

STATE OF MAINE

v.

MARK A. McINTOSH

Submitted on Briefs August 11, 2009

Decided August 25, 2009

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

MEMORANDUM OF DECISION

Mark A. McIntosh appeals from the judgment of the District Court (Newport, *Sparaco, J.*) finding him to have committed the civil violation of cruelty to animals, imposing a fine, and issuing an injunction limiting his further possession of animals pursuant to 7 M.R.S. §§ 4011, 4016 (2008). McIntosh contends that he did not get a fair trial because he was not permitted to testify and that some of the State's evidence was improperly obtained because investigating officers entered his home without a warrant after he refused their request for permission to enter. Review of the record of the trial court indicates more than sufficient evidence to support the court's findings and the injunctive relief it ordered. *See State v. Kremen*, 2000 ME 117, ¶ 13, 754 A.2d 964, 968. The record also reflects that McIntosh was offered the opportunity to testify and present any evidence to the trial court, but declined to do so. The record also supports the court's finding that the State's witnesses entered McIntosh's property and his residence with consent. Thus, the court properly considered the State's evidence.

The entry is:

Judgment affirmed.

Mark A. McIntosh, pro se:

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**Pursuant to an order of the Court,
the State of Maine did not file a brief.**