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Ohio Appeals Court Affirms Use of Facility Dog During Testimony

AKRON, Ohio (Wednesday, October 21, 2015) – Summit County Prosecutor Sherri Bevan Walsh announced today that Ohio's Ninth District Court of Appeals affirmed the use of the Summit County Prosecutor's use of a facility dog during trial. This is the first time in Ohio an appeals court has heard, and affirmed the use of a facility dog during trial.

The case was brought to Ohio's Ninth District Court of Appeals by Michael Jacobs. Jacobs is currently serving a four year prison sentence after being found guilty of Unlawful Sexual Conduct with a Minor (a felony of the third degree), and corrupting another with drugs (a felony of the fourth degree).

The Summit County Prosecutor's Office facility dog Avery II sat with the victim during testimony at the August 2014 trial. With Avery II at her feet, and obstructed from view on the witness stand, the victim was able to tell jurors what happened.

On appeal, Jacobs argued the trial court erred by allowing the victim to testify while Avery II accompanied her on the witness stand.

The Ninth District Court of Appeals disagreed using the following principals.

- In light of the trial court's position and their discretion, it is not erroneous for them to approve a variety of special allowances for child victims of sexual abuse.
- Allowances may include using a companion dog during the child victim's testimony under certain circumstances.

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“One of my main objectives as Summit County Prosecutor is to fight for the rights of victims, especially children. Avery plays a vital role in how my office focuses on the needs of crime victims,” said Prosecutor Walsh. “Court can be a very intimidating and stressful place, and we work hard to make sure crime victims are not victimized a second time. Children can be especially fearful when describing a traumatic situation in front of a full courtroom, as well as the person accused of doing these horrific things. Avery eases that stress and makes the whole process easier to handle, and helps us get the truth out.”

The Summit County Prosecutor’s Office received Avery II in August of 2013 from Canine Companions for Independence. Avery is a highly trained four-year-old Labrador/Retriever mix facility dog, whose primary job is providing emotional support to adults with developmental disabilities and children who are victims of crime. Since 2013, Avery II has been involved in 77 cases in Summit County.