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PROSECUTOR KYM WORTHY ANNOUNCES CHARGING DECISION IN PIT BULL CASE

It can be very rewarding to be a pet owner. Many people consider their pet to be a member of the family. Caring for a pet is a pleasure but it also comes with responsibility.

On April 3, 2004 at 8:30 a.m. on Trinity Street, Carole Hedger was in the kitchen with her one-year old grandson, Bryce Klepper, when her dog unexpectedly attacked him in the face and neck area. She called for her daughter to help. They tried to restrain the dog and even stabbed the dog several times. Ms. Hedger put herself around the baby to prevent any further attack. Tragically, the child died from a dislocation and fracture of the spine.

An investigation was conducted by the Detroit Police Homicide Section. Because of the unusual nature of the case, Detective James Bivens and Detective Brian White of my office conducted an in-depth investigation. We investigated many sources to make our decision. This is why it has taken over a month.

Family members, neighbors and acquaintances were interviewed. All of the sources were consistent in telling us that the dog was not aggressive in nature. In fact, the opposite was true. The dog was affectionate with people and played well with children.

We have spoken to Dr. Lawrence Herzog and he has said that there is no such thing as breed specific viciousness related to the dog. A pit bull is not inherently dangerous by nature. People train pit bulls to fight and be aggressive. The same way a poodle could be trained to be vicious. Dr. Herzog indicates that if there is aggressiveness, it is seen in the early years of a dog's life.

In this case, we looked at the veterinary history of the animal. The records show he was well taken care of and was a good dog. There was no aggression noted.

There are three standards in the law that we look at during charging. One is the intent of the person. It is clear that the grandmother wanted no harm to come to this child. The second standard is gross negligence. We have concluded that the grandmother has no liability under this standard because there is no evidence to suggest that she knew or should have known that the dog was in any way aggressive. The third standard is carelessness and again, the fact that there was no evidence of aggression would not allow charges to stand.

It is human nature to want to attach a crime to this specific set of facts. However, not every bad thing that happens is criminal. This is a horrible tragedy that the family of this child will have to live with for many years. We can only hope that others will learn that we must be vigilant when pets and children are together.

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