

2012 IL App (2d) 111094-U
No. 2-11-1094
Order filed August 16, 2012

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IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

THE PEOPLE OF THE STATE)	Appeal from the Circuit Court
OF ILLINOIS,	)	of McHenry County.
)	
Plaintiff-Appellee,)	
)	
v.	)	No. 10-CM-1830
)	
JAMIE KOY,	)	Honorable
	)	Charles P. Weech,
Defendant-Appellant.	)	Judge, Presiding.

THE PEOPLE OF THE STATE	)	Appeal from the Circuit Court
OF ILLINOIS,	)	of McHenry County.
)	
Plaintiff-Appellee,)	
)	
v.	)	No. 10-CM-2164
)	
JAMIE KOY,	)	Honorable
	)	Charles P. Weech,
Defendant-Appellant.	)	Judge, Presiding.

JUSTICE BOWMAN delivered the judgment of the court.
Justices McLaren and Birkett concurred in the judgment.

ORDER

Held: There was sufficient evidence to sustain defendant's convictions of cruelty to a companion animal.

¶ 1 Defendant appeals her convictions for eight counts of cruelty to a companion animal (510 ILCS 70/3.01 (West 2010)) for which she was sentenced to two years' conditional discharge, \$1,200 in fines, and 60 days' in jail. Defendant argues that the State failed to prove her guilty beyond a reasonable doubt. We affirm.

¶ 2 I. BACKGROUND

¶ 3 Defendant was charged with multiple counts of animal cruelty and owner neglect (510 ILCS 70/3(a)(West 2010)) for conduct relating to her care of several horses—Stewie, Briar, Paris, Snips, and Mikey. Five counts were entered in trial court case No. 10-CM-1830, and three counts were entered in trial court case No. 10-CM-2164. The counts pertaining to Briar, Paris, and Mikey stem from conduct that occurred on April 29, 2010. The charges stemming from conduct on August 2, 2010, involved all the horses. The cause went to a week-long jury trial in May 2011.

¶ 4 Mandi Spohr, an animal control officer, testified first for the State. On April 29, 2010, Spohr went to Rose Farm Road in Woodstock to investigate the condition of some horses. Spohr found six thin horses in a dry dirt lot with no hay, pasture, or grass. Spohr testified that she could see the horses' hip bones, back bones, and ribs. She determined that defendant owned the horses. Briar wore a cribbing collar, was flea-bitten gray, thin, and his feet needed care. A cribbing collar prevents the horse from chewing on wood. Spohr explained that horses crib out of boredom, neglect, and hunger. Spohr observed an old fracture injury on Briar's right front ankle. Other than his thinness, Briar appeared in good health. Spohr testified that in her opinion, Briar appeared starved and malnourished. Using photographs, Spohr identified the visibility of Briar's bones as evidence of his malnourishment or starvation.

¶ 5 Spohr described the condition of Paris as very malnourished. Paris had fungus on her hind legs, visible ribs and hip bones, and walked with a stumble. Spohr testified that the fungus appeared to be a rain rot, which is a fungus from being left outside. Spohr thought Paris looked malnourished and starved. Spohr described Mikey as half-shaved, and he had visible ribs, walked with a hunch in his back, and his back legs did not appear fully functioning. Spohr did not believe Mikey was in good health. Like Briar and Paris, Spohr testified that Mikey appeared malnourished and starved. Spohr identified photos of Mikey and Paris, showing their condition as of April 2010.

¶ 6 Spohr testified that she asked defendant about the condition of Briar and her other horses, and defendant told her that she had not been allowed on the property. Spohr testified that she monitored these horses every other day from April 29 through July 30, 2010. During the month of May, Spohr observed Paris, Briar, and Mikey gaining weight and appearing healthier. Spohr testified that during this time period, the property owner, Donald Kamps, was caring for the horses.

¶ 7 Later that summer, Spohr received a call from the Hooved Humane Society, and Spohr went to the Clover Hill Stables in Crystal Lake. Spohr observed eight skinny horses on a dry dirt lot in the middle of a field. Spohr saw evidence that the horses had been cribbing all along the fence, and she saw no food in sight. Spohr recognized Mikey, Paris, and Briar. Briar appeared to have lost 100 pounds, and every bone was showing. Spohr also could still see the right front foot injury, and Briar was wearing a cribbing collar. Briar appeared in worse condition than he did in April. Briar appeared malnourished and starved. She identified photos of Briar showing his condition in August. Similarly, Spohr testified that Paris appeared emaciated and in worse condition than in April. Spohr testified that Paris appeared malnourished and starved. She also described Mikey as appearing emaciated, malnourished, and infected with a terrible fungus. Mikey's coat was patchy because of

the fungus. Mikey also appeared to be in worse condition than when Spohr saw him in April. Spohr testified that Mikey appeared malnourished and starved. Spohr identified photos of Paris and Mikey showing their condition as of August 2010.

¶ 8 Spohr testified that she called for a veterinarian and for defendant. Spohr asked defendant why the horses did not have food and what was going on with them. Defendant told Spohr that she had food on the way. Defendant told Spohr that Mikey had colic surgery and he was recovering.

¶ 9 In addition to Briar, Mikey, and Paris, Spohr also observed Stewie, who appeared emaciated and malnourished. She identified photos of Stewie and identified areas where his ribs, hips, and backbone were exposed. Defendant stated that she acquired Stewie a couple of months earlier, so Stewie was not at the other horse farm that Spohr investigated. Spohr also observed Snips, who appeared to be in a life-threatening condition. Snips appeared very emaciated and malnourished. Snips was moving around very slowly and appeared starved. Spohr identified photos that depicted Snips as she saw him that day. She identified areas that showed Snips' bones sticking out.

¶ 10 Spohr testified that she looked around the barn and did not observe any hay or food around. She contacted her supervisor at Animal Control and then met with Dr. Genge, the veterinarian that examined the horses. After reviewing the horses with Dr. Genge, Spohr decided to arrest defendant. The Hooved Animal Society was there, and it took the horses into its care. The Hooved Animal Society kept the five horses for 20 days, then Spohr moved four horses to the university in Madison, Wisconsin because the horses needed more specialized veterinarian care, which the university could provide. Spohr testified that Snips died on August 14, 2010, and thus did not make it to the university. Snips was too emaciated and was never able to recover. Spohr testified that Snips was

euthanized. Spohr testified that she visited the four horses in Madison on August 28. On that day, Stewie had to be euthanized.

¶ 11 On cross-examination, Spohr admitted that on her April visit, Kamps had to unlock a padlock to allow her into the barn. She acknowledged that there was a trailer full of hay on the property. She admitted that the only horses present were defendant's horses and thus the hay would have been meant for defendant's horses. Spohr admitted that she had to visit Kamps's property every other day because he and defendant had disputes over money often and while there, Spohr checked on the horses' well-being. Spohr admitted the only reason she knew for the horses to have gained 50 to 75 pounds in the two-weeks following her initial visit was that Kamps was feeding the horses. She admitted that she learned the horses had been diagnosed with worms by a veterinarian but she had no knowledge of the impact of such diagnoses on the horses' weights. She further admitted that defendant did not have access to the barn on April 29 and did not have access to the dry lot area of the Kamps property on April 29.

¶ 12 Julianne Heavey, owner and operator of Crystal Valley Equine in McHenry, testified that defendant began boarding horses at her barn in January 2007 and continued until about June 2008. Heavey knew Briar because he had been boarded at her barn on and off beginning in 2005. Heavey came to own Briar and traded Briar with one of defendant's horses. Heavey identified Briar in pictures taken in April 2010, and testified that Briar had much more bone protruding than when she had Briar. She also knew Stewie as she previously owned him. She knew Stewie to be a good weight and his only issue was weak stifles, which meant that he needed to be worked so that he built up muscle in his back end. Heavey gave Stewie to defendant because her daughter wanted a horse that was not so quiet and easy to ride. She thought defendant might enjoy Stewie as a training

prospect. Reviewing the April 2010 photos of Stewie, Heavey testified that Stewie was not emaciated when she had Stewie.

¶ 13 On cross-examination, Heavey admitted she was friends with defendant but upset about the present events. She denied that she knew Stewie had an internal blister stifle. Heavey stated that a stifle (a horse's joint) related to weak muscles and that Stewie would need to work to strengthen his rear muscles, which are used in jumping. However, Stewie would be fine with riding or trail riding.

¶ 14 Dr. Jerome Genge, a veterinarian, testified that on May 12, 2010, he went to Don Kamps' horse farm and looked at around six horses. He examined Paris and noted that she had some bite wounds on her left flank and rib cage and on her left foreleg. On a scale of 1 to 10, Dr. Genge rated Paris a 3, which meant the horse was underweight. Dr. Genge also examined Mikey and rated him between a 3 and 4 because he too was underweight. Dr. Genge examined the horses again on August 2, 2010. He examined Briar on that date and noted that he had a swollen tendon sheath on his right front leg. It was not a significant finding. Dr. Genge testified that he gave Briar a score of 2 on a scale of 1 to 10 because he was so thin; Dr. Genge considered it life-threatening. In his opinion, Briar was starving. Dr. Genge also examined Paris that day, and he scored Paris as a 2 because Paris also was so thin that Dr. Genge considered it life-threatening. Dr. Genge examined Stewie in August and observed that Stewie's left eye was swollen most probably from trauma or getting smacked by another horse or something like that. He gave Stewie a 1 on a scale of 1 to 10 because his condition was so bad. He believed Stewie was starving and his life was at risk. He examined Snips and rated him a 2 because Snips was in a life-threatening condition. He considered Snips to be starving. Dr. Genge examined Mikey in August and determined that he had symptoms of a "bellyache" and colic,

his heart rate was higher than normal, and his colon was enlarged. He gave Mikey a score of 2 on a scale of 1 to 10.

¶ 15 On August 14, 2010, Dr. Genge examined Snips because he was called out to the Humane Society regarding a horse that was down and could not get up. Snips was dying. Dr. Genge recommended that Snips be euthanized because of the extent of his injuries from thrashing on the ground and his inability to stand up.

¶ 16 On cross-examination, Dr. Genge testified that horses sometimes fight and bite each other. He admitted that the bite marks on defendant's horses did not necessarily represent inhumane treatment. He also admitted that when a horse is starving, the horse must be slowly introduced to the proper nutrition; it was not a good idea to just let a starving horse go to pasture. Dr. Genge testified that it will take time for the horse to acclimate to the proper nutrition.

¶ 17 Jill Heisler, a volunteer licensed investigator with the Hooved Animal Humane Society, testified next for the State. On June 24, 2010, Heisler went to Clover Hill Stables to investigate a complaint about underweight horses. She spoke to defendant regarding the complaint. Heisler looked at Paris and described her as being very bony, with unkempt feet and having several sores on her body. She also looked at Mikey and observed that he was underweight, bony, and had the beginnings of rain rot. Heisler observed Stewie, who was also thin, underweight, and lacked muscle. Heisler testified that Snips was the skinniest of all the horses and had the most severe case of rain rot. Heisler made plans to return in approximately three to four weeks. Defendant was told this information.

¶ 18 On July 29, Heisler returned to the Clover Hill Stables. The horses were still very thin and appeared worse than the month before. She again spoke to defendant. Heisler commented that the

horses seemed thinner, and defendant said that Paris seemed to be the only horse gaining weight, which defendant expressed disappointment with because she liked Paris the least. On this visit, Heisler observed Briar, who appeared thin, with unkempt feet, and sores on his skin. All the horses appeared worse than they had in June, according to Heiseler.

¶ 19 Heisler returned on August 2 and observed that the horses' conditions had not worsened but did not drastically change at all. The horses were being kept in the "hospital barn," which is a stalled facility, and they were being fed. On August 12, she returned, and the horses were still in the hospital barn and being fed. On August 14, the horses were in the same barn and being fed. The horses' conditions did not worsen. On cross-examination, Heisler testified that the horses did not improve dramatically while in the Hooved Animal Humane Society's care, but they appeared more bright-eyed and energetic.

¶ 20 Dr. Sara Jacob, a veterinarian at the University of Wisconsin Veterinary Teaching Hospital, testified that she treated Briar, Paris, Mikey, and Stewie beginning when the horses arrived at her facility on August 20. Briar was brought in due to weight loss and muscle atrophy, which Dr. Jacob attributed to severe emaciation most likely due to malnutrition and/or starvation. Dr. Jacob ruled out other diseases that could have caused Briar's conditions by performing various tests. Briar arrived weighing 1,020 pounds and left on August 31, weighing 1,069 pounds. He was fed using a refeeding system that allows the horse to adjust to the additional nutrition.

¶ 21 Paris was brought in due to her emaciated state, which Dr. Jacob attributed to malnutrition. Dr. Jacob ruled out other causes for Paris's condition by performing various tests. Paris weighed 832 pounds when she arrived on August 20 and was discharged at 902 pounds on August 31. Paris was fed in the same manner that Briar was fed.

¶ 22 Mikey was brought in because of severe emaciation, muscle loss, and skin lesions due to rain rot. Again, Dr. Jacob attributed Mikey's condition to malnutrition and starvation and other causes were ruled out. Mikey weighed 867 pounds on August 20 and was released on August 31, weighing 992 pounds.

¶ 23 Stewie was brought in because of his emaciated state and muscle loss. Dr. Jacob did not know Stewie's weight when he arrived on August 20 because he collapsed briefly on the trailer prior to getting him off and had to be taken immediately to a padded stall in the hospital. In the initial days, Stewie remained standing in the hospital stall, gained a bit of strength, was eager to eat, but he was sore on his feet due to laminitis, which is the inflammation of part of the lining of the foot. Laminitis can be caused by a metabolic imbalance, malnutrition, or poor foot care. On August 28, Stewie collapsed around 8 p.m. When she arrived, Dr. Jacob saw Stewie down on his side, paddling, and unable to get up. He was throwing his head and legs around. Dr. Jacob testified that she attempted to get Stewie back on his feet but was unsuccessful. Stewie was heavily sedated so that he would not injure himself while thrashing. That evening, Stewie was euthanized. The necropsy exam, which is a postmortem examination, revealed that Stewie had no body fat, that there was feed in his gastrointestinal tract, and that he was quite thin with no body reserves. Dr. Jacob explained that Stewie suffered from negative energy balance, which is when the horse does not have enough calories in them or are trying to catch up from a previous condition, such as starving, to get their body to a point of normal function. Stewie had a 2.77% fat content in his bone marrow at death. Dr. Jacob explained that a healthy horse had a bone marrow fat content of 62% to 99%. Dr. Jacob denied that Stewie's bone marrow content could have been within normal ranges at the beginning of August. Based on her treatment of Stewie and the necropsy results, Dr. Jacob diagnosed Stewie

with severe emaciation and muscle loss most likely due to malnutrition and starvation. Dr. Jacob had ruled out other potential causes for the severe malnutrition through various tests.

¶ 24 Dr. Jacob did not treat Snips but was aware that the university performed the necropsy of him on August 14. The results showed Snips did not have any body fat, muscle loss, feed in his gastrointestinal tract, and a bone marrow fat content of 5%. Dr. Jacob denied that the bone marrow fat content could drop so low in a matter of two to three weeks. Based on the necropsy results, Dr. Jacob believed Snips died from emaciation due to malnutrition and starvation. Other tests were performed that ruled out other causes for the malnutrition, such as parasites or worms.

¶ 25 Dr. Jacob denied that the consumption of red clover, a type of grass that is sometimes found in a field or pasture, could cause long-term damage to a horse's health. She explained red clover sometimes caused hypersalivation. Regarding the bone marrow fat content, Dr. Jacob testified that it would take months for horses with such low contents as found in Snips and Stewie to return to normal. Dr. Jacob believed that the starvation of defendant's horses began at least 60 days earlier, possibly 90 days earlier. Dr. Jacob testified that when Briar first arrived, he cribbed and wore a cribbing collar. He stopped cribbing after one day. She testified that cribbing was a bad habit but not necessarily a sign of anything bad.

¶ 26 Kiley Gardner, an officer with the McHenry County Animal Control Department, testified for the defense. Gardner testified that in early June 2010, she oversaw animals being transported to Clover Hill Farm. She identified Paris, Mikey, and Briar as some of the horses being transported and described the horses as very thin.

¶ 27 Defendant testified that her family had been in the horse industry for over 150 years. She had been riding horses "since [she] was in diapers," and had been training and instructing for eight years.

She taught horseback riding lessons for the park district, show groomed for the Northern Illinois Hunter Jumper Association, and cared for, fed, provided medical care, and groomed for top-rated, nationally-ranked event horses on the United States Eventing Federation circuit. Defendant testified that she was a professional instructor and handler.

¶ 28 Defendant testified that Mikey was a thoroughbred but not racing when she acquired him in winter 2009. He came to her with a club foot, which made him unable to race. She used him with her student riders because he was such a quiet, gentle horse. In March 2010, Mikey's colon flipped and rested on his liver, which caused him to go into liver failure. He had surgery at the University of Madison. After that, Mikey was not as energetic, and she was told to have him confined to a stall for four months until the incision healed.

¶ 29 Defendant testified that Briar raced for three seasons at Arlington Park until a career-ending fracture of his ankle bone. She acquired Briar in 2007 through a horse trade with Christine Keno. Briar also had a leaking vein in his right front leg, which was more of a cosmetic issue, and was a cribber. She had Briar wear a cribbing collar to help him with the bad habit. She used Briar in giving riding lessons until about July 2010. Around that time, Briar suffered a left front foot injury after a fall. Defendant had to place him on stall rest because of the injury. While on stall rest, defendant testified that Briar lost muscle mass. Defendant looked at photos of Briar while at the University of Wisconsin and testified that she believed he was dehydrated.

¶ 30 Defendant acquired Paris from Arlington Park racetrack in 2009. Paris suffered a severe knee injury that ended her racing career. Defendant acquired her for the purpose of rehabilitating her. She had to have Paris laid up for four months to recover from the injury, and then used her for riding

lessons. Paris was underweight and had abscesses on her hooves when defendant acquired her. She also had shin splints, so defendant applied pressure wraps to them.

¶ 31 Defendant testified that she acquired Snips at the end of the racing season of 2009. She intended Snips to be a long-term rehabilitation project because Snips had an injured stifle. Defendant stated the stifle joint in his back left leg was completely locked in place, and he had no rotation through his back leg. Thus, Snips's back leg was not allowed to swing freely back and forth when he moved. Defendant walked Snips to rehabilitate his leg and eventually she used him for riding lessons. In January 2010, Snips became severely ill with diarrhea. Defendant contacted Dr. Genge, and he prescribed two medications for the horse. Defendant testified that Snips never really recovered. He lost a lot of weight and looked near death.

¶ 32 Defendant testified she acquired Stewie at the end of April 2010 when she was contacted by Julianne Heavey. Heavey asked if defendant wanted a large horse that would be a big project. Stewie had significantly weak stifles and required a regimen of hill work to build up the muscles. Stewie also had feet and ankles that caused him to put his entire weight on his front ankles. Defendant was having farrier work done on his ankles to help address the problem.

¶ 33 Defendant testified that Mikey, Paris, and Briar were being kept at a private residence in Woodstock (the Kamps property), which had a total of eight acres, a barn, and four stalls. The property also had two large grass pastures, a small dry dirt lot, and a pond. Defendant testified that she last had access to the property on April 19, 2010, which was when she was physically locked off the property because of a rent dispute. Between April 19 and June 3, defendant did not have access to the property. Between April 19 and April 29, defendant testified that her horses appeared to look rougher. On April 29, defendant was at the stable with Officer Spohr, but she was not allowed to

closely look at the horses. Although she was unable to see or provide for the horses between April 19 and 29, she testified that she thought the horses looked about average on April 29. She denied that they looked malnourished.

¶ 34 Defendant testified that she regained access to her horses in early June, and at that point they looked like they had not been receiving proper food and nourishment. Between June and July 29, the horses were gradually putting weight on. It was difficult for them to gain weight because it was very hot outside for long periods of time. She was also feeding them in small portions to build up their weight slowly. She only let them go to pasture when it was excessively hot.

¶ 35 Defendant denied that any of her horses had laminitis prior to her losing possession of them in August 2010. She testified that on August 2, her horses were in the same condition as when they were returned to her on June 3. They were all putting on weight and doing well.

¶ 36 On cross-examination, defendant admitted that Snips and Stewie were not at Clover Hill Farm (Kamps's property) in April or May because they were boarded in Hampshire. She admitted that she was not a veterinarian. She admitted that she had in her care between June 3 to August 3, Briar, Stewie, Paris, Mikey, and Snips. Defendant admitted she was locked off the property because Kamps thought she was behind in rent. A copy of Kamps's lawsuit was produced, showing he sued her for \$10,000 for unpaid rent and expenses paid for by him for the care, feeding and maintenance he provided defendant's horses. Defendant acknowledged that she eventually reached a settlement agreement with Kamps that she be allowed to move her horses to another facility after paying \$5,700. She admitted that she did not sue Kamps after getting possession of her horses back on June 3, after noticing they appeared in worse condition than they did on April 10. Defendant testified that a lawsuit would take time, and she just wanted her horses back to take care of them.

¶ 37 Dr. Lisa Lembke, a veterinarian with the McHenry County Department of Health, testified that she examined the horses on August 20, at the Clover Hill Stable in Crystal Lake. She determined that the horses needed a greater level of care than what they were receiving at the stable. The horses were moved to the University of Wisconsin's veterinary medicine school. She examined Mikey, Briar, Paris, and Stewie. The horses appeared dehydrated, hypersalivating, very thin, and Stewie had tender feet that made it difficult for him to move around. Dr. Lembke thought the general nutritional status of the horses was so frail that they did not need to take in any red clover, which causes hypersalivation. She testified that red clover does not contribute to mortality, but she felt the horses did not need any more issues given their poor nutrition. On cross-examination, Dr. Lembke stated that even if the horses did not take in red clover, she would have sent the horses to the University "without a doubt" because they were in such poor condition. Dr. Lembke testified that she was afraid Stewie was going to "die right then and there." She testified that the horses's consumption of red clover had nothing to do with their malnutrition.

¶ 38 Donald Brian Kamps testified as a rebuttal witness for the State. Kamps testified that defendant rented his barn and pasture area beginning in January 2009. As part of the lease agreement, Kamps did not provide any services for the horses. Defendant failed to pay the rent and promised that when she sold the horses, she would pay. The horses were boarded on his property for about a year and a half, and he noticed that over that time, they got skinnier. Kamps realized the horses were not going to be sold, and he told defendant they would need to reach a settlement and move on. They eventually reached a settlement. At one point, Kamps had padlocked the barn so that the horses and the equipment would not leave, which was part of the contract if the rent was not paid. He denied ever telling defendant that she was not allowed to come onto the property. Kamps

testified that defendant was allowed on the property to care for the horses, but she would have to let him know when she was coming. Kamps testified that defendant did contact him to care for the animals, but he did not recall how many times. He also testified that he fed and watered the horses on a daily basis when they were in his care. He provided veterinary care for the horses at the end of April and beginning of May. He also provided farrier care for the horses during that time. He paid for these services.

¶ 39 The jury returned guilty verdicts on all charges, with the neglect charges merging into the cruelty charges. The trial court sentenced defendant on eight counts of cruelty to a companion animal, ordering two years' conditional discharge, \$1,200 in fines, and 60 days in jail. Defendant timely appealed, arguing that there was insufficient evidence to sustain her convictions.

¶ 40

II. ANALYSIS

¶ 41 Defendant argues that the State failed to prove her guilty of cruelty to a companion animal beyond a reasonable doubt where the evidence showed that she was locked off the Kamps property and denied access to her horses. We disagree.

¶ 42 When reviewing a challenge to the sufficiency of the evidence, this court considers whether, 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. *People v. Kotlinski*, 2011 IL App (2d) 101251, ¶ 38. A criminal conviction will not be set aside unless the evidence is so improbable or unsatisfactory that it creates a reasonable doubt of the defendant's guilt. *Id.* The critical inquiry in reviewing the sufficiency of the evidence is whether the evidence reasonably supports a guilty finding regardless of whether the evidence is direct or circumstantial, or whether the trial was by bench or jury. *Id.* The conviction must be reversed if the court determines that the

evidence was insufficient to establish the defendant's guilt beyond a reasonable doubt. *Id.* The reviewing court does not retry the defendant, and issues of credibility of witnesses and the weight to be placed on witness testimony is within the province of the fact finder. *People v. Nesbit*, 398 Ill. App. 3d 200, 209 (2010).

¶ 43 Section 3.01 of the Humane Care for Animals Act (510 ILCS 70/3.01 (West 2010)) provides that “no person or owner may beat, cruelly treat, torment, starve, overwork or otherwise abuse any animal.” Here, the State provided evidence that defendant's horses were starved while in her care on or about April 29 and again on or about August 2. Contrary to defendant's claim, the evidence that defendant was locked out of Kamps's property did not create a reasonable doubt that warrants reversal of the convictions related to conduct in April. Spohr testified that the barn was padlocked and that defendant did not have access to the barn on April 29. Defendant testified that Kamps locked the property beginning on April 19, and she did not regain access until June 3. Kamps testified that he locked the property when defendant failed to pay rent. However, he denied telling defendant she could not come on the property. He testified that she was allowed to come onto the property to care for the horses, but she would have to let him know so he could let her in. He testified that she did so, but he did not know how many times. He also testified that he fed and watered the horses on a daily basis while they were in his care, and he provided veterinary care and farrier service at the end of April and beginning of May. Kamps testified that his lawsuit against defendant had sought overdue rent plus the expenses for the food and veterinary care he provided the horses. Spohr testified that the horses appeared to be gaining weight in May, which was when she knew the horses to be fed and watered by Kamps.

¶ 44 Moreover, the fact that the horses appeared thin, malnourished, and unkempt on April 29 was refuted only by defendant's testimony. Kamps testified that the horses appeared to be thinner over the course of the year they were boarded on his property. Dr. Genge testified that the horses appeared malnourished when he examined them May 2, rating them a 3 on a scale of 1 to 10, and that they appeared much worse in August. Dr. Jacob further testified that the horses were malnourished and starving and that she believed the condition of the horses began at least 60 days to 90 days earlier, meaning the lack of proper food was an ongoing issue and not a recent development. Thus, even if defendant was denied access to her horses for the ten days that she claims, that was not a sufficient time period to result in the condition that the horses were in when she was arrested nor does it explain why the horses improved while in Kamps's care and then continued to deteriorate after she regained access to the horses on June 3.

¶ 45 We further reject defendant's argument that she took in horses that were in bad shape in order to rehabilitate them and that explained their starved condition. Defendant's testimony addressed various injuries, and that she testified she rehabilitated the horses to the point that she was able to use them for riding lessons. She never testified that she took in horses that were underweight, other than Paris, and did not testify or otherwise establish the horses came to her malnourished. Rather, the horses had various ankle and leg conditions that ended their racing careers but would not prohibit them from being riding horses. Defendant produced no evidence that any prior condition that the horses had could have resulted in the starved condition that they were found in. Even defendant's veterinarian witness, Dr. Lembke, testified that when she examined the horses on August 20, they were in very poor condition and needed a higher degree of care than they were receiving.

¶ 46 Based on the evidence, viewed in the light most favorable to the prosecution, a rational jury could have found the essential elements of the crime beyond a reasonable doubt for both periods of time. We therefore affirm the judgment of the circuit court.

¶ 47 III. CONCLUSION

¶ 48 For the reasons stated, we affirm defendant's convictions of cruelty to a companion animal.

¶ 49 Affirmed.