

## Fatal attack on dachshund puts focus on vicious dog laws

By [Margo Rutledge Kissell](#), Staff Writer

Updated 11:27 AM Wednesday, October 7, 2009

BUTLER TWP., Montgomery County — Julie Sheil said she's not looking for revenge after a large dog killed her miniature dachshund, Sophie, Monday, Oct. 5, while she was walking her on a leash.

But she doesn't think the Butler Twp. police and the Montgomery County Animal Resource Center did enough after the incident on Turtle Shell Drive — because the owner still has his dog.

Sheil was walking her dog after work Monday when, she said, a large dog came charging down the street, grabbed her 15-pound miniature dachshund in its mouth and wouldn't let go.

Sheil said she tried to get the larger dog to release Sophie, but she was unsuccessful, and the small dog died.

"I don't think it's normal to have a dog like that in what's supposed to be a safe neighborhood with children and other dogs around," said Sheil, 35. "A well-adjusted dog does not attack another dog like that so viciously and violently."

"I screamed, and I beat it, and I kicked it, and it would not heed. I'm sorry, but that's not normal," Sheil said. "It was awful."

The dog's owner, Douglas Pelsor, told police an exterminator at his home told him the dog had gotten loose, a police report said.

An Animal Resource Center officer cited Pelsor for having a dog at-large, a minor misdemeanor punishable by a fine of \$25 to \$100 on the first offense. He was summoned to appear in Vandalia Municipal Court on Oct. 19.

"We've never had any problems with that particular dog or that house," Butler Twp. Police Chief Danny Hobbs said Tuesday.

Pelsor retrieved his brindle mastiff-mix that had gotten loose and secured the dog back at his residence, a Butler Twp. police report said. Pelsor could not be reached for comment Tuesday.

Sheil, who owns two other dogs, doesn't think enough has been done.

She'd like to see the mastiff-mix, which she called "a menace to society," put down so it can't attack again, she said.

Animal Resource Center Director Mark Kumpf said the case highlights a problem with a state law on vicious dogs.

Kumpf said he feels terrible for Sheil, and called her dog's death a "tragedy."

He is frustrated that animal control officers are limited in their ability to take stronger action, because sections of the Ohio Revised Code pertaining to companion animals are "not very effective. It makes it tough. It's really difficult for us."

The Ohio Supreme Court ruled in 2007 that a statute requiring the confinement of vicious dogs violates the constitutional right to procedural due process if it fails to provide dog owners a meaningful opportunity to be heard on the issue of whether a dog is vicious.

Kumpf said to be considered vicious, a dog must be part of the pit bull breed or have a history. In this case, the mastiff-mix met neither criteria.

The court decision, Kumpf said, has “tied dog wardens’ hands across the state with enforcement.”

The dachshund’s owner has a better chance pursuing it in a civil manner “than we do in a criminal manner,” he said.

“I understand that doesn’t sit well with folks. It doesn’t sit well with the director of animal control either.”

Kumpf noted that laws pertaining to dogs killing livestock are tougher.

“Had this been her chicken or her goat, I’ve got a whole bunch of different laws I could have applied,” he said.

---

Find this article at:

<http://www.daytondailynews.com/news/dayton-news/fatal-attack-on-dachshund-puts-focus-on-vicious-dog-laws-333764.html>

 Print  
this  
page  
 Close

