



Federal appeals court sides against owner of Geist, dog killed by police

By Annie Knox, KSL | Posted - Mar 14th, 2018 @ 7:03pm

SALT LAKE CITY — A dog owner whose Weimaraner was shot and killed by a Salt Lake City officer in 2014 will ask a federal appeals court to reconsider its decision that the policeman acted reasonably.

Officer Brett Olsen didn't tread on the civil rights of Sean Kendall when he entered Kendall's backyard through a gate in search of a 3-year-old boy, then fired at the dog as it barked and ran toward him, the U.S Court of Appeals for the 10th Circuit ruled Tuesday in Denver.

Kendall's attorney, Rocky Anderson, disagrees with the unanimous decision from a panel of three judges, calling it "a huge step toward an unrestrained police state."

He said Wednesday his client will appeal, asking the full 10th Circuit roster of judges to revisit the ruling, and taking the case to the Supreme Court if the broader panel also sides with the city.

"There's too much at stake in this case," Anderson said. "This is just giving free rein to police officers to make up their accounts to justify the use of lethal violence against our beloved pets."

The shooting sparked outrage in Utah and nationally from animal advocates, many who agreed with Kendall that the officer could have deployed a Taser or used a baton to defend himself from the 90-pound pet.

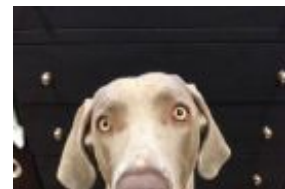
The dog's death "is a tragedy," Salt Lake City spokesman Paul Murphy said Wednesday, but the decision "basically reaffirms what all police officers do. Officers have a right to make decisions if it's an emergency."

On June 18, 2014, Olsen was searching for a child who later was found in the family's basement.

Anderson said Olsen didn't have a specific reason to believe the boy would be in Kendall's yard, 10 houses away and across the street from his own home.

But the appeals court saw it differently, writing in its decision that "the place searched was an area where officers had reason to believe the missing child might be found."

The court said police must make split-second decisions in rapidly evolving situations and that the officer reasonably could have believed the dog "posed an imminent threat to his safety."



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