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Ohio Appeals Court Again Affirms Use of Summit County Facility Dog at Trial

AKRON, Ohio (Wednesday, June 22, 2016) – Summit County Prosecutor Sherri Bevan Walsh announced today that for the second time in a year, Ohio's Ninth District Court of Appeals has affirmed the use of the Summit County Prosecutor's facility dog during trial.

The case was brought to Ohio's Ninth District Court of Appeals by Brian Hasenyager. On March 16, 2015, Hasenyager was sentenced to Life in Prison for Rape and three counts of Gross Sexual Imposition after being found guilty by a Summit County jury.

The Summit County Prosecutor's Office facility dog Avery II sat with the victim during testimony at the March 2015 trial. With Avery II at her feet, the victim was able to tell jurors what happened.

On appeal, Hasenyager 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:

- Courts recognize that the protection of child victims of sexual abuse forms an important public policy goal in this state and across the nation. Due to this recognition, accommodations are often allowed for child victims of sexual abuse to minimize the emotional trauma and stress of having to testify in a courtroom full of strangers, along with the accused.

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The Ninth District also referred to its October 2015 ruling where it affirmed the use of Avery in the trial of Michael Jacobs.

“For much of my adult life, I have fought for the rights of crime victims. And as Summit County Prosecutor, I will continue to protect the rights of victims,” said Prosecutor Walsh. “Avery is a vital part of that pledge. Meeting with prosecutors and investigators and testifying in a courtroom can be very intimidating. Using Avery ensures victims, especially children, are not victimized a second time and allows them to testify more easily. I am pleased to know that for a second time, the Ohio Ninth District Court of Appeals ruled that Avery can assist these victims.”

The Summit County Prosecutor’s Office received Avery II in August of 2013 from Canine Companions for Independence. Avery is a highly trained four-and-a-half-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 94 cases in Summit County.