

STATE OF MAINE

v.

CAROL MURPHY

Submitted on Briefs July 18, 2006  
Decided July 27, 2006

Panel: DANA, ALEXANDER, CALKINS, LEVY, and SILVER, JJ.

MEMORANDUM OF DECISION

Carol Murphy appeals from the judgment of the Superior Court (Franklin County, *Jabar, J.*) entered after a jury trial, convicting her of cruelty to animals (Class D), 17 M.R.S. § 1031(1)(E) (2005), and four counts of failing to have a license or permit (Class E), 12 M.R.S.A. § 7371(3) (1994).<sup>1</sup> Contrary to Murphy's contentions: (1) the court did not commit obvious error in admitting evidence obtained from seizures executed pursuant to 17 M.R.S. § 1021 (2005), *see State v. Rega*, 2005 ME 5, ¶¶ 17, 21, 863 A.2d 917, 922, 923; *State v. Beathem*, 482 A.2d 860, 862 (Me. 1984); (2) we are convinced beyond a reasonable doubt that any asserted constitutional error in applying the Animal Protection Act was not obvious error affecting the defendant's substantial rights, *State v. Schofield*, 2005 ME 82,

---

<sup>1</sup> This statute was included in a section that was repealed and replaced effective August 31, 2004. P.L. 2003, ch. 414, §§ A-1, A-2 (codified at 12 M.R.S. §§ 10001-13201 (2005)).

¶ 28, 895 A.2d 927, 935; (3) the court did not err in excluding evidence Murphy offered, M.R. Evid. 401, 402; (4) the Animal Protection Act does permit the prosecution of animal owners, 17 M.R.S. § 1031(1)(E); and (5) viewing the evidence in the light most favorable to sustaining the verdict, the jury could rationally find each element of the offenses beyond a reasonable doubt, *State v. Allen*, 2006 ME 20, ¶ 26, 892 A.2d 447, 455.

To the extent that Murphy raises the issue of ineffective assistance of counsel, we will not review this argument on direct appeal. *See State v. Nichols*, 1997 ME 178, ¶ 4, 698 A.2d 521, 522. In addition, we do not address Murphy's argument that her sentence was illegal because the sentence review panel denied Murphy's petition to appeal from her sentence. *State v. Murphy*, No. SRP-05-282 (Nov. 21, 2005).

The entry is:

Judgment affirmed.

---

**Attorneys for the State:**

Norman R. Croteau, District Attorney  
James A. Andrews, ADA  
Andrew S. Robinson, ADA  
Franklin County Courthouse  
140 Main Street  
Farmington, ME 04938

**For the defendant:**

Carol Murphy  
248 Lane Road  
New Sharon, ME 04955