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STRANGER THAN FICTION

Fifth-grade fling finishes in court

■ PUNCH: Cody says he used to love Katie Rose, but a restraining order will keep them apart in the future

By Martha Mendoza
The Associated Press

FARMINGTON, N.M. — With their pretend marriage in shambles, fifth-graders Cody Finch and Katie Rose Sawyer faced each other in domestic violence court Monday, their legs too short to reach the floor, and swore they'd never, ever speak to each other again.

In return, hearing commissioner John Dean agreed to dismiss their case, which landed in court after their make-believe wedding on a school playground fell apart with a real punch.

Did he ever really love her? "Yeah, hmm hmm, I did," 10-year-old Cody said outside court.

Before he and 11-year-old Katie were called to testify Monday, their lawyers had struck an agreement to dismiss the case in exchange for a restraining order keeping the children apart. Their parents can be fined \$500 and attorney's fees if either child contacts the other.

The case went before Dean after Katie's family filed a complaint against Cody and his two teen-age brothers, alleging that over the past two months Cody had punched Katie, made a threatening call to her and vandalized her home.

New Mexico's Family Violence Protection Act applies to anyone

with a "continuing personal relationship."

"This court always tries to err on the side of trying to stop people from hurting each other," Dean said. "We've treated this case like any other case, even though this case wasn't treated by other people as any other case."

The "other people" were the media.

Both children and their parents spent the weekend in New York taping the Montel Williams television talk show. And about a dozen reporters from around the country crowded into the courtroom Monday.

Katie, wearing a short white dress covered with blue, green and purple daisies, left the courthouse quickly, clutching her father's hand.

"I really don't want this to go any further," said James Sawyer, blocking television cameras with his free hand.

Cody, sporting a fresh buzz cut and flanked by two older brothers, younger sister, parents and grandparents, patiently discussed the issues with reporters before he left for school.

Has he learned anything? "Yeah, not to hit anybody, especially girls," he said.

Did he still love Katie? "No, just because of the fight we got into," he said.

After their playground wedding, at which another girl acted as minister, Cody "was very much in love, for a while anyway," his mother, Jinx Finch, said last week. But later "the little girl

" Domestic violence goes in cycles. If it starts with your first relationship, it can either escalate from there, or it can be stopped.

— Melinda Moon
Katie's mother

who performed the marriage decided she liked Cody and wrote up divorce — that's d-i-v-o-r-c-e — papers."

The papers said Cody and Katie Rose were "sick and tired" of each other, Mrs. Finch said.

Cody said Monday he didn't think they should have gotten into court.

"Her parents should have contacted my Mom or Dad. I think my Mom could have taken care of this," he said.

Katie's mother and stepfather, teachers Melinda and Marty Moon, said they were glad both families had gone through the process.

"Domestic violence goes in cycles," said Melinda Moon. "If it starts with your first relationship, it can either escalate from there, or it can be stopped."

But Cody's attorney, Raymond Archambeau, said taking the case into domestic violence court was silly and damaging to people facing "real domestic violence."

"This trivializes it and makes real domestic violence seem petty," he said.

In cases of livestock chasing, it's a dog's death

■ APPEAL: The owner of a dog sentenced to death for chasing a horse is fighting for his faithful friend's life

MEDFORD — The owner of another dog on Oregon's canine death row is taking the case to the Oregon Court of Appeals.

Nadas, a malamute-collie mix, has been accused of chasing a horse. He was sentenced to die Sept. 25 under a state law requiring the destruction of pets that kill, harm or harass livestock.

The law was at the center of debate earlier this year over the fate of two Bend dogs accused of chasing sheep.

State Sen. Neil Bryant proposed amending the law to give dogs a second chance, then backed down after lobbying by ranchers.

He first changed the bill to allow local governments to create their own dog-livestock ordinances, then amended it to put the dogs' fate in the hands of livestock owners.

The dogs in Bend were freed in March after their owner reached an agreement with the sheep owner.

Since September, Sean Roach has paid Jackson County more than \$1,700 to care for Nadas at \$8 a day.

Roach lives in a setting similar to the Bend dogs' neighborhood — a place where urban and rural areas collide.

On Sept. 10, Roach said he chained Nadas outside his duplex, his normal routine before

heading to work at a storage business.

His neighbor, Michelle Morgan, said the dog got loose and her 13-year-old daughter saw it chasing the family's horse. Morgan, who says the dog roamed free all the time, called animal control and the malamute-collie mix was picked up the next day.

"I had had enough," Morgan said. "I was sick of this dog owner being negligent."

Roach argues his dog didn't damage the horse or property, and he has moved to Ashland to help persuade Morgan to drop her complaint.

"This was all from one girl's point of view. That's all it took to get my dog a death sentence," Roach said, referring to Morgan's teen daughter.

A circuit judge upheld the Jackson County Commission's unanimous decision to destroy the dog.

Lake Oswego attorney Robert Babcock, who volunteered to help Roach, said Roach was denied due process at the hearing.

He also argued state law fails to define chasing and in the law's context it must involve predatory intent.

"We've taken the position that the law is pretty clear," assistant county counsel Steve Rinkle said. "If the dog is found to be chasing, there is only one outcome."

After the outpouring of support for the Bend dogs, Deschutes County Commissioners adopted an ordinance that gives dogs caught chasing livestock a sec-

" This was all from one girl's point of view. That's all it took to get my dog a death sentence.

— Sean Roach
death row-dog owner

ond chance. Lincoln County also has an ordinance that overrides state law.

But Jackson County's animal-control advisory board opposes such an ordinance, saying its warning system works. Animal control warned Roach in December 1995 after a nearby rancher complained the dog chased his cows.

"The process will probably stay as it is," said Sue Kupillas, a Jackson County commissioner and ranch owner. "Cases are not brought to us unless there's a serious problem."

On Halloween, Roach lost his right to visit Nadas when he slipped into the dog's cage unaccompanied and wearing a clown suit. The county says it was an attempt to spring the pooch, and Roach pleaded guilty to third-degree criminal mischief.

Morgan said she's confused because people are criticizing her for turning in the dog.

"I don't like to see an animal put to sleep, but the law is the law, and people need to know the consequences," Michelle Morgan said. "If people want to change the law, fine."