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Rose, an 11-year-old golden retriever whose regular job is helping provide therapy in schools for troubled children, is flanked by David Crenshaw, the clinical director of the Children's Home of Poughkeepsie (N.Y.), and Sherri Cookinham, Rose's handler, in front of the Dutchess County Courthouse in Poughkeepsie. The dog provided comfort to a deeply traumatized 15-year-old girl while she testified against a man accused of sexually assaulting her for four years. It's an unprecedented arrangement in New York that is just now gaining acceptance elsewhere.

Prosecutor uses dog to calm teen while she testifies

By The Associated Press

POUGHKEEPSIE, N.Y. — A 15-year-old girl had special help when she took the witness stand last week at the trial for the man accused of sexually assaulting her for four years.

Rose, an 11-year-old golden retriever whose regular job is helping provide therapy in schools for troubled children, was there at her side, helping to calm a child who experts said is otherwise incapable of talking about her traumatic ordeal.

It's an unprecedented arrangement in

New York and now gaining acceptance elsewhere. Pioneered by a Seattle prosecutor in 2003, courthouse dogs are participating in trials in at least 10 states, often over the objections of defense lawyers who worry that the dogs generate extra sympathy for victims and witnesses.

During a little more than an hour on the stand, Rose was mostly invisible. When the girl was asked to point out the man who is charged with raping her for four years starting at the age of 10, the dog

poked its muzzle up and the girl stroked it. When she was asked to go into graphic detail about the rapes, she looked down and patted the dog.

Dutchess County Judge Stephen Greller had rejected a defense argument that Rose's presence might prejudice the jury. Greller said he relied in part on an earlier New York case involving a "comfort item," a teddy bear held by a child witness in an early 1990s sex-crime trial.

Before the girl and jurors were brought

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in, a handler led Rose to the witness box, where she was placed mostly out of view under the supervision of the judge. When jurors returned, Greller introduced the witness and told the panel she was with a companion animal, but that they shouldn't draw any conclusion from that or allow sympathy to sway them.

The girl gave mostly short answers, steadily reaching down with one hand on the lead and one hand on Rose. The jury of seven women and five men gave no indication they even noticed the dog.

The girl, dressed in a dark top and pants, her dark hair in braids, pursed or bit her lips as she responded to questions, nervously draining a small white cup of water while cross-examination began. At one point, under questioning from the defense lawyer, she took a deep breath, looked down and appeared to whisper to Rose.

Ellen O'Neill-Stephens, a prosecutor in Seattle who founded the organization Courthouse Dogs, has championed dogs helping witnesses. She said they are "an incredible tool" for helping calm victims "reliving the trauma as they're describing what happened to them."

Their use gained traction after a 2004 U.S. Supreme Court ruling on a defendant's right to confront an accuser threw into doubt the legality of allowing victims to testify remotely by two-way video or other means to avoid the stressful environment of the courtroom.

"Now you had kids right up there in the face of the person who did this to them," O'Neill-Stephens said.

"We had an occasion in our courthouse where a child just froze," she said, describing a witness scared by the presence of a defendant's relatives. "All it took was playing with the dog to tell the judge he was afraid of them."

The relatives were ordered out of court.

O'Neill-Stephens lists 18 jurisdictions in Washington, Idaho, California, Texas, Missouri, Arizona, Pennsylvania, Hawaii and New Mexico with courthouse dog programs.

Rose was trained by Dale Picard, founder of Educated Canines Assisting with Disabilities. The animal works in the organization's vocational education program at six alternative schools near New York City for children with emotional, behavioral and learning problems.

Studies show that such interactions have a strong calming effect, including lowering blood pressure, said David Crenshaw, a clinical psychologist at the facility where the girl is living.

Before the girl took the stand, defense lawyer David Martin repeated his objections.

Martin, the public defender representing 36-year-old Victor Tohom, has objected not only to the potential that Rose would generate prejudicial empathy among jurors, but the fact there is no law in New York allowing the dog to accompany her.

He said Greller's decision allowing the dog will be part of any appeal if Tohom is convicted on the charge of predatory sexual assault against a child.