

STATE OF MAINE

v.

THOMAS R. GUSLER

Submitted on Briefs January 26, 2022
Decided February 3, 2022

Panel: MEAD, JABAR, HUMPHREY, HORTON, and CONNORS, JJ.

MEMORANDUM OF DECISION

Thomas R. Gusler appeals from a judgment of the trial court (Franklin County, *Oram, J.*), ordering the euthanasia of five of his dogs after he admitted to five counts of the civil violation of keeping a dangerous dog, 7 M.R.S. § 3952-A (2021). Gusler contends that the trial court erred in ordering the euthanasia of the dogs because the State failed to meet its burden of showing, by a preponderance of the evidence, that any particular dog inflicted serious bodily injury upon a person. *See* 7 M.R.S. § 3952-A(2)(A)(1). We disagree and, viewing the evidence in the light most favorable to the State, *see State v. Palmer*, 2017 ME 183, ¶ 7, 169 A.3d 425; *see also State v. Wilson*, 2015 ME 148, ¶ 13, 127 A.3d 1234, we conclude that (1) the findings of the trial court were sufficient to support the result, *see Ehret v. Ehret*, 2016 ME 43, ¶ 9, 135 A.3d 101; *Jarvis v. Jarvis*, 2003 ME 53, ¶ 18, 832 A.2d 775, and (2) the trial court did not clearly err in finding that each dog inflicted serious bodily injury because there is competent evidence in the record to support that finding, *see Sulikowski v. Sulikowski*, 2019 ME 143, ¶ 9, 216 A.3d 893; *Theberge v. Theberge*, 2010 ME 132, ¶ 17, 9 A.3d 809.

The entry is:

Judgment affirmed.

Aaron K. Baltes, Esq., Norman, Hanson & DeTroy, LLC, Portland, for appellant
Thomas R. Gusler

Andrew S. Robinson, District Attorney, and Claire Gallagan Andrews, Asst. Dist.
Atty., Office of the District Attorney, Farmington, for appellee State of Maine

Franklin County Unified Criminal Docket docket number VI-2020-101
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