

**HARRIS COUNTY BOARD OF COMMISSIONERS
APPEAL HEARING OF LEE SLAPPY
REGARDING CLASSIFICATION OF DOG
AS DANGEROUS DOG**

August 5, 2014
6:00 PM

Commissioners Present: J. Harry Lange, Joey Loudermilk, Becky Langston, Jim Woods. Suspended: Charles Wyatt. Staff Present: Greg Wood, County Manager; John Taylor, County Attorney; Nancy D. McMichael, County Clerk.

CALL TO ORDER. Chairman Lange called the Hearing to order, said that it was regarding the “dangerous dog” classification of a dog owned by Lee Slappy, and asked John Taylor, County Attorney, to conduct the hearing.

HEARING. Mr. Taylor said that this is an appeal hearing under the Animal Control Ordinance regarding the “dangerous dog” classification of a dog under the Ordinance. He explained the procedures and definition of a dangerous dog.

Mr. Taylor submitted evidence Exhibits A-H, and then swore in Clyde Geter, III, Animal Control Officer, and Lee Slappy. (Exhibits can be found in “Miscellaneous Documents” file as MD# 14-16.)

Clyde Geter, III, Animal Control Officer, in response to questions from Mr. Taylor, explained that the complaint made by Theresa Sturges, dated May 30, 2014, had been investigated by his former Animal Control Assistant; that the complaint indicates that a pit bull, Cujo, owned by Mr. Slappy, went into the yard of Mrs. Sturges; that Mrs. Sturges’ dog, Harley, got between Mrs. Sturges and her son and the pit bull; that the two dogs got into an altercation which resulted in Cujo tearing out one of Harley’s eyes and mutilating one of Harley’s front legs; that he since investigated the incident, and obtained a copy of the report filed by Harris County Deputy Clarke Roberts; that Deputy Roberts’ report reflected the injuries to Harley, that the Deputy was attacked by the dog, Cujo; that the Deputy shot at the dog, striking it two times; that the dog got away and went back to his home; that the Deputy has a video of what occurred once he got on the scene; and that as a result of his (Geter) investigation, he determined the dog, Cujo, to be a dangerous dog, due to the attack on the smaller dog that was severely injured; that a written notice of the classification of Cujo as a dangerous dog was mailed to Mr. Slappy, and that an appeal notice was received. In response to questions from Commissioner Loudermilk, Mr. Geter confirmed that the video was made from the camera mounted on the Deputy’s car, which is standard operating procedure of the Sheriff’s Office.

Deputy Clarke Roberts, called as a witness, appeared before the Board and was sworn in by Mr. Taylor, who then asked him to explain what occurred when he responded to 380 Orbit Street on May 30, 2014. Deputy Roberts said that he was dispatched to the scene in response to a call regarding a vicious dog; that upon arrival, he talked with Mrs. Sturges and got her statement that included she and her son had left their residence and were approached by Cujo; that Cujo appeared aggressive toward them; that the Sturges’ dog, Harley, put himself between Mrs. Sturges and her son and Cujo; that Mrs. Sturges and her son retreated back to the house; that Cujo attacked Harley and carried him around the corner of the house; that after calming down Mrs. Sturges, he (Deputy) walked toward the driveway and called for Harley a couple of times and got no response except from Cujo, who charged toward him; that he stepped back, drew his weapon, and fired three times at the dog, Cujo, who was hit; that the neighbor across the street, Georgette Medlin, came out of her house screaming because she thought he had shot Harley; that he asked Ms. Medlin to go back into her house and that he would get a statement from her later; that Mr. Slappy came up wanting to know who shot his dog, to which he advised Mr. Slappy that he (Deputy) had shot the dog; that he explained to Mr. Slappy why the dog had been shot and advised him to go take care of his dog; that he notified his supervisor, Sgt. Pitts, who arrived on the scene and stayed with Ms. Sturges; that he went to talk to Ms. Medlin and got her statement of what she had seen and/or heard and included a few other incidents involving Cujo and Harley; and that after the initial conversation, he did not talk with Mr. Slappy as he had taken Cujo to the vet. In response to questions from Mr. Slappy, Deputy Roberts said he shot at the dog to stop the threat, the first as the dog was lunging at him, the second as the dog was at him, and the third shot 10 feet from him; and that he felt the dog was coming at him in an aggressive manner. There were no other questions for Deputy Clarke.

Theresa Sturges, citizen, was called as a witness, appeared before the Board, and was sworn in by Mr. Taylor who then asked her to describe what occurred on May 30, 2014, between Harley and Cujo. Mrs. Sturges said that as she and her son were leaving the house, they heard Harley barking at the far

end of the house; that Harley is a mixed Dachshund-type dog about 17 pounds; that his barking was not unusual; that as they were walking toward the car, the pit bull, Cujo, came charging around the house at them; that she got between her son, Caden, and the dog; that she pushed her son back toward the house while trying to get her house keys back out; that Harley got between them and the dog; that before she could get the door opened, Cujo had Harley pinned at the steps, grabbed Harley by the neck; that once she got in the house she called 9-1-1 and watched from the windows; that Cujo picked Harley up by the neck and carried him away from the house; that she was afraid to go outside because of what had happened; that when the Deputy got there, she told him what had happened; that she heard the shots; that Harley had come back on the porch but was not in good shape, and then went around to the back door; and that they took Harley to the vet where due to his age and the damage, it would be better to put him down, which is what they did. In response to questions from Commissioner Loudermilk, Mrs. Sturges said that prior to the May 30 incident, she had seen the dog previously; that the dog is usually kept on a chain about two doors down from her house; that prior to that Harley was walking with the Medlins one time, and Cujo got him then, which resulted in a minor puncture wound; that she has no idea as to why Cujo goes after Harley; and that her son is 12 years old. In response to questions from Mr. Taylor, Mrs. Sturges said that Harley was about 12 pounds; that the other dog is huge; and the incident happened on her property. In response to questions from Commissioner Langston, Mr. Slappy said that Cujo weighed approximately 95 pounds. There were no further questions for Mrs. Sturges.

Georgette Medlin, citizen, was called as a witness, appeared before the Board, and was sworn in by Mr. Taylor. In response to questions from Mr. Taylor, Ms. Medlin said that Mrs. Sturges lives across the street and one house over, and Mr. Slappy lives across the street and one house over the other way. Mr. Taylor then asked Ms. Medlin to describe what took place on May 30. Ms. Medlin said that she was taking her trash to the road, saw Harley, and saw the Deputy step back and fire his gun; that she thought he had shot Harley, but the Deputy told her he had not, that he had shot at the dog down the street; that she told the Deputy about the incident where Harley was walking with she and her husband and Cujo attacked Harley; that she took Harley home and cleaned him up; that two weeks later the dog (Cujo) got loose again and came to her house and chased chickens; and that she doesn't walk her dog anymore without being armed because she is afraid of what could happen. In response to a question from Mr. Slappy, Ms. Medlin said that she doesn't walk her dog that way (toward his house) and only walks when she is armed for fear of what could happen. There were no further questions for Ms. Medlin.

Mr. Taylor asked Mr. Slappy if he had anything to say, wished to call witnesses, or had any evidence to submit.

Hazel Dulin, grandmother of Mr. Slappy, was called as a witness, appeared before the Board, and was sworn in by Mr. Taylor who asked Ms. Dulin to tell the Board what she knows about the May 30 incident. Ms. Dulin said that she had been on the front porch at 6:30 that morning drinking coffee; that Harley was constantly coming up to the house and knew how far to go since he knew how far Cujo could go on this chain; that she had run Harley off that morning; that she went inside to get coffee and when she came back out, she heard the gun shots; that she started running and Cujo came running toward her; that Cujo was bleeding profusely having been hurt on both the left and right; that she did not talk to the Deputy; that they took Cujo to the vet where he had surgery; that since that time, Cujo has been inside the house and is not outside at all; that she got upset with the Sheriff's office because deputies have ridden by her house since then very slowly with windows down and whistling for the dogs; that she would not have a vicious dog; that children visit her home and play with all three of her dogs; that Cujo is not mean. In response to questions from Mr. Taylor, Ms. Dulin said that Mr. Slappy is her grandson; that she lives in the same house as Mr. Slappy; and that Cujo legally belongs to Mr. Slappy, but she takes care of the dog. Ms. Dulin said that she was told there is a leash law in the area and since the May 30 incident, there are a lot less dogs running around.

Tiffany Louise Harris, former citizen, was called as a witness, appeared before the Board, and was sworn in by Mr. Taylor. In response to questions from Mr. Taylor, Ms. Harris said that she just moved off Miller Road (Columbus); that on May 30 she was living in Harris County; and that she was working at the Cataula Veterinary Hospital where both dogs were taken. Mr. Taylor asked Ms. Harris to describe what she knows about the incident. Ms. Harris said that Harley was brought in by Animal Control and Cujo was brought in by Mr. Slappy; that she looked at both dogs; that when she look at the dog, he growled at her and tried to bite her, but couldn't have because it was in a Tough Bin; that she then went with Mr. Slappy to look at Cujo; that Harley was put into a kennel until Dr. Blackmar could talk to the owners; that Cujo was brought into the treatment in the same area as the kennel, and Cujo did not growl, snarl, bark or look at Harley; that the decision was made to amputate Cujo's leg; that the decision was made to have Harley put down; that when Cujo woke up from surgery, he walked by several dogs to go outside, and while those dogs would be tried to get through their confinement to get to him, he did not acknowledge them or show any aggression; that she went over to the Slappy's

house a couple of weeks ago with her children to check on Cujo, and he, again, never showed any aggression toward anyone; that when she returned the blanket and tough bin of Harley's to his owner, Mrs. Sturges said that Cujo was only going after Harley, did not say anything about Cujo trying to get her and her son, that she had seen Cujo before and he seemed to be a nice dog, and she was sorry about what had happened. In response to questions from Mr. Taylor, Ms. Harris said that her husband is Mr. Slappy's step-brother, but that before the incident, she had not been over to Mr. Slappy's house. There were no questions for Ms. Harris.

Mr. Taylor asked Mr. Slappy if he had any other witnesses or any evidence. Mr. Slappy said that he had statements regarding Cujo from people who know Cujo but could not be here tonight. Mr. Taylor accepted the statements and submitted them as evidence. (Statements can be found in "Miscellaneous Documents" file as MD #14-17.)

Mr. Slappy said that Harley ran all over the neighborhood; that he had previous injures from other incidents; that his dog, Cujo, has never gone after any other animal, except Harley; that Harley torments his dog, steals his dog's food bowl, and eats the food in front of his dog; that he keeps his dog on a runner and a chain; and that on the day of the incident, he had run Harley back to his house, where the altercation happened.

There being no further comments or questions for anyone, Mr. Taylor turned the hearing back over to Chairman Lange and reminded the Board that it could uphold the dangerous dog classification or to reverse the determination. Mr. Taylor reviewed the requirements of owning a dangerous dog, in the event the determination is upheld.

Chairman Lange closed the hearing, and he asked for a motion.

The motion to uphold the dangerous dog classification of Cujo was made by Commissioner Langston, seconded by Commissioner Loudermilk, and passed unanimously.

ADJOURNMENT

J. Harry Lange, Chairman

Attest:

Nancy D. McMichael, County Clerk