

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

LARRY EDWARD SOPER,

Defendant-Appellant.

UNPUBLISHED

July 19, 1996

No. 182213

LC No. 93-007416 FH

Before: Doctoroff, C.J., and Wahls and Smolenski, JJ.

MEMORANDUM.

Pursuant to an agreement, defendant pleaded guilty to animal fighting, MCL 750.49; MSA 28.244, and was sentenced to 180 days in jail. He appeals as of right. We affirm.

The trial court did not err in determining that MCL 750.49; MSA 28.244, as amended by PA 1988, No. 381, § 1, prohibits cock and bird fighting. See *Gross v General Motors Corp*, 448 Mich 147, 158-159; 528 NW2d 707 (1995). The provision which makes it a crime to own, possess, keep or use a “bull, bear, dog, or other animal” for the purpose of fighting or baiting includes birds, fowl and cocks. Any other construction would obtain an absurd and illogical result. *Id.*, 164. Further, the legislative history of the 1988 amendment contains no evidence that the Legislature intended to decriminalize bird, fowl or cock fighting.¹

There is no evidence in the record that the trial court held ex parte discussions with a legislator. The court’s actions in obtaining the legislative history of the act were pursuant to the authorization of the parties and within the parameters of the court’s authority.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Myron H. Wahls

/s/ Michael R. Smolenski

¹ Although we have not considered the following in our analysis of this issue, we do note that MCL 750.49; MSA 28.244 was again amended by 1995 PA 228, effective January 1, 1996 , to define “animal” as “a vertebrate other than a human.” A “vertebrate” is defined as “belonging or pertaining to the Vertebrata, a subphylum of chordate animals having an internal skeleton of bone or cartilage that includes a braincase and a spinal column, and comprising mammals, *birds*, reptiles, amphibians, and fishes.” *Random House Webster’s College Dictionary* (1992) (emphasis supplied).