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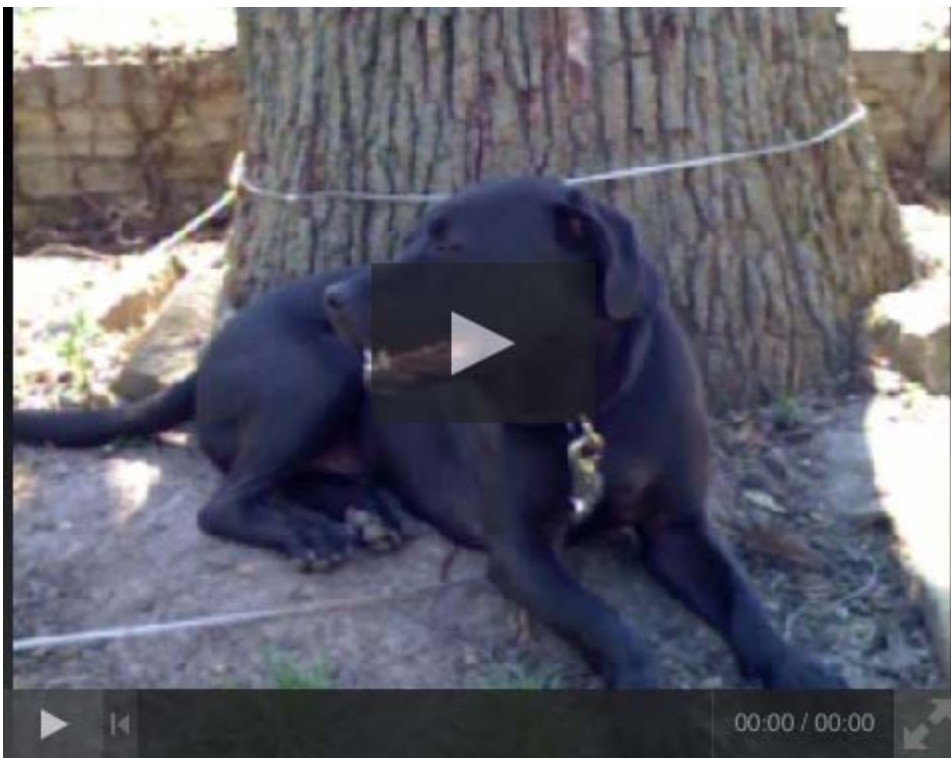
New details on future of dog who allegedly attacked neighbor

Neighbor says he shot the dog in self defense

Story by [Gena Terlizzi](#) ([Contact](#))

Originally published 06:09 p.m., May 27, 2009

Updated 12:07 p.m., May 28, 2009



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"He's the first person at the door when somebody rings the doorbell and he's always there with a kiss."

That's what Diana Rose and Mike Mendes say about their black lab Sniper.

They say he would not hurt anyone.

And they even trust him with their little boy, Jayden.

But an animal control officer told us the dog's personality doesn't matter.

All that matters is what happened in the moments leading up to the dog being shot.

And the only person who was there was Dudley Dawkins.

Dawkins says he was backed into this corner, and he only shot the dog to protect himself.

"I can't even sleep at night. All I see is that mouth full of teeth coming at my face. And that's what I'm going to have to live with I guess," Dudley told us.

Dawkins is legally allowed to shoot because he was on his own property and believed he was in danger.

The dog's owners must go to court.

If Sniper is convicted of being a "vicious animal" Topeka's city ordinance says on a first conviction a judge can order the animal to be destroyed...

But the animal control officer we spoke to says that rarely happens.

A first conviction would mean the dog would have to be kept in a "secure enclosure."

And when he was not in his cage he would have to be on a leash with a muzzle.

His owners would have to pay fine of at least \$250.

And have an identification microchip implanted in the dog.

For now Sniper is being held at Stone House Animal Hospital, where he is recovering from gunshot wounds to his back and his leg..

But Mike and Diana just want him home.

Once Sniper does come home, if he gets loose again, and gets another conviction, city ordinance says he must be destroyed.

His owners would face an even bigger fine, at least \$350, and mandatory jail time of at least 5 days.

The case has a docket court hearing set for June 26th 2009 at 1:15pm.

Those wishing to donate to Sniper's medical bills and quarantine fees can send donations to:

Stone House Animal Hospital

1010 SW Fairlawn Rd.

Topeka, KS 66604

Or call Stone House at (785) 228-9411 for more information.

City Ordinance 18-8, Vicious Animals

(a) The animal control officer shall investigate each case of any animal reported as being vicious and, if probable cause exists to believe the animal is vicious, shall seize and impound such animal unless the owner agrees to impound the animal at the owner's expense at any veterinarian in the city until the conclusion of any pending municipal court charge regarding the animal. Impoundment expenses shall be assessed as court costs against a convicted owner.

(b) The owner shall report immediately to the public health officer any animal, which has actually bitten or scratched any person, regardless of the circumstances involved.

(c) Prohibited. It is unlawful for any owner, harborer, keeper or possessor who keeps any animal within the city limits to allow the following, and the same are declared to be public nuisances and prohibited:

(1) To permit such animal to attack or bite any person or animal that is not upon the premises of the owner, harborer, keeper or possessor.

(2) To permit such animal to attack or bite any person or animal that is upon the premises of the residence of such owner, harborer, keeper or possessor. It shall be an affirmative defense to this subsection (c)(2) that the use of such animal to attack or bite any person was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, criminal trespass or theft upon such property.

(3) To permit such animal kept by such owner, harborer, keeper or possessor within or upon the premises of any business establishment to attack or bite any person or animal upon such premises. It is an affirmative defense to this subsection (c)(3) that the use of such animal to attack or bite any person was necessary to prevent or apprehend a person engaged in committing an act of violence, robbery, criminal trespass or theft upon such property.

(d) Exceptions. The provisions of subsection (c) shall not apply to any law enforcement officer who uses or employs an animal while engaged in law enforcement activities, nor to any owner, harborer, keeper or possessor of any animal which attacks or bites a person engaged in physically attacking or striking such owner, harborer, keeper or possessor.

(e) Complaint and notice to appear.

(1) Any person who witnesses or has other personal knowledge that an act made unlawful by the provisions of this section has been committed in violation of such provisions may sign a complaint against the alleged violator.

(2) Any police officer, reserve police officer or animal control officer of the city is authorized to issue a uniform complaint and notice to appear to any person when such officer personally observes a violation of the provisions of this section or when information is received from any person who has personal knowledge that an act or acts which are made unlawful by the provisions of this section have occurred.

(f) Ex parte hearings and court orders. The municipal court of the city is empowered to hold ex parte hearings to determine whether there are reasonable grounds to believe that an animal may constitute a danger to any person if not impounded. After such hearing, if the court finds such reasonable grounds to exist, the court is empowered to enter orders, either on its own motion or on the motion of the city attorney, the city attorney's authorized representative, any police officer, reserve police officer or animal

control officer, to seize and impound, or continue the impoundment of such animal until the completion of all trial and legal proceedings held in the municipal court of the city to determine whether there has been a violation of this section. If an animal is ordered to be impounded pursuant to this subsection, the person who owns, harbors, keeps or possesses such animal shall be entitled to a hearing in the municipal court within 14 days of such order to review the propriety of such impoundment. Costs of such impoundment shall be assessed to the owner, harborer, keeper or possessor of such animal.

(g) Punishment. Upon a first conviction of a violation of this section, a person shall be fined not less than \$250.00 nor more than \$499.00. The person convicted must pay at least \$250.00 before the person is granted suspension or reduction of sentence. On a second or subsequent conviction of a violation of this section within seven years of the most recent conviction, a person shall be sentenced to not less than five days' imprisonment nor more than 30 days' imprisonment, and shall be fined not less than \$350.00 nor more than \$499.00. The person convicted must serve at least five days' imprisonment and pay at least \$350.00 before the person is granted suspension or reduction of sentence.

(h) Destruction of animal. Upon an initial conviction of a violation of this section, the judge of the municipal court of the city may order the owner, harborer, keeper or possessor of such vicious animal to destroy such animal. Upon a second or subsequent conviction, the judge shall order the owner, harborer, keeper or possessor to destroy the animal.

(i) Confinement of animal. Upon conviction of a violation of this section, the judge of the municipal court shall order the owner, harborer, keeper or possessor of such vicious animal to confine such animal in a secure enclosure as defined in subsection 18-1(e). If the owner, harborer, keeper or possessor takes the vicious animal off the property, the judge shall order the animal to be under the direct physical control of some person by use of a chain, leash or similar device, and the animal shall be muzzled by a caged muzzle. Failure to comply with any such order shall be deemed a violation of this section and subject the violator to the penalties set forth in subsection (g).

(j) Microchipping of animal. Upon conviction of a violation of this section, the judge of the municipal court shall order the owner, harborer, keeper or possessor of such animal to have an identification microchip implanted in such animal by the humane society or a licensed veterinarian no later than 15 calendar days after the conviction. The owner, harborer, keeper or possessor shall file proof of microchipping, acceptable to the municipal court, with the clerk of the municipal court no later than 20 calendar days after conviction. Upon receipt, the clerk of the municipal court shall provide a copy of such proof to the city attorney's office. Failure of the owner, harborer, keeper or possessor of such animal to have the microchip implanted in the animal or to file acceptable proof of microchipping with the clerk of the municipal court within 20 days after conviction shall be punished as contempt of court. Upon the commencement of contempt proceedings against the owner, harborer, keeper or possessor of such animal, the municipal court shall issue an ex parte order directing animal control officers to seize the animal, which shall be held and shall not be released until the conclusion of the contempt proceedings.

(Code 1981, § 8-4; Ord. No. 17869, § 3, 7-23-02; Ord. No. 18658, § 1, 6-13-06)

State law references: Permitting dangerous animal to be at large, K.S.A. 21-3418.

Comments

Note: ktka.com does not necessarily condone the comments here, nor vouch for the factual claims made

therein. Nor do we review every post.

May. 27, 2009 at 6:54 p.m. ([Suggest removal](#))[jminmanhattan](#) ([anonymous](#))

In looking at the video and listening to Mr. Dawkin's own comments, it appears that he was backed into a corner in front of his own door. Why didn't he just open his door and go inside? It looks like he had two choices and chose to shoot the dog rather than avoid a confrontation. What's he going to do if some kid jumps his fence and runs up to him yelling and screaming? Shoot the kid?

May. 27, 2009 at 7:11 p.m. ([Suggest removal](#))[maryinmt](#) ([anonymous](#))

Why should he run from a dog that is attacking? Then he has to worry about what happens the next time he is outside and the dog is loose. Everyone assumes all dogs are nice to everyone. When a dog kills a person, the owner always says "oh, he has never hurt anyone." I assume if this man had a bloody wound then everyone would be ok with him defending himself. But since he was quicker than the dog he is the bad guy. Jeez people, think about a little more than what the owner is saying! Of course they will swear the dog is awesome! They are facing charges, fines and bills! And no, I do not believe the man is going to go around shooting stray children that end up in his yard. But I wouldn't advise a mugger to take him on. Or a burgler to break into his house. LIKE HAS HAPPENED IN OTHER PARTS OF TOPEKA!

May. 27, 2009 at 10:59 p.m. ([Suggest removal](#))[rleeburg](#) ([anonymous](#))

It seems that if all he could see was teeth, when he shot at the dog, he would have hit the dog in the head....he shot down and hit the dog in the back. so the dog was not lunging at the time.....and he did mention he did not want a ticket for firing a load gun in city limits, so he filed a complaint.....

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On the air

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KTKA engineers will be making equipment upgrades overnight from midnight to 5:30am on Tuesday, June 2. These upgrades will enhance our services for viewers. We will not be able to be on the air while these upgrades are being made and apologize for any inconvenience. We'll be back on the air at 5:30am Tuesday, June 2. Thank you for watching KTKA!

Online chats

- There are no scheduled chats. [See past chat transcripts »](#)

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- [NHRA O'Reilly Summer Nationals](#), Today at 7:30 a.m. »
- [Sale in the Park](#), Today at 8 a.m. »
- [Sale in the Park](#), Today at 8 a.m. »
- [Meet the Zoo Keeper](#), Today at 1:30 p.m. »
- [Citywide Christian Singles Picnic](#), Today at 6 p.m. »

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TV Schedule



TONIGHT ON: KTKA-DT

7:00 PM: Wipeout	HDTV
8:00 PM: Here Come the Newlyweds	
9:00 PM: Pushing Daisies	HDTV

[View Full Schedule](#)

Voices

Latest blog entries

[Crazy sock day](#)

From [Jack and Gena](#)

These thoughts raced through my mind as I drove the short distance to my son's daycare. Why, oh, why didn't I just go back into the house and grab some freaking crazy socks? Why wasn't I more organized? Why hadn't I thought ahead and purchased crazy socks over the weekend and then washed them and lovingly laid them out the night before?

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From [What's News?](#)

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Poll

Considering the state budget crisis, should legislators cut back on statehouse renovations?

Yes

No



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