

STATE OF MAINE

v.

MARGARET K. NICKERSON-MALPHER

Submitted on Briefs September 16, 2011
Decided September 27, 2011

Panel: SAUFLEY, C.J., and ALEXANDER, LEVY, SILVER, MEAD,
GORMAN, and JABAR, JJ.

MEMORANDUM OF DECISION

Margaret K. Nickerson-Malpher appeals from the judgment of the Superior Court (Washington County, *Cuddy, J.*), following a jury trial finding Malpher guilty of cruelty to animals (Class D), 17 M.R.S. § 1031(1)(E) (2010). We previously addressed issues in this case in *State v. Malpher*, 2008 ME 32, 947 A.2d 484. Malpher makes many arguments in this appeal which, summarized, contend, in essence, that: (1) the State and the court lacked the constitutional and statutory authority to prosecute Malpher on the animal cruelty charge; (2) the State entered and searched her property in violation of her constitutional rights; and (3) the evidence used by the State to prosecute her was tainted and tampered with to create a false impression before the jury. Malpher's arguments regarding the lack of authority over her and the lack of authority of State officials and court officials to act in this matter are frivolous, and we do not address them further. *See State v. Murphy*, 2010 ME 140, ¶ 2, 10 A.3d 697. Her contentions regarding the insufficiency of the evidence to support her conviction cannot be reviewed on the state of this record. There is no transcript of the jury trial, which was Malpher's obligation to provide to support her appeal.¹ *See State v. Barnard*, 2003 ME 79,

¹ The trial court denied Malpher's motion to have a trial transcript prepared at State expense.

¶ 24 n.6, 828 A.2d 216; *Putnam v. Albee*, 1999 ME 44, ¶¶ 7-9, 726 A.2d 217. Without a transcript, we must assume that the record developed at trial supported the jury's findings regarding each element of the animal cruelty charge and the court's discretionary rulings and choice of remedies regarding the issues presented at trial. See *Rainbow v. Ransom*, 2010 ME 22, ¶ 3, 990 A.2d 535; *State v. Nugent*, 2002 ME 111 ¶ 2, 801 A.2d 1001.

The entry is:

Judgment affirmed.

On the briefs:

Margaret K. Nickerson-Malpher, pro se

The State of Maine did not file a brief.