

Family seeking justice after dog was viciously mauled Sunday

By **Jim Herr** - October 10, 2018



Family of Pug displayed this sign at a Cheektowaga Town Board meeting Tuesday night. Jim Herr/Cheektowaga Chronicle

CHEEKTOWAGA – The Town of Cheektowaga is taking action against a Borden Road resident after dogs living on his property viciously mauled another dog on Castlewood Drive Sunday.


Sarah and Charles Kegler say their 7-year-old Puggle, aptly named Pug, was more than just a dog.

“He was apart of the family, we had him for seven years,” said Mr. Kegler. “He goes everywhere with us, camping, whatever we do.”

The Keglers children were playing in their Castlewood Drive backyard with Pug when they say their world was turned upside down when screams broke the serenity of the quiet afternoon in South Cheektowaga.

Pug was attacked in his own backyard, the children screamed out, “Daddy they’re eating Pug.”

Court summonses obtained by Cheektowaga Chronicle say the daughter of Mohamud Khalil of 808 Borden Road was walking with four dogs owned by the family in their 3.5-acre backyard that backs up to the Keglers home.

The four dogs, Asia, Diamond, Princess, and Sudan, “tore open and breached” a wooden stockade fence separating the yards and began to attack Pug. When a neighbor tried to intervene, Sudan bit the man. He sought treatment at Erie County Medical Center for multiple dog bites. 

Pug was rushed to the Veterinary Emergency Clinic on Genesee Street.

Veterinary reports shared by the Keglars tell of the viciousness of the attack.

Pug suffered from multiple penetrating wounds including multiple sucking chest wounds, penetrating abdominal wounds, multiple rib fractures, a mandibular fracture, and an inguinal hernia.

Pug died four hours later at 9:15 pm before his family had a chance to say goodbye.

The family is now seeking justice. Feeling let down by the Cheektowaga Dog Warden, they told their story to the Cheektowaga Town Board Tuesday night.

The Keglars say the four dogs were never seized after the attack and felt they pose a threat to the neighborhood.

"Bottom line is that this neighborhood is not safe with these dogs. Nobody wants to see a dog get killed, we just want them out of there and removed," said Mr. Kessler.

Cheektowaga Chronicle spoke to Assistant Chief of Police Jim Speyer by phone Wednesday. The police department oversees the animal control officers.

"I certainly understand their frustration and their shock of something like that happening, especially in front of children," Mr. Speyer says. "We don't have a dog warden on the weekends, so when the [police] officers got there, the dogs were already in custody of the owner. They had them back in their homes. We can only confiscate these dogs under certain conditions, and at the time, it did not meet those conditions because they were already in the custody of their owners," Mr. Speyer says.

Research done by the Cheektowaga Chronicle found that New York State law says a dog control officer or peace officer may only seize a dog if, it is not identified and not on the owner's premises; the dog is not licensed, whether on or off the owner's premises; a licensed dog which is not in the control of its owner or not on the premises of the dog's owner, or if there is probable cause to believe the dog is dangerous; and if the dog poses an immediate threat to the public safety.

"It wasn't like they were out running wild when our officers got there," Mr. Speyer added. "Like anything else, we need a search warrant to go into someone's house to take property. We err on the side of caution of the rights of individuals rather than just going in and taking the dogs."

While still establishing the evidence in the case, Mr. Speyer says authorities and the town prosecutor were about to go to a town judge Wednesday seeking a court order to remove the dogs from the property. He says they were contacted by the owner and the dogs were going to be voluntarily surrendered Wednesday night. The town would hold the animals until a court hearing next Monday.

He says an additional summons was issued for an unlicensed dog on the property. Five dogs live on the property, three are registered to Mr. Khalil, and two are registered to Mr. Khalil's brother. He did not immediately know in whose name the summons was issued.

It appears that no town code was violated as the property houses a duplex. Each residence can have up to three dogs.

"In theory, this whole lot could have had six dogs properly registered and licensed. Three registered and licensed to one residence, and three registered and licensed to the other," Mr. Speyer said.

The Keglars said they are also upset with the town because they say they reported an incident with one of the dogs back in 2015.

"These are dogs that have broken through our fence twice since 2015," said Mr. Kegler. "This dog is at my back door banging its head on the sliding glass window, and I'm on the phone telling [police] if you don't come here, I'm shooting this dog. They're trying to break in while my kids are screaming."

He says two police reports were filed that says the dogs chewed through the fence to get in his backyard. It was then he says the dog warden told Mr. Khalil that he had to put up a chainlink fence around the property to keep the dogs inside. It never happened according to Mr. Kegler.

"Monday morning I called the dog warden, and he was arguing with me saying that he visually seen [sic] the containment that the man had put up on the other side of his fence with a dog leash, dog rope, and kennel. I called him a liar and told him to come over to my residence, come into my backyard and look into his backyard and tell me where he has a fence put up because he won't find one," Mr. Kegler said.

Cheektowaga Chronicle was not able to independently verify his claim of an incident in 2015.

Mr. Speyer says the Dog Control Officer was under the impression that the homeowner installed a fence replacing the old fence because he saw a new fence in front of the house.

"But he doesn't have the authority to order anyone to do anything. He's a dog warden, the judge does that, and that's why we're going to take them to court and see what the judge says," Mr. Speyer said.

A court date has been scheduled for Monday. If the town judge finds that the dogs are dangerous, the judge could then order neutering or spaying of the dog, microchipping of the dog, or sending the dog for evaluation by a certified applied behaviorist.

The court could also order humane euthanasia or permanent confinement of the dog if the dog, without justification, attacked a person causing serious physical injury or death; or the dog has a known vicious propensity as evidenced by a previous unjustified attack on a person.

Family of Pug displayed this sign at a Cheektowaga Town Board meeting Tuesday night. Jim Herr/Cheektowaga Chronicle

The Keglers have gathered 30 petition signatures from neighbors asking the town to remove the dogs from the neighborhood. It was submitted to the town prosecutor Tuesday night.

As they were going around collecting the signatures, they learned of additional incidents.

"They've dug holes, they've blasted through [fences], they've gotten neighbor's cats," Mr. Kegler said. "The dogs have already killed other animals and bitten other people."

"I want these dogs removed. My kids are not safe in there own backyard, and they'll never feel safe after seeing what they had to see until those dogs are removed," Mr. Kegler added.

Sarah Kegler tells Cheektowaga Chronicle that Mr. Khalil wrote a check to cover the \$1,692.25 emergency veterinarian bill.

