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Court asked to save dog from death sentence

'Sunny' involved in 3 bite incidents; witnesses say malamute is friendly

By Paula J. Owen CORRESPONDENT

LEOMINSTER — Leo J. Montagna, owner of 1-year-old Alaskan malamute Sunny, will know in two weeks if his efforts to save his companion's life were successful.

Sunny was ordered killed in Princeton, where Mr. Montagna resides, by selectmen in December after three dog bite incidents — two at his business in Sterling and one in Princeton.

Yesterday, during a hearing on Mr. Montagna's appeal in Leominster District Court, Clerk Magistrate Michael K. Croteau allowed Mr. Montagna's and the town's attorney seven days to submit additional documents to the court before making a decision whether to overturn the town's decision. That decision will be made within five days after receiving the additional documents, the clerk magistrate said.

Through tears, Mr. Montagna testified that the dog, who he has taken to work every day since it was a puppy, was Mr. Montagna's companion and not a vicious dog.

"I care about Sunny," he said. "I love Sunny. I trust the dog."

Richard A. Mulhearn, Mr. Montagna's lawyer, said if the decision is unfavorable, his client is willing to do what's necessary to save the dog.

"The dog is his companion and he will go as far as he can through the legal system to save Sunny," Mr. Mulhearn said after the hearing. "I just hope, in this case, justice prevails."

He said Mr. Montagna has the option of appealing the clerk magistrate's decision and have the case heard before a judge.

At a hearing on Nov. 24, selectmen ordered Mr. Montagna hire a dog behaviorist to evaluate Sunny after a complaint that the dog made an unprovoked attack Nov. 3 on neighbor Alwin J. Haase, 40 Bigelow Road. Mr. Haase said the dog knocked him down from behind, bit his arms and legs, and scratched his back after Mr. Haase tried to shoo the dog out of his yard.

Jeffrey Kelley, of Athol, who was making a delivery in April to Mr. Montagna's business, Lee Plastics in Sterling, said the dog bit him. Mr. Kelley also claimed he was bitten by the dog on Oct. 29, but only that alleged incident was reported to Sterling officials.

Jane C. Thompson, who works in the office at Lee Plastics, and Michelle M. Fraser, a teacher who lives near Mr. Montagna, both testified on the dog's behalf.

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Mrs. Thompson said she dealt with Sunny every day at the business and let him sleep at her feet under her desk. She said the dog was never aggressive toward anyone and was always on a leash. Mrs. Fraser, who owns two dogs that regularly played with Sunny, agreed. She said she was more frightened by unrestrained dogs in the neighborhood.

"It's a dog that I would want in my house with my own children to play with and protect," she said.

Sunny, Mrs. Fraser said, was always friendly and on a leash.

Mr. Montagna testified that he hired Philip W. Bolack, a certified dog trainer from Sterling, and paid a \$2,800 deposit to have a fence erected at his home as a first step to control Sunny.

Mr. Bolack told selectmen during a Dec. 8 hearing that Sunny was "clearly not an aggressive dog," and made no overt aggressive move toward him during his evaluation. He also said the dog did not growl at him when he entered Mr. Montagna's home.

Sunny, Mr. Bolack said, passed all the tests he performed and said that he found the dog to be exuberant and undisciplined, but balanced and needing training. Animal Control Officer Louis Massa said he agreed with Mr. Bolack's recommendations that the dog be neutered and trained. He suggested the training time be extended to one year.

Selectmen Joseph H. O'Brien and Raymond A. Dennehy III, however, voted to have Sunny killed.

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