

## Florida Man Acquitted of Kitten-Tossing Charges

**Defendant claims cats jumped out of his car as he drove to work.**

After just an hour and 15 minutes, a six-person jury on Wednesday acquitted a Florida man of charges that he tossed a litter of kittens out of his car as he drove to work last May.

Gerald Schmitt, 42, faced a maximum penalty of 11 years in prison on two felony counts and one misdemeanor count of animal cruelty after a woman said she saw him drop five kittens out of his car while driving at about 35 miles per hour last May 18. Schmitt stood trial for three days on felony animal cruelty charges.

Prosecutors alleged he threw the kittens under his Pontiac Grand Am as he drove to work in the town of Bradenton. Their sole witness was the woman who said she saw Schmitt drop the cats before following him and calling 911.

In his testimony, Schmitt said a group of stray cats lived in the parking lot of the motel where he stayed at the time, and sometimes would sleep in the back seat of his car, which had a broken window.

Although two dead kittens were found along the scene of the alleged crime, Schmitt theorized that the kittens had perhaps slept in his car the night before then leapt out the next morning as he was driving. Posted: April 15, 2006, 5:00 a.m. EST