U.S. v. Phillips, 2023 WL 3346096 (E.D. Okla., May 10, 2023).

- **Holding**: An act by tribal defendant in Indian country punishable as "animal crushing" under federal law could not be also prosecuted under state animal cruelty laws pursuant to provisions of the Assimilative Crimes Act.
- **Summary:** Native American Defendant was charged with multiple offenses within Indian country, including Animal Crushing in Indian Country, in violation of 18 U.S.C. §§ 48, 1151, and 1152; and Cruelty to Animals in Indian Country, in violation of 18 U.S.C. §§ 13, 1151, 1152, and 21 O.S. § 1685, after getting into a dispute with a resort owner, decapitating his cat, and throwing the head at the owner. Defendant moved to dismiss the Count of Cruelty to Animals, asserting that it attempted to assimilate a state law where a federal statute already occupied the field. The court noted that the Assimilative Crimes Act (ACA) does not apply where the state and federal statute seek to punish the same wrongful behavior. The court concluded that Defendant's alleged act—decapitating a cat —was punishable as "animal crushing" under 18 U.S.C. § 48, and therefore "the Government may not evade the ACA and get two bites at the apple by charging Defendant under both the federal and state statute."
- **Relevant (2023) Deskbook Section**: 4:8