

## ANIMALS

### **Animals -- Cruelty -- Sufficiency of Evidence**

*State v. Coble 163 N.C. App. 335 (2004)*

There was sufficient evidence to submit a charge of misdemeanor cruelty to animals to the jury where two dogs in defendant's yard had been tied but not fed or watered, and one had died. Defendant's assertion that the dogs should have been fed by a relative is for the jury to weigh and is not grounds for dismissal.

### **Animals -- Dog Attack -- Liability of Rental Property Owner**

*Holcomb v. Colonial Assocs., L.L.C. 153 N.C. App. 413 (2002)*

The trial court erred by denying defendant-Colonial's motion for a directed verdict where Colonial owned land and rental buildings rented to defendant Olson, who owned two dogs; the dogs attacked plaintiff; and Colonial was not the owner or keeper of the dogs. The evidence showed at most that Colonial allowed Olson to have dogs on the property and was aware of prior incidents of the dogs, but alleging that Colonial was an owner or keeper of the dogs was an essential part of plaintiff's prima facie case.

### **(1) Animals -- Participating in Dogfight as Spectator -- Not an Invalid Exercise of Police Power**

### **(2) Animals -- Participating in Dogfight as Spectator -- Sufficiency of Evidence**

*State v. Arnold 147 N.C. App. 670 (2001)*

(1) The statute prohibiting participation as a spectator in an exhibition featuring a dog fight, N.C.G.S. § 14-362.2(c), is not an invalid exercise of the police power because it protects dogs without infringing on constitutional freedoms. (2) The trial court correctly refused to dismiss a charge of participating as a spectator in an exhibition featuring a dog fight where defendant contended that he did not know that a dogfight was taking place and was on the site for only a brief time before being arrested. However, it is clear from the evidence that defendant was on the second floor of a barn where a dogfight occurred long enough for a deputy sheriff to drive up to the barn, park his vehicle, survey the area outside, and inspect the first floor. The deputy arrested a group of men, including defendant, who were in an enclosed space where the dogfight was taking place.