

Cola's Rescue

By Richard Angelo Jr.

Cola is a pit bull mix who was abandoned by his previous owner in a house in Carrollton Township in Saginaw County. From approximately April 2007 to April 2008, Cola lived alone in the house, eating furniture, feces, woodwork, and whatever else he could to stay alive, and had no contact with people other than what he heard through the walls. In an attempt to keep him alive, nearby residents reportedly slid food and water under the front door. Neighbors criticized animal control officials for failing to remove Cola from the home. Complaints were lodged with the Saginaw Animal Care Center but, according to officials, Cola's condition did not deteriorate to the point where they were legally able to rescue him. In April 2008, his condition became such that animal control officials were able to remove Cola from the home. His owner was charged with animal cruelty.

The Saginaw Animal Care Center had an unwritten policy of not allowing pit bulls or pit mixes to be adopted to keep them away from criminals using them for dog fighting, regardless of the temperament and condition of the dog. Cola would be killed once the cruelty case against his owner was completed.

However, many people were looking out for Cola. Saginaw County resident Jill Van Sickle and her daughter, Melissa, made it their personal mission to save Cola. Unfortunately, their pleas to officials mostly fell on deaf ears because of the county's pit bull policy. It appeared that Cola's fate was sealed.

In July 2008, Van Sickle spoke to her friend, Seema Kella, a Florida attorney. Kella contacted the SBM Animal Law Section, and a message seeking assistance from a Saginaw lawyer was placed on the section's listserv. As a resident of a neighboring county, I decided to give it a shot.

After gathering some initial information relative to the criminal matter against Cola's owner, I contacted Mark Wachner, the animal control officer in Saginaw. Wachner was well known in animal control circles for his extensive experience with dog-fighting matters. Speaking with Wachner, I could tell from his tone that he had fielded numerous calls about Cola and he was adamant that no one in Michigan would adopt Cola. Rather than argue the efficacy of Saginaw's policy, I decided it would be more fruitful to discuss alternatives with Wachner. My focus was helping this dog, and it was evident that being adversarial would not help the situation.

After some discussion, it was apparent that Wachner might be open to the possibility of placing Cola with a rescue organization. He stated that Cola was a great dog and he did not want to see him killed, but he was concerned about any organization taking Cola and wanted an experienced handler. Whether these concerns were valid was not my focus; I saw a possible opening to keep Cola alive.

With the sentencing hearing for Cola's owner less than two weeks away, there was pressure to proceed quickly because the court could order a disposition for Cola. Referring to a listing on Pit Bull Rescue Central's website, I contacted somewhere between 20 and 30 rescue organizations in various states. I included Michigan rescues in the recommendation to Wachner hoping he would consider a reputable, established in-state rescue. Most of the organizations were dedicated solely to pit bulls or other bully breeds. Unfortunately, I was fighting against several factors, including lack of space and inability to find long-term care for Cola.

Numerous organizations responded with offers to help, and I was surprised at how many people around the country had heard Cola's story. I narrowed down the choices to the Colorado Pit Bull Rescue in Longmont, Colorado, and two Michigan organizations—the Buster Foundation and Second Chance Rescue. Both Michigan rescues agreed not to put Cola up for adoption





and would let him live out his days in their foster rescue if necessary. The Buster Foundation was ideal because it had a large facility, extensive experience caring for and training pit bulls, and one of its owners was an animal control officer.

I delivered a letter to Wachner, who was about to retire, and Valerie McCullough, the incoming animal control director, with detailed information about the rescues. I hoped Cola would be placed at the Buster Foundation because of geography, ease of transport, and experienced staff.

I did not speak with Wachner before the sentencing hearing, which I planned to attend to plead Cola's case if the judge would allow it—I had not been involved in the matter up to this point. Never in the 10 years I have been in practice was I more nervous walking into a courtroom than that morning.

I introduced myself to the defendant's attorney and let him know what I was planning to ask the judge so there would be no surprises. He was adamant that he did not want me to address the court, although he did not give a concrete reason as to why. We agreed to disagree, and I discussed with Jill Van Sickle what would likely take place once the judge took the bench. The defendant's attorney made his way back to the judge's chambers; my guess is he was trying to head off my attempt to address the court.

Judge Boyd took the bench. Cola's was the last case on the morning docket. The judge read the sentence and, possibly noticing I was about to request permission to address the court, he looked directly at me and stated he was not going to address "disposition of the dog" at the hearing. While he didn't appear angry, his intention was clear.

As Judge Boyd left the bench, the court officer approached and said the judge wanted to see me in his chambers. It turned out the judge was very receptive to hearing why I was there. He was open to allowing Cola to go to a rescue organization, but it would have to be on Wachner's recommendation.

Wachner told me he would recommend Cola be placed with the Buster Foundation and the prosecutor's office would file the forfeiture, which was to be contested by the owner. Once the forfeiture was finalized, I would arrange Cola's transport to the rescue.

About three weeks after the hearing, I received a call from the head of the Buster Foundation, and she was audibly upset. She had lost her job that day and would not be able to take Cola because the rescue had numerous dogs and adoptions were slow. Stunned, I immediately contacted Colorado Pit Bull Rescue and asked if they would be willing to take Cola. The Colorado rescue staff said they would love to have him, but I would have to transport Cola to their hub in Missouri. Figuring this wouldn't be a problem, I called McCullough to advise her of the change in plans.

In early November, McCullough told me the forfeiture was complete and Cola could leave the shelter. After dealing with numerous organizations to arrange Cola's transport, I gained a newfound respect for people working to transport rescued animals and was amazed at their willingness to help absolute strangers. I finally arranged transport over Thanksgiving weekend and was put in touch with a wonderful woman from Missouri who transported for a rescue group and was visiting family in Michigan for the holidays. She agreed to take Cola to Missouri and meet the Colorado rescue transport there. She happened to be travelling with her husband and two full-grown Rhodesian Ridgeback rescues in her car. Given the circumstances, I could not believe she was willing to take Cola. Little did I know the extent of this woman's kindness.

The plan was to meet an animal control officer on Sunday to pick up Cola and turn the dog over to the transporter in Lansing the following day. On Sunday, it snowed hard, with eight inches expected before midnight. My wife and I met Van Sickle and her daughter at the Saginaw Animal Care Center so they could see Cola out of the shelter.

After completing the necessary paperwork, I finally met Cola. He was a great dog—wagging his tail, giving kisses to everyone in the room, and enjoying the attention. Van Sickle also spent time with Cola before we took him. During the half-hour drive home, my wife and I became more concerned about the weather and we decided it would be better for me to take Cola to Lansing and spend the night in a hotel so we would not have to make the drive in the morning.

Cola did not make one peep in the car. I brought him into the hotel room and he immediately hopped onto the bed and lay



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down. All I could do was smile. I spent most of that night feeding him treats from the smorgasbord Van Sickle provided, taking him for numerous walks, and just letting him play and be a dog. He continually flopped next to me on the bed, wanting his belly rubbed. I did not sleep very much that night because I did not have the heart to put him back in his crate. I consider myself lucky to have spent that time with him.

In the morning, I met Joan, the woman taking Cola to Missouri. I knew Cola was in good hands. She had set up her car to keep the three dogs separate to minimize any incidents. We said our goodbyes and Cola was on his way to his new life. Once Joan got to Missouri (without incident, I might add) Cola spent the night with her, where he was spoiled with a bath and lots of treats.

Cola finally made it to the Colorado Pit Bull Rescue on December 4, 2008, making many more friends along the way. I received message after message from people on the transport who loved Cola.

Cola was vaccinated and underwent extensive medical treatment—he was neutered, had damaged teeth extracted, and had part of his tail removed because he wagged it so much in his crate at the shelter that it was raw and likely wouldn't heal. The Colorado rescue searched for the perfect home for Cola. In retrospect, going to Colorado was a blessing, because the staff was

able to take the time to find Cola a great home. He would not have to live out his days in the rescue. After his ordeal, he deserved whatever joy he could find.

In December 2009, Cola was adopted by a wonderful Colorado family after a trial stay at their home. The rescue spent several months treating and training Cola and was careful in selecting the ideal adoption situation.

Cola has the run of his new home and goes on daily walks with his owner. He loves meeting new people, especially the neighborhood children. Everyone who meets him is amazed at what a wonderful “people” dog he is. After the ordeal Cola survived, his faith in humans remains unbroken. According to his new owner, he is quick to allow belly rubs and wags his tail constantly.

Saving Cola was heart-wrenchingly difficult for everyone involved, but hearing news like this makes it all worthwhile. ■

Richard Angelo Jr. is a sole practitioner in Davison. He is a member of the SBM Animal Law Section and has served as a council member since 2009. His practice focuses on companion animal issues including defending dangerous dog matters, consulting on alternatives to breed-specific legislation, ownership disputes of companion animals, and zoning and ordinance violations regarding companion animals. He represents several nonprofit animal sheltering and rescue organizations.