

LAW REVIEW

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DOG ATTACK RESULTS IN CONVICTION

On January 19, 2007, Kathy Frazier, who gives every appearance of being a certified low-life, watched Denise Doll walk on the sidewalk in front of 5309 Southwest Avenue in Sacramento. Frazier lived in a tent in the side yard of 5309 Southwest Avenue and took care of the owner's home and their two dogs Papas and Midnight. That's right, a tent—in January.

For no apparent reason, Frazier opened the gate and commanded Papas and Midnight to “get her, get her.” The dogs attacked Doll and injured her badly. Papas' bite exposed Doll's leg bone and muscle, causing profuse bleeding and permanent injuries.

A next door neighbor witnessed the attack and begged Frazier to call off the dogs but she refused saying “stay out of it.” Finally Frazier called the dogs back into the yard and closed the gate.

When the Sheriff's Deputy arrived Frazier attempted to block the Deputy and animal control officer from capturing the dogs for quarantine. Frazier was handcuffed and taken to jail--after falsely identifying herself as Sheila Smith. Sounds like Meth to me.

CHARGES

Frazier was charged and convicted of assault by means of force likely to produce great bodily injury, with a sentence enhancement for personally inflicting great bodily injury on the victim.

Frazier was also convicted of giving false information to a police officer and for probation violation in two other matters. Quite the classy lady.

THE DOG DID IT

Frazier's court-appointed defense counsel came up with the logical argument that Frazier did not personally inflict great bodily injury on Doll--the dog did, so there should be no sentence enhancement.

In fact the Penal Code under which Frazier was convicted recites: "Any person who *personally* inflicts great bodily injury on any person...should be punished by an additional and consecutive term of imprisonment in a state prison for three years."

JUSTICE SIMS

Justice Sims, one of the best Court of Appeal Justices in the business, saw through Frazier's argument writing, "We recognize the common tendency to anthropomorphize animals (I had to look it up), especially beloved pet animals....Despite the physical ability to commit vicious and violent acts, dogs do not possess the legal ability to commit crimes...but a dog may be the instrumentality of an attack causing great bodily injury just as a loaded gun or a knife can be."

STATE PRISON

Justice Sims and two other Justices found that Papas attacked and mauled Doll by obeying Frazier's commands, not by acting instinctively. In fact, Frazier had previously witnessed Papas attack on command.

Frazier directed the attack and hindered its ending so she is responsible for personally inflicting great bodily injury. The Opinion did not say what Frazier's sentence was but three years were added to the prison term for *personally* inflicting the injury on Doll through Papas. From tent to prison cell. Justice done.

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