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Cary dog ruled vicious

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In a first for McHenry County, a judge this week declared a Cary couple's dog a vicious animal, a finding that dooms the Brittany spaniel mix to a life of confinement.

In a four-page ruling issued Wednesday, Judge Michael Sullivan ordered that Paul and Cynthia Anderson must restrict their dog, Buck, to an enclosure at least 6 feet tall with a covering on top or inside their home, where he must be muzzled at all times.

The decision also bars Buck from leaving the Anderson property with rare exceptions and requires his owners to have him neutered and micro-chipped.

"There will be consequences for not properly caring for (animals) and not protecting society from a dangerous dog," McHenry County State's Attorney Louis Bianchi said Thursday. "Pet ownership is a responsibility."

Bianchi's office filed a court action last year to have Buck declared vicious because of a June 2005 incident in which he attacked Raven Harriott, a 3-year-old girl visiting the Anderson home. The attack, authorities said, left the girl with bite wounds to her cheek and neck that required surgery.

Because there was no conflict over whether Buck bit Raven or whether the attack was unprovoked, much of the two-day trial in the case rested on a dispute over the seriousness of her injuries and, more specifically, whether her treatment really was plastic surgery.

Under state law, for a dog to be declared vicious, it must cause injuries that are either life-threatening, disfiguring or require plastic surgery.

Despite a defense expert who testified the girl's treatment did not qualify as plastic surgery, Sullivan sided with the doctor who treated her, who said he reformed and remolded the girl's skin after the attack.

"While the surgical treatment may not have been extremely complex surgery, it was nonetheless plastic surgery," Sullivan said in his ruling.

In a statement released by their attorney, the Andersons thanked Sullivan for a fair hearing but disputed his decision.

"We do not believe the state met its burden of clear and convincing evidence that the procedure performed constituted plastic surgery," the statement reads.

Their attorney, Jerome Majewski, said the Andersons have not decided whether to appeal the ruling.

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