

SCHD Advisory Committee
Dangerous Dog Appeal Hearing Minutes
October 4, 2022 at 6:30 pm

Attendance

Board Members: Dr. Jeffrey Bell, Robert Butler, Dr. Cynthia Davis, Allie Ray McCullen, Dr. Shane Sundlie, Yire Hernandez, Jacqueline Howard.

County Employees: Wanda Robinson, Joel Starling, SGT. Jessica Byrd, Deputy Cribbs, and Cherish Allen

Speakers:

I. **Call to Order:** Dr. Jeffrey Bell called Hearing to order. Dogs in question are Friday, Saturday, and 1 unnamed pit mix. Owner is Maylene Badgett.

II. **Dangerous Dog Hearing:**

a) Overview of Dangerous Dog Hearing Process: Dr. Jeffrey Bell reviewed Article 1A. Dangerous Dogs Sections (a) (1) a. and b; (2) a. b. and c. (See attached). Dr. Jeffrey Bell stated explained that all speakers will have five minutes to speak, then will be asked questions by the Committee. He explained that it is important to stay on topic and give facts of exactly what happened and what was witnessed in the event that occurred on September 2, 2022.

b) Public Comment:

Dr. Jeffrey Bell called Maylene Badgett to speak. Mrs. Badgett was sworn in under Oath by Wanda Robinson.

- Mrs. Maylene Badgett: Mrs. Badgett explained that she bought the dog for her grandson when he came to live with her. After bringing her home she ended up getting pregnant and having 7 puppies. Mrs. Badgett stated that her son passed away on 8/31/2022, therefore on 9/06/2022 she was cutting grass knowing she would have company visit after her son's wake. After cutting grass she went in to get a shower. She stated that she left her windows up, yet screen and blinds were in place. When she came out of the shower, she noticed they had jumped out of the window. Mrs. Badgett then stated she went outside and Friday, Saturday and the unnamed dog were there waiting to come in. Mrs. Badgett believes that her dogs were provoked by the neighbor's dog "Bolt". As he was always on her property, and she had to return him several times. Mrs. Badgett stated that she had her doors double bolted so they would get out of the door.

Dr. Jeffrey Bell asked, "How long were your dogs were out. Mrs. Badgett responded, "I am not sure, my mind was on my son."

Jacqueline Howard asked, "You said you've had to return the neighbors dog, Bolt?" Mrs. Badgett responded, "Yes 10-15 times or something like that." Mrs. Howard, "do you

think he was afraid to come get his dog?" Mrs. Badgett, "No because my dogs listen, no need to be scared."

Dr. Cynthia Davis asked, "Does Bolt always come to your house? Does he jump your fence?", Mrs. Badgett responded, "Yes, he is always on my property, but not in my fence, no." Dr. Cynthia Davis, "What about #2 on the report, it states you called 911 and stated your dogs were out?" Mrs. Badgett responded, "That is not true. I never called 911."

No further questions for Maylene Badgett from the Board.

At his time Dr. Jeffrey Bell called Gloria Blalock to speak. Ms. Blalock was sworn in under Oath by Wanda Robinson.

- Gloria Blalock: Mrs. Blalock stated that she was napping in Mrs. Badgett's home at the time of the incident. She heard a dog outside barking and got up to notice Mrs. Badgett's 3 dogs had escaped through the window.

Dr. Jeffrey Bell asked, "Did you see the dogs get in a fight or go across the street?" Mrs. Blalock responded, "No, I told Maylene to go get her dogs, she asked which ones and I said the boys, because the girls are in here with me."

No further questions for Ms. Blalock from the Board.

At this time Dr. Jeffrey Bell called Quincy Badgett to speak. Quincy was sworn in under oath by Wanda Robinson.

- Quincy stated that he didn't know what happened because he wasn't there.

Dr. Jeffrey Bell asked Quincy if he had every seen Bolt on the property before? He stated he had not. Mrs. Badgett stated Quincy did not live there.

No further questions for Quincy from the Board.

At this time Dr. Jeffrey Bell called Robbyn Ellender to speak. Mrs. Ellender was sworn in under oath by Wanda Robinson.

- Mrs. Ellender stated she was not there at the time of the incident. But she did state that Mrs. Badgett had raised these dogs, built fences for the dogs, when they got out-she built a higher fence. She stated that Mr. Hernandez, the owner of Bolt, at one time had 2 dogs. When Mrs. Ellender asked the daughter what happened to the 2nd dog, she stated that it had been ran over. She told a story of when her dog and Saturday went to the dog park together. She requested that Mrs. Badgett put a muzzle on Saturday initially, when Mrs. Badgett removed it a short while later, the two dogs got along great.

Dr. Jeffrey Bell asked, "Did you witness Bolt getting out and running free?" Mrs. Ellender responded, "Yes many times." Dr. Jeffrey Bell, "Have you ever seen Mrs. Badgett's dogs running loose?" Mrs. Ellender responded, "One time when they were about a year and a half old."

Dr. Cynthia Davis directed a question to Mrs. Badgett regarding a comment made by Mrs. Ellender. She asked, "Mrs. Ellender stated you had muzzles for your dogs, why?" Mrs. Badgett responded, "Because when I was training them, I would use them to keep them from nipping and biting." Mrs. Ellender stated that they went together to tractor supply and purchased muzzles for Mrs. Badgett's dogs and her own dogs to keep them from nipping and play fighting as puppies.

No further questions for Mrs. Ellender from the Board.

This was the last of witnesses called by Maylene Badgett.

The Complainant, Mr. Jesus Hernandez was not present nor were any witness on his behalf.

Dr. Jeffrey Bell called Sgt. Jessica Kittrell to speak. She was sworn in by Wanda Robinson.

- Sgt. Jessica Kittrell: Sgt. Kittrell stated that on May 10, 2022, by District Court Judge Sutton that she had to contain her dogs. There had been complaints of them running at large at night. On the night of September 2, 2022, Mr. Hernandez witnessed Mrs. Badgett's 3 dogs standing over his injured dog. Shortly after is when Mr. Hernandez left to take his dog to an emergency vet, where he was informed that he would need to put the dog, Bolt, down. Sgt. Kittrell passed around photos that Mr. Hernandez had taken. Photo showed 1 of Mrs. Badgett's dogs standing over Bolt, although reports stated all 3 were witnessed to be standing over Bolt. Sgt. Kittrell reviewed the Statutes of what determines a dangerous dog, as Bolt did have to be put down. Sgt. Kittrell stated she did not believe Bolt could have been injured so severely on Mrs. Badgett's property and been able to walk back to his property.

Robert Butler asked, "Was the photos taken on Mr. Hernandez's property?" Sgt. Kittrell responded, "Yes."

Dr. Jeffrey Bell asked, "Could these dogs hear Bolt barking from his yard?" Sgt. Kittrell responded, "Yes."

Allie Ray McCullen asked about the "court order" that had been mentioned. Sgt. Kittrell responded that on May 10, 2022 Mrs. Badgett was ordered that her dogs could not run at large. This was the result of a complaint from a different neighbor, not Mr. Hernandez.

Robert Butler asked if that neighbor whose complaint resulted in a court order complained about the dogs being aggressive. Sgt. Kittrell responded, "yes, they would approach them aggressively at night."

No further questions for Sgt. Kittrell from the Board.

- c) Discussion: Robert Butler stated that regardless of the material, if the dogs wanted to get out of the house, they were going to go through whatever due to size. Dr. Cynthia Davis stated that unfortunately if one dog starts a fight, all dogs involved will act.


Mrs. Ellender requested to add one thing; approved by Dr. Jeffrey Bell. She stated that after the incident when she was called over by Mrs. Badgett her and Sgt. Kittrell looked for blood from a said to be fight between the dogs, but could not find any.

No further discussion.

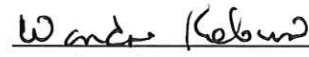
Dr. Jeffrey Bell requested that the Board vote if no other questions or discussion. He asked for a show of hands of all members that vote to uphold the Dangerous Dog determination; 3 members raised their hands. He then asked for a show of hands of members who opposed; 4 members raised their hand.

Determination of the Potential Dangerous Dogs; After hearing testimony and reviewing the exhibits offered into evidence, the Board voted to reverse the law enforcement officer's determination that "Friday", "Saturday", and "one unnamed brown in color pit bull breed mix canine" are potentially dangerous dogs.

III. Adjournment: Meeting adjourned by Dr. Jeffrey Bell.


Jeffrey G. Bell
Chair

GR 11-21-2022
Date


Wanda Robinson
Secretary

11/21/22
Date

