

STATE OF MAINE

v.

COREY A. ROBINSON

Argued June 15, 2012

Decided June 21, 2012

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

MEMORANDUM OF DECISION

Corey A. Robinson appeals from a judgment of conviction for aggravated cruelty to animals (Class C), 17 M.R.S. § 1031(1-B) (2011), and a closed season violation (Class E), 12 M.R.S. § 12251(3) (2011), entered in the Superior Court (Waldo County, *R. Murray, J.*) on a jury verdict.<sup>1</sup> Contrary to Robinson’s assertion, the aggravated cruelty to animals statute is not unconstitutionally vague when viewed in the circumstances of this case. *See* 17 M.R.S. § 1031 (1-B); *State v. Witham*, 2005 ME 79, ¶¶ 5-12, 876 A.2d 40. The court also committed no error in instructing the jury as to the meaning of “depraved indifference,” or in failing to instruct the jury as to ignorance or mistake of fact or law, or as to the affirmative defense of animal training. *See* 12 M.R.S. § 12051(1) (2009)<sup>2</sup>; 17 M.R.S. § 1031(2)(C) (2011); 17-A M.R.S. § 36 (2011); M.R. Crim. P. 52(b); *State v. LaVallee-Davidson*, 2011 ME 96, ¶¶ 12-16, 26 A.3d 828; *Witham*, 2005 ME 79, ¶¶ 11-12, 876 A.2d 40. Finally, viewing the record in the light most favorable to

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<sup>1</sup> Robinson does not challenge his conviction as to the closed season violation.

<sup>2</sup> Title 12 M.R.S. § 12051(1) has since been amended. P.L. 2011, ch. 253, § 21 (effective June 8, 2011); P.L. 2011, ch. 309, § 4 (effective Sept. 28, 2011).

the State, there was ample evidence on which a reasonable jury could find, beyond a reasonable doubt, that Robinson committed each element of aggravated cruelty to animals. *See* 17 M.R.S. § 1031(1-B); *State v. Moores*, 2009 ME 102, ¶ 2, 982 A.2d 318.

The entry is:

Judgment affirmed.

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**On the briefs and at oral argument:**

Thomas S. Marjerison, Esq., Norman, Hanson & DeTroy, LLC, Portland, for  
appellant Corey Robinson

Eric J. Walker, Dep. Dist. Atty., Belfast, for appellee State of Maine