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ANIMAL LAW

## Can dogs be a dangerous weapon? Many judges say yes

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Prosecutors are concluding that using a dog to attack another person is the same as using a weapon, and many courts have agreed.

It's not unusual for prosecutors to obtain convictions for assault with a deadly weapon when a defendant uses a dog in an attack, the *New York Times* (<http://www.nytimes.com/2013/10/07/nyregion/in-brooklyn-weapons-possession-case-the-dangerous-objects-were-dogs.html?smid=pl-share>) reports. "Over the years," the story says, "judges have mostly arrived at the same conclusion: If you use Fido as a weapon, he becomes one."

Some prosecutors are also bringing weapons possession charges against defendants with dangerous dogs, though that issue is "more muddled," the newspaper says.

In one case, James Austin was accused of ordering his puppy and a friend's dog to attack plainclothes officers pursuing a drug suspect who ran into Austin's building in August 2012, the *Times* says. Officers killed the puppy and inadvertently wounded Austin in the leg. Austin was charged with menacing, assault, attempted assault and criminal possession of a weapon—a pit bull. His lawyer disputes the police account.

Los Angeles lawyer Kenneth Phillips told the newspaper that he's seeing more prosecutions in which dogs are classified as weapons. "Prosecutors are using these laws that usually apply to guns and other weapons to enhance charges," he said. "That is going on all over the country right now. Far more than it was even two years ago."

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