

Get the Fox 13 News app for iOS!

 fox13now.com/2017/02/17/judge-sides-with-slcpcd-in-shooting-of-geist-the-dog

February 17, 2017

This is an archived article and the information in the article may be outdated. Please look at the time stamp on the story to see when it was last updated.

SALT LAKE CITY — A federal judge has sided with police in the shooting of a dog as officers looked for a missing boy.

In a ruling handed down Friday night, U.S. District Court Judge Robert Shelby dismissed Sean Kendall's claims of a Fourth Amendment violation of his rights. He granted summary judgment for Salt Lake City and sent the case back to state court to be litigated.

"This case is tragic on several levels. Parents feared their child missing, officers urgently responded, and Kendall lost his beloved companion animal. The court is mindful of the strong reactions this case has aroused among animal owners, parents, law enforcement, and community members," Judge Shelby wrote.

"The case has exposed tensions that can arise between important competing interests, and the court has done its best to resolve these tensions while constraining its analysis to the facts presented by the parties and the established law."

Kendall sued Salt Lake City over the 2014 shooting of his dog, Geist, who barked and ran at an officer who wandered into his backyard searching for the missing boy. The child was later found inside his own home.

Judge Shelby ruled that Kendall failed to establish an unconstitutional search and seizure violation under the Fourth Amendment.



"In sum, the court concludes that even if (Officer) Olsen's warrantless sweep of Kendall's backyard was a Fourth Amendment search, it was not unconstitutional because it was justified by exigent circumstances. And even in the event it was an unconstitutional search, Olsen would be entitled to qualified immunity because his mistake as to what the law requires would be reasonable," the judge wrote.

Reached by FOX 13 late Friday, Kendall's attorney, Rocky Anderson, said he would appeal to the 10th U.S. Circuit Court in Denver.

"Of course we vigorously disagree," he said. "We fully expect to prevail, ultimately. It would be an extremely frightening prospect if police could go throughout an entire geographic region and search in Fourth Amendment protected areas."

Anderson said the ruling enforced a "shoot first" culture, adding he believed there was no reason to shoot Geist under any circumstances.

Judge Shelby previously ruled against Salt Lake City police, who sought to enforce a \$10,000 settlement offer extended to Kendall.