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## Chihuahua-mix dogs deemed dangerous, will be euthanized

By [Mike Conley](#) | The McDowell News

Five dogs that had belonged to a Marion woman will be put down by Friday because they are deemed to be "potentially dangerous," under state law. However, their owner and some animal welfare advocates say these dogs are not dangerous and should be saved from a certain death.

But county Animal Control officers said they could not make an exception in this case and had to follow the state's law.

The dogs belonged to Barbara Leonard, who lives near Garden Creek Road. She is a single mother raising a disabled son. Her dogs, which are a mix of Chihuahua and terriers, weigh between 15 to 20 pounds.

"They are absolute sweethearts," said Angelia Earley, a local advocate for humane treatment of animals.

Leonard was notified back in July that she would have to confine her dogs. She kept them in her house while she was at work. But when she came home, Leonard said she would occasionally let them out to use the bathroom and didn't let them run free.

"They are predominately house dogs," she said.

Leonard's home is located about 100 yards from the city of Marion's Catawba River sewer treatment plant. The dogs would sometimes run over there. They would reportedly bark and growl at the city workers. Frieda Willis, a friend and co-worker of Leonard's, said Leonard has a lot but could not put up a fence due to financial problems.

On the night of Sunday, Nov. 16, Leonard's dogs again ran over to the city plant where they reportedly barked and "harassed" one of the city workers. Sgt. Brian Walker of the McDowell County Animal Control said a dog got a hold of a man's pants leg but no skin was broken.

"We did have an employee injured and we've had employees attacked on numerous occasions," said City Manager Bob Boyette. "The dogs have repeatedly run loose on city property."

Walker said the city's enforcement officer was injured when she tried to contact Leonard about the problem. But that was not a factor in the decision about these dogs.

On Thursday, Nov. 20, an Animal Control officer came to Leonard's home while she was at work. The officer told her son that the dogs would have to be turned over to the county.

"I was led to believe that if I didn't turn them in, I would be criminally charged," said Leonard.

On Saturday, Nov. 22, she brought her dogs to the animal shelter. Leonard said she was told by one of the animal control officers that the dogs could be adopted at the time.

"There has been a lot of misinformation through this whole thing," said Willis.

Animal Control officers declared the dogs to be potentially dangerous and could not be returned to Leonard. They had gone to someone else's property and acted in a threatening manner. They couldn't be adopted by someone else either.

At first, the dogs were supposed to be put to death on Monday. However, Animal Control officials agreed to meet with Leonard and her supporters on Wednesday to talk about the issue. Willis and Earley said these dogs are not dangerous and should not be put down.

"There has got to be a special circumstance here because they are not dangerous dogs," said Earley. In addition, Leonard has installed a fence around her land but it was considered too little, too late, according to Willis and Earley.

"This whole thing seems real harsh," said Willis.

The dogs were not spayed or neutered. Both Leonard and Willis said one local animal welfare group has offered to get them spayed and neutered and find new homes for them, if the county would make

an exception in this case.

Both women say they are not trying to criticize animal control officers but just want them to make an exception in this case.

"I am not slamming them for doing their job," said Earley. "We are not saying that Barbara didn't do wrong. They could waive this."

Walker said his agency could not make an exception. Under state law, these dogs are considered potentially dangerous since they had left her property and acted aggressively to others.

"It has always been the county's position and policy not to adopt out animals that have been deemed dangerous or potentially dangerous," said Walker.

As for their small size, Walker said that isn't really a factor.

"An animal's size or breed has absolutely nothing to do with its ability to inflict or cause damage such as a bite," he said.

Walker added the case started in July but Leonard didn't get her fence up until last week.

"Believe me, the last thing we want to do is euthanize another animal," he said.

Leonard said she did the best she could due to her financial situation and her status as a single mother taking care of a disabled son. "I am sorry everything went down like it did," she said. "If I had been properly informed of the situation, I would still have my dogs."

Walker said his agency gave her more than enough time to correct the situation.

For example, Leonard had 10 days to file a written appeal with Walker's superiors following the July 30 incident. That was more time than the law allowed, which is actually three days to file an appeal.

She didn't file it until 15 to 20 days later, according to Walker.

"The state says three," he said. "We gave her 10."

He said the decision was based on more than just those reported incidents.

The whole experience has been tough on Leonard, who is now 1½ months behind on her mortgage payment.

"This has put Barbara under a lot of hardship," said Willis. "This has been very hard on her. Those dogs are like her babies."

Walker said if an exception was made in her case, then Animal Control would have to do for everybody else.

"We completely understand their feelings and their emotions," he said.