

Circuit Court for Baltimore City
Case No. 624033013

UNREPORTED*
IN THE APPELLATE COURT
OF MARYLAND

No. 1640

September Term, 2024

CANDICE A. MEANS

v.

STATE OF MARYLAND

Friedman,
Zic,
Sharer, J. Frederick
(Senior Judge, Specially Assigned),

JJ.

Opinion by Friedman, J.

Filed: July 21, 2026

* This is an unreported opinion. This opinion may not be cited as precedent within the rule of stare decisis. It may be cited for its persuasive value only if the citation conforms to MD. RULE 1-104(a)(2)(B).

Appellant Candice A. Means was convicted of animal abuse crimes that required the State to prove *general intent*. She argues on appeal that the State was actually required—but failed—to present sufficient evidence to prove *criminal negligence* or *gross negligence*. We reject her argument and affirm her convictions.

FACTS

One hot summer morning, Means got ready for work. She left her dog, Fendi, home alone, leashed to the backyard fence. As the day progressed, the temperature climbed to 95 degrees. But Means had halved the leash’s length, which prevented Fendi from moving. Unable to move out of the sun to find shade, Fendi began to overheat. A neighbor noticed that Fendi had been left outside in the sun and called animal control. By the time animal control officers had arrived, however, Fendi had suffered a heat stroke and died. Animal control officers saw that Fendi had no water. Officers also saw that there was a doghouse in the backyard, but it was out of Fendi’s reach. Means was later charged with fourteen counts of animal abuse, seven of which are relevant to this appeal:

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| Count 3 | “A person may not ... inflict unnecessary suffering or pain on an animal.” MD. CODE, CRIM. LAW (“CR”) § 10-604(a)(3). |
| Count 9 | “A person may not ... if the person has charge or custody of an animal, as owner or otherwise, unnecessarily fail to provide the animal with ... proper protection from the weather.” CR § 10-604(a)(5)(vii). |
| Count 10 | “A person may not leave a dog outside and unattended by use of a restraint ... that unreasonably limits movement of the dog.” CR § 10-623(b)(1). |
| Count 11 | “A person may not leave a dog outside and unattended by use of a restraint ... that restricts the access of the dog to suitable and sufficient clean water.” CR § 10-623(b)(3). |

- Count 12 “A person may not leave a dog outside and unattended by use of a restraint ... that restricts the access of the dog to ... appropriate shelter.” CR § 10-623(b)(3).
- Count 13 “A person may not leave a dog outside and unattended by use of a restraint ... in unsafe ... conditions.” CR § 10-623(b)(4).
- Count 14 “A person may not leave a dog outside and unattended by use of a restraint ... that causes injury to the dog.” CR § 10-623(b)(5).

At trial, after both parties had presented their evidence, Means moved for a judgment of acquittal. She argued that the State had failed to prove that she intended to commit the acts that harmed Fendi—an essential element of her charged offenses. The circuit court denied her motion. The jury convicted Means on the seven counts listed above.¹ Means noted this timely appeal.

¹ When the court instructed the jury, it gave the criminal pattern jury instructions for these crimes. The pattern jury instructions for two crimes of which Means was convicted, “inflict[ing] unnecessary suffering or pain on an animal” and “unnecessarily fail[ing] to provide [an] animal with ... proper protection from the weather,” are incorrect. *See* CR § 10-604(a)(3); CR § 10-604(a)(5)(vii); MPJI-Cr 4:09.2(C), (E). As we explain below, an element of both of these crimes is that the defendant generally intended to engage in the charged conduct. The instructions did not, but should have, included the element of general intent. *See Lawrence v. State*, 475 Md. 384, 398 (2021) (jury instructions must correctly identify the elements of a crime). Means does not, however, challenge these instructions. And although we may on our own initiative take cognizance of plain error in jury instructions, MD. R. 4-325(f), we only exercise our discretion to review plain error in the “rare, rare” situation that it is “compelling, extraordinary, exceptional[,] or fundamental to assure the defendant a fair trial.” *State v. Brady*, 393 Md. 502, 507 (2006); *Morris v. State*, 153 Md. App. 480, 507 (2003). This case is not one of those rare situations. As we conclude below, the State still provided sufficient evidence to prove general intent beyond a reasonable doubt. *See Austin v. State*, 90 Md. App. 254, 269 (1992) (appellate court will notice plain error only if “the error *probably did* have a crucial bearing upon the verdict”). Nonetheless, we encourage the Standing Committee on Pattern Jury Instructions to incorporate general intent into its instructions for the crimes of “inflict[ing] unnecessary suffering or pain on an animal” and of “unnecessarily fail[ing] to provide [an] animal

ANALYSIS

Means’s sole contention on appeal is that the State was required but failed to present sufficient evidence that she acted with the mental state of gross negligence or criminal negligence.

As a preliminary matter, this Court may only address the merits of a sufficiency of the evidence claim that was preserved for our review. *Starr v. State*, 405 Md. 293, 303 (2008) (requiring sufficiency of the evidence arguments on appeal to be preserved at the lower court). To preserve a challenge to the sufficiency of the evidence, the defendant must have moved for judgment of acquittal after all the evidence was presented at trial. MD. R. 4-324; *Hobby v. State*, 436 Md. 526, 540 (2014). Moreover, even if the defendant moved for judgment of acquittal at the close of all of the evidence, appellate review is limited to only *the same particularized grounds* as the motion for judgment of acquittal. *Starr*, 405 Md. at 302. A motion for judgment of acquittal and an appellate challenge to the sufficiency of the evidence are argued on the same particularized ground if the motion “generally includes” the argument on appeal. *Redkovsky v. State*, 240 Md. App. 252, 261 (2019).

If a sufficiency of the evidence claim is properly preserved for our review, we must determine if, in the light most favorable to the State, any rational factfinder could have found that the essential elements of the crime were established beyond a reasonable doubt. *Moye v. State*, 369 Md. 2, 12 (2002). A culpable mental state is an essential element of

with ... proper protection from the weather. *See* CR § 10-604(a)(3); CR § 10-604(a)(5)(vii); MPJI-Cr 4:09.2(C), (E).

most crimes. *Williams v. State*, 492 Md. 295, 317 (2025). There are a variety of mental states that may apply to establish culpability for a crime, each of which requires a different kind of proof. *See Harris v. State*, 353 Md. 596, 602-03 (1999) (contrasting different culpable mental states). Absent explicit language in the law to the contrary, we presume that the State must prove that the defendant acted with general intent. *Williams*, 492 Md. at 311. General intent requires the State to prove that the defendant engaged in the acts that constitute the crime, but not that the defendant intended the result prohibited by the crime. *Harris*, 353 Md. at 605. Two other mental states suggested by Means to be relevant to this appeal are criminal negligence and gross negligence. Criminal negligence requires the State to prove that the defendant failed to perceive a substantial risk, which was a gross deviation from the conduct of a reasonable person. *Beattie v. State*, 216 Md. App. 667, 681 (2014). Gross negligence requires the State to prove that the defendant acted with a wanton or reckless disregard of life. *State v. Morrison*, 470 Md. 86, 110 (2020).

Before the circuit court, Means argued that the requisite mental state was her general intent to commit the prohibited conduct:

I think one can infer that there was a separate intent that is an element in the restricted dog charges [Counts 10 to 14] where the dog is unable to reach certain items, food, water, certain things, that are not covered by the abuse or neglect. Otherwise, there would be no purpose for having the unattended restricted dog if failing to provide included restrictions for that dog. I do think they are separate and distinct. There is no mention of whether or not there was a restraint, but purely whether or not it was provided, and I think that is separate and apart from whether or not there were restrictions on the dog being able to access that.

Because Means only challenged the evidence of her general intent with respect to Counts 10 to 14, her arguments on appeal with respect to Counts 3 and 9 are not preserved for our

review.² With respect to Counts 10 to 14, Means contends that her argument at trial preserved the argument that she now makes on appeal: that the State was not only required to prove general intent, but also criminal or gross negligence. Specifically, Means contends that the General Assembly imposed a broad requirement, that the State must prove a mental state in addition to general intent, on all crimes in the subtitle that contains the crimes of which she was convicted. *See* CR § 10-602 (“It is the intent of the General Assembly that each animal in the State be protected from intentional cruelty[.]”). She argues that the State was required to prove criminal or gross negligence because the State charged her with “neglect-based theories of animal cruelty.” She construes her argument in the court below and her argument on appeal as overlapping attacks on the State’s evidence on her mental state. She contends that her motion “generally includes,” and therefore preserved, the argument that she makes on appeal. We disagree for two reasons.

² Means contends that she made two other arguments in the court below that preserve her sufficiency challenges with respect to Counts 3 and 9. She is mistaken. *First*, at the close of the State’s evidence, Means argued that the State had failed to present sufficient evidence of neglect to establish general intent for all of the charges. Means did not, however, renew this argument at the close of all of the evidence. *See Hobby*, 436 Md. at 540. *Second*, at the close of all of the evidence, Means argued that the State failed to prove that she engaged in the conduct charged under Counts 3 and 9. This argument refers to evidence of her conduct, however, not her mental state. Conduct and mental state are different elements of her crimes, and a challenge to the sufficiency of the evidence as to each element must be preserved separately. *Harris*, 353 Md. at 602 (“there are two aspects of every crime—the guilty act and the culpable mental state”) (cleaned up). Finally, we note that even if Means had preserved a challenge to the sufficiency of the evidence showing her general intent with regard to Counts 3 and 9, as with Counts 10 to 14, it would still not have preserved the argument she makes on appeal, that the State was required to prove criminal or gross negligence.

First, her argument in the court below was premised on the State’s requirement to prove one mental state: general intent. That argument does not “generally include” an argument that the State was required to prove a different mental state, criminal negligence or gross negligence, which require different kinds of proof than general intent. *See Morrison*, 470 Md. at 110 (gross negligence requires State to prove that defendant wantonly or recklessly disregarded life); *Beattie*, 216 Md. App. at 681 (criminal negligence requires State to prove that defendant failed to perceive a substantial risk, which was a gross deviation from the conduct of a reasonable person).³

Second, her argument before the circuit court did not at all address the broader question of the statutory interpretation of the General Assembly’s codified intent. *See* CR § 10-602 (“It is the intent of the General Assembly that each animal in the State be protected from intentional cruelty[.]”).

The arguments Means pursues on appeal are not on the same particularized ground as the arguments she raised in her motion for judgment of acquittal. *See Starr*, 405 Md. at 302. As a result, we hold that Means failed to preserve her sufficiency of the evidence claim for appellate review. The judgment of the circuit court is affirmed.⁴

³ This is the same logic as in footnote 2, but applies to Counts 10 to 14 instead.

⁴ Even if Means had preserved the specific arguments she makes on appeal, her challenge is without merit. She argues that, because the General Assembly codified its “intent ... that each animal in the State be protected from intentional cruelty,” an additional mental state element is required. *See* CR § 10-602. Means argues that, because the State charged her through “neglect-based theories of animal cruelty,” the additional requisite mental state is criminal negligence or gross negligence. We are not persuaded. The General Assembly’s codified intent “that each animal in the State be protected from intentional cruelty” does not mean that any additional mental state element is required. *See*

**JUDGMENT OF THE CIRCUIT COURT
FOR BALTIMORE CITY IS AFFIRMED.
COSTS TO BE PAID BY APPELLANT.**

CR § 10-602. It means that the General Assembly aimed to prohibit animal cruelty committed with the mental state of general intent. *See Hannah v. State*, 260 Md. App. 701, 726-27 (2024) (use of the word “intentionally” imposes the mental state of general intent as a required element). Nor do the State’s supposed “neglect-based theories” impose a requisite mental state of criminal negligence or gross negligence. We look to the law, not the State’s arguments, to establish the requisite mental state. The provisions containing the crimes for which Means was charged are silent on her mental state. Where the provisions are silent, we presume that the only required mental state for a crime is general intent. *See Williams*, 492 Md. at 317. That presumption is confirmed by the General Assembly’s codified intent to prohibit cruelty committed with general intent. *See* CR § 10-602. General intent is the intent to engage in the acts that constitute the crime without a particular purpose in mind. *Harris*, 353 Md. at 605. This definition is critical: the State need only prove that Means intended to engage in acts that caused harm, not that she intended the harm itself. This general intent may be proven by direct or circumstantial evidence. *Hannah*, 260 Md. App. at 727.

The State presented sufficient evidence to establish Means’s general intent for all seven convictions. Count 3 required the State to prove that Means intended to engage in acts that “inflict[ed] unnecessary suffering or pain on” Fendi. CR § 10-604(a)(3). A rational factfinder could have found that Means’s decision to tie Fendi to the fence in her backyard with a half-length leash in the middle of summer was circumstantial evidence that she generally intended to tie Fendi to the fence with the leash in the summer. The leash trapped Fendi and caused her unnecessary suffering and pain in the form of a heat stroke. Count 9 required the State to prove that Means intended to “unnecessarily fail to provide Fendi with ... proper protection from the weather.” CR § 10-604(a)(5)(vii). Again, a rational factfinder could have found that Means intended to tie Fendi in her hot backyard. Fendi’s lack of shade subjected her unnecessarily to the deadly heat. Counts 10 to 14 required the State to prove that Means intended to leave Fendi “outside and unattended by use of a restraint” that “unreasonably limits movement of the dog,” that “restricts the access of the dog to suitable and sufficient clean water,” that “restricts the access of the dog to ... appropriate shelter,” in “unsafe ... conditions,” and in a manner “that causes injury to the dog.” CR § 10-623(b)(1)-(5). Again, a rational factfinder could have found that Means, by tying Fendi to the fence with a short leash and leaving her there alone, intended to restrain her and leave her there alone. The restraint prohibited Fendi’s movement, prevented her from leaving to find water, prevented her from leaving to find shelter, trapped her in the backyard when temperatures would increase to an unsafe level, and trapped her in the heat that caused her death. The State presented sufficient evidence to prove Means’s general intent for her seven convictions.