

# Utah Supreme Court tosses appeal over shooting of Geist

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SALT LAKE CITY — The state's top court has rejected an appeal by the owner of a dog shot and killed by a Salt Lake City police officer.

In a ruling handed down Thursday night, the Utah Supreme Court dismissed the appeal filed by Sean Kendall without ruling on the merits. Instead, the unanimous court ruling hinged on a failure to address legal standing in a brief.

Kendall was appealing a judge's dismissal of his lawsuit over the requirement that he post a \$300 bond before proceeding in the courts. Kendall argued it was a barrier to access to the courts.

"This was a square, independent basis for the dismissal of Kendall's claims. Yet Kendall failed to address the standing issue at all in his opening brief on appeal. Kendall's opening brief speaks exclusively to the merits of Kendall's claims, which the district court addressed in the alternative. But there is not a word on standing in the opening brief on appeal, and that is problematic," Justice Thomas Lee wrote in the ruling.

Kendall sued Salt Lake City police over the 2014 shooting of his dog, Geist. The dog was shot by an officer who was searching for a reported missing child, and wandered into Kendall's backyard. The dog reacted by barking and running at him and was shot and killed.

The shooting sparked numerous protests over Geist's killing.

Kendall rejected a settlement offer and pursued a multi-million dollar lawsuit in the courts. A federal judge previously ruled the shooting was justified. Another aspect of the litigation remains pending in Denver's 10th U.S. Circuit Court of Appeals.

***Read the Utah Supreme Court ruling here:***

