



OFFICE OF THE
DISTRICT ATTORNEY

Stanislaus County Courthouse
11th and I Streets
Room 200, 2nd Floor
P.O. Box 442, Modesto, CA 95353

JAMES C. BRAZELTON
District Attorney

(209) 525-5550

FAX: (209) 525-5545

PRESS RELEASE

For Immediate Release
Date: March 29, 2002
Re: Dog Mauling Case

For more information contact:
Jim Brazelton District Attorney
(209) 525-5524

Modesto, California –

###

Stanislaus County District Attorney Jim Brazelton announced today that his office will not be filing criminal charges against Ricardo Alvarez, Jr. for allowing a vicious animal to roam at large or to neglect to take proper to contain his animals.

Mr. Alvarez was the owner of the two pit bull dogs who mauled a five-year old child on March 9, 2002. Alvarez has since relinquished ownership of the animals to the county animal control agency.

The Modesto Police Department had presented the case to the District Attorney's Office for possible charges under a new Penal Code section enacted just this year. The new law holds a dog owner responsible for allowing a vicious animal to roam at large, with knowledge of the animal's viciousness, when the animal subsequently causes great bodily injury to another person. The decision against filing charges came after two weeks of thorough investigation by Modesto Police Department and Animal Control Services. Extensive research into the applicable law was conducted by Deputy District Attorney Nate Baker.

In this case, the law requires proof that the dog owner was on prior notice of the animal's viciousness to others. Unlike the recent case in San Francisco, there was no evidence that these dogs were being bred as fighting or attack dogs and no prior complaints about the dogs exhibiting viciousness toward humans had been made to animal control. All of the surrounding neighbors were interviewed and no one reported that these

PRESS RELEASE

March 28, 2002

page two

dogs had attacked people in the past. By contrast, the dogs in the San Francisco mauling case were bred to be killers, and in that case there were over 30 documented incidents of prior viciousness towards people.

While this was a horrible tragedy, and our hearts go out to the victim and his family, there is insufficient evidence to permit filing of criminal charges in this case.