

## Mantua council weighs investigation of police and prosecutor after dog license scandal

by Jeremy Harris

KUTV

Friday, January 21st 2022

<https://kutv.com/news/local/mantua-council-weighs-investigation-of-police-and-prosecutor-after-dog-license-scandal>



The Mantua town council is considering a resolution to investigate why the town filed criminal charges against more than a dozen residents who were accused of not licensing their pets.

The council admitted last month that the cases were problematic because the town's ordinance charged the offense as a class-C misdemeanor when state law dictates that pet license violations are not supposed to be more than an infraction.

But overcharging the offenses is only part of the problem with how the town handled its sweep of alleged dog-license violators.

As 2News reported in December, several of the criminal defendants did not get a dog license because their pets had died.

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"No one can tell me why I was charged, and they all want me just to move on," said Brandon Marsh, a Mantua resident who was charged. "My dog had died and I was charged with a crime and then treated by people like, 'well, you were still guilty,' even after my charges were dismissed."

Marsh said he supports a resolution which was presented to the council this week that would launch an investigation into why Mantua Police Chief Craig Hamer and town prosecutor Kelly Smith filed the charges in the first place.

"I just question how someone can get charged with a crime where evidence doesn't exist," Marsh said.

The text of the proposed resolution reads as follows:

"The Mantua Town Council would like to publicly recognize that an error occurred involving the prosecution of one of our town ordinances. A number of individuals were charged with a misdemeanor animal ordinance violation in a manner which was inappropriate. We resolved to work within our organization and our employees to remedy this matter. It is imperative of us that our community know that our investigatory process has begun and we do not expect further issues of a similar nature to take place."

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The resolution was presented by council member Justin Brown, but the council did not vote on it at their meeting on Thursday. Town Mayor Terry Nelson told 2News by phone Friday that he did not have a position on the resolution and could not say if it would be considered at their next council meeting.

Marsh said he has filed a complaint with the state over the situation.

"An officer charged me with a crime and there wasn't physical evidence to show that a crime was even committed," Marsh said.

Jason Groth with the ACLU of Utah said prosecutors should use discretion and consider public safety risks before deciding to file criminal charges.

"If there's other alternatives that you don't need to bring somebody into the criminal legal system, that may be a better way to go," he said.

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While the ACLU did not comment specifically on the Mantua dog license case, Groth said criminal charges always have an effect on the people who are charged.

"You have collateral consequences that come from that, so you might have issues getting a job because they see a charge on your records," he said.

Earlier this month, court records show that the Mantua Justice Court amended the charges that were filed down to infractions.

The town council previously said in December that individual defendants would have to apply for that reduction on their own.

Marsh, the resident who was charged even though his dog was dead, said he is grateful the town changed the ordinance and amended the charges, but it's still not sufficient.

"That's the last step in the process we are correcting, I'd like to correct the first step, how was I charged?" he said.