

Circuit Court for Wicomico County  
Case No.: C-22-CR-18-000332

UNREPORTED  
IN THE COURT OF SPECIAL APPEALS  
OF MARYLAND

No. 446

September Term, 2019

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BARBARA LOUISE PILCHARD

v.

STATE OF MARYLAND

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Berger,  
Leahy,  
Zarnoch, Robert A.  
(Senior Judge, Specially Assigned),

JJ.

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PER CURIAM

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Filed: July 14, 2020

\*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Following a bench trial in the Circuit Court for Wicomico County, the court found Barbara Louise Pilchard, appellant, guilty of thirty-nine counts of animal cruelty for her treatment of thirteen horses.<sup>1</sup> After merging certain sentences, the court sentenced appellant to 540 days’ imprisonment, all suspended in favor of five years’ probation, and ordered her to pay fines totaling \$13,000. Appellant’s sole contention on appeal is that the verdict was not supported by legally sufficient evidence. We disagree and shall affirm.

In March 2018, members of the Wicomico County Sheriff’s Office, along with two veterinarians, responded to appellant’s farm in response to a report that dead and dying horses were on the property. They encountered numerous emaciated horses, several dead horses and foals, one of which was decaying in a pond. Several horses needed to be euthanized. In the veterinarians’ opinions, the horses on the farm lacked proper food, water, shelter, and medical care.

In reviewing the sufficiency of the evidence we review the record to determine whether, ““after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.”” *Pinheiro v. State*, 244 Md. App. 703, 711 (2020) (quoting *Jackson v. Virginia*, 443 U.S. 307, 319 (1979)). In a nonjury trial, this Court “review[s] the case on both the law and the evidence” but “will not set aside the judgment of the trial court on the

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<sup>1</sup> Specifically, the court found her guilty of: (1) thirteen counts of inflicting unnecessary suffering or pain on an animal pursuant to Md. Code (2002, 2012 Repl. Vol., 2017 Cum. Supp.) Criminal Law Article (hereinafter “CL”), §10-604(a)(3); (2) thirteen counts of failing to provide a sufficient quantity of nutritious food to an animal pursuant to CL §10-604(a)(5)(i); and (3) thirteen counts failing to provide necessary veterinary care to an animal pursuant to CL §10-604(a)(5)(ii).

evidence unless clearly erroneous,” giving “due regard” to the trial court’s opportunity to judge the credibility of the witnesses. Md. Rule 8-131(c).

In challenging the sufficiency of the evidence, appellant asserts that the State failed to prove that she *intentionally* violated CL §10-604(a)(3), CL §10-604(a)(5)(i), and CL §10-604(a)(5)(ii). Fatal to appellant’s claim, however, is that her fundamental premise, *i.e.*, that those statutory provisions require a specific intent, is false. The State was not, therefore, required to prove that she intentionally violated those statutory provisions.

Section 10-604, titled, *Abuse or Neglect of an Animal*, contains a list of various prohibitions on conduct toward animals. Subsection (a)(3) provides that “a person may not . . . inflict unnecessary suffering or pain on an animal[.]” Subsection (a)(5)(i) provides that a person who has charge or custody of an animal, may not “unnecessarily fail to provide the animal with . . . nutritious food in sufficient quantity[.]” Subsection (a)(5)(ii) provides that a person who has charge or custody of an animal, may not “unnecessarily fail to provide the animal with . . . necessary veterinary care[.]”

The General Assembly did not include a specific intent as an element of any of those crimes. “Words such as ‘with intent to’ are conspicuously absent from the statute.” *Harris v. State*, 353 Md. 596, 606 (1999). “‘When a statute does not contain any reference to intent, general intent is ordinarily implied.’” *Id.* (quoting *United States v. Martinez*, 49 F.3d 1398, 1401 (9<sup>th</sup> Cir.1995)).

Appellant’s argument that these offenses require a specific intent is derived from the language in CL §10-602, titled *Legislative Intent*, which states, in pertinent part, that: “It is the intent of the General Assembly that each animal in the State be protected from

*intentional* cruelty[.]” (Emphasis added) We think that statement was not intended to insert, into every subsection of this broad statutory scheme, the requirement that the defendant act with a specific intent. Our proposition finds strong support in *Haile v. State*, 431 Md. 448, 467 (2013) where the Court of Appeals rejected Haile’s assertion that CL §10-606(a)(3), which provides that a person may not “*intentionally* inflict bodily harm, permanent disability, or death on an animal owned or used by a law enforcement unit[.]” required that the defendant act with a specific intent. (Emphasis added).

Appellant rightly does not contest the sufficiency of the evidence that the horses experienced suffering or pain, or that they were deprived of medical care, as the evidence adduced at trial clearly demonstrated those facts. She only argues on appeal that she lacked the requisite intent to neglect or abuse the horses because the abuse or neglect was caused by the weather, which, according to her, made it impossible for her to care for the horses. Because we have found that the statutes at issue do not require proof of a specific intent, we therefore hold that the evidence was legally sufficient to support appellant’s convictions.

**JUDGMENT OF THE CIRCUIT  
COURT FOR WICOMICO COUNTY  
AFFIRMED. COSTS TO BE PAID BY  
APPELLANT.**