Particulars of investigation / Enquiry Besonderhede van ondersoek / Navraag	Reference Verwysing	
	FIC AS PER	A1	
	COMPLAINANT: INSPECTOR YAASEEN ABRAHAMS CAPE OF GOOD HOPE SPCA CORNER FIRST ROAD AND FIRST AVENUE, GRASSY PARK 083 326 2377		
	WITNESS: AS PER SPCA INSPECTOR SIVIWE NOKO	A2	
	COMPLAINT: CONTRAVENTION OF ANIMAL PROTECTION ACT 71 of 1962 Section 2(1)(a)(c)(e)(q)(r)		
	DATE AND TIME: 11H45 ON 2026/08/03 TO 13H30 ON 2026/08/19		
	SCENE: 1 MOUNT RHODES DRIVE, MOUNT RHODES, HOUT BAY		
	ACCUSED: (1) JOSHUA-DEAN MARAIS (ID: 9310145014084)		
	MODUS: AS PER A1 AND A2		
	DOCKET CONTENTS:		
	Commissioned Veterinary Report	A3	
	Photographic Evidence	A4	
	Magisterial Authorisation	A5	
	Notice to Comply: 15929	A6	
	Warning Notice: 25261	A7	
	Warning Notice: 25268	A8	
	Warning Notice: 15214	A9	
	Warrant	A10	
	Seizure Notice: 02965	A11	

[illegible]