

SUPREME COURT OF VIRGINIA

Sullivan v. Commonwealth of Virginia

701 S.E.2d 61 (Va. 2010) · No. Record No. 100431 · Decided November 4, 2010

SUMMARY

The Supreme Court of Virginia affirmed Terry Lynn Sullivan's misdemeanor animal-cruelty conviction for depriving a horse of necessary emergency veterinary treatment. The court held that the evidence, viewed in the light most favorable to the Commonwealth, supported the finding that Sullivan failed to obtain timely veterinary care for the horse's progressive and life-threatening condition.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Senior Justice Charles S. Russell; Chief Justice Hassell; Justice Koontz; Justice Kinser; Justice Lemons; Justice Goodwyn; Justice Millette; Senior Justice Russell
JURISDICTION	Virginia
DECIDED	November 4, 2010
DOCKET	Record No. 100431
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sullivan was convicted in a bench trial in the Circuit Court of Augusta County of misdemeanor animal cruelty for depriving a horse of necessary emergency veterinary treatment. The Court of Appeals of Virginia affirmed in a memorandum opinion, with one judge dissenting. The Supreme Court of Virginia awarded Sullivan an appeal to review the sufficiency of the evidence.
STANDARD OF REVIEW	For sufficiency of the evidence in a criminal conviction, the evidence is viewed in the light most favorable to the prosecution and the question is whether any rational trier of fact could have found the essential elements beyond a reasonable doubt. Findings of fact and reasonable inferences are upheld unless plainly wrong, and appellate courts defer to the fact-finder when evidence supports the findings.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Terry Lynn Sullivan v. Commonwealth of Virginia

TOPICS

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QUESTIONS PRESENTED

1. Whether the evidence was sufficient to prove beyond a reasonable doubt that Sullivan deprived Dip of necessary emergency veterinary treatment in violation of former Code § 3.1-796.122.

HOLDINGS

1. The evidence was sufficient to establish that Sullivan deprived Dip of necessary emergency veterinary treatment. The trial court could reasonably infer that Dip had progressively deteriorated for weeks and that, at minimum, she required immediate emergency veterinary care during the 30 to 48 hours before her death, when no such care was provided.

KEY QUOTATIONS

“Applying that definition, we agree with the Court of Appeals' conclusion that there was ample evidence to support a finding that Ms. Sullivan deprived Dip of necessary emergency veterinary treatment.” (701 S.E.2d at 64)

“At the very least, the court could properly conclude that the horse was in such a condition during a period of 30 to 48 hours before its death that emergency veterinary care was immediately necessary to alleviate suffering, during which time no such treatment was provided.” (701 S.E.2d at 64)

FACTUAL BACKGROUND

Dip, a twenty-year-old mare owned and kept by Sullivan's equine foundation, was found lying in a pasture, extremely thin, dehydrated, emaciated, and unable to raise her head to drink. Veterinary testimony established that Dip's emaciation had developed over weeks, that she suffered from multiple serious diseases and parasites, and that she had required emergency treatment well before the responding veterinarian arrived. Sullivan had contacted a veterinarian after learning the horse was down but did not have him examine Dip, and the horse died after emergency treatment was eventually administered.

PROCEDURAL HISTORY

Sullivan was charged by warrant under former Code § 3.1-796.122, convicted in general district court, and appealed to the Circuit Court of Augusta County. After a bench trial, the circuit court found her guilty and sentenced her to twelve months in jail, with six months suspended subject to conditions. The Court of Appeals affirmed, and the Supreme Court of Virginia affirmed the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- Johnson v. Commonwealth, 209 Va. 291, 295, 163 S.E.2d 570, 574 (1968)
- Sullivan v. Commonwealth, Record No. 1886-08-3, 2010 WL 152062 (Va. Ct. App. Jan. 19, 2010)

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