

## TOWN OF HUNTINGTON

# 'Dog' Of A Case

## Pit-bull assault trial scheduled to get under way this week

By Peter Gannon

The owner of the pit bull that attacked and injured a Melville man last summer is scheduled to appear in court this week, the defendant in a criminal trial stemming from the actions of her dog.

Mary Graham, of Huntington Station, is facing assault charges from the incident last July in which her pit bull, Dutch, tore at the face and left hand of Melville's Richard Robbins, who had jumped in to break up a fight between the pit bull and his own Siberian Husky. Robbins was airlifted to Stony Brook University Hospital just minutes after the scuffle for the treatment of injuries to his right eye, head and hands, but refused to be admitted and was released that same night.

But while the main facts of the case are not in dispute — Graham's attorney readily admits the dog did attack Robbins — opinions on the coming verdict certainly are. Since the incident, Robbins has maintained that he doesn't blame the dog for the attack, but instead blames the people who care for him.

"There has to be some accountability on the part of the owner," Robbins said in an interview this week. "Those are the big things to me: accountability and responsibility." But such things may not come in the form of a criminal conviction, and if you ask Graham's attorney, Michael Brown, they shouldn't.

Brown contends that in the eyes of the law, Robbins' injuries were not the result of an unprovoked attack on the part of Dutch — one of three pit bulls being walked by Graham that day on the grounds of the Birchwood Elementary School — but instead the result of

Robbins' own aggression. What happened leading up to the moment that Robbins jumped in to defend his husky, Gina Marie, is irrelevant, he said.

"[Robbins] bit my client's dog," said Brown, describing how the Melville man first entered the fight. "He was injured because he bit my client's dog...what he did is similar to sparking a lighter while you are filling your tank with gas."

Brown contends that a fight between dogs does not warrant a criminal assault charge against the owner, and that as far as this week's case is concerned, the only relevant facts start with Robbins' involvement.

That defense will likely raise an interesting question in district court as to how far the responsibility of a dog owner extends in such cases, and what facts can be considered in determining provocation. By Robbins' own account, his part in the incident did in fact start as Brown described it, although he has a hard time seeing the defense's contention that he was an aggressor.

Just two days after the attack, as his sat in his home with a discolored, swollen lump hiding his right eye, a four-inch gash in his forehead and a badly swollen hand, he described the incident for a *Long-Islander* reporter. Robbins said the pit bull came charging at him and his three dogs from about 100-yards away and immediately attacked his dog — locking onto the abdomen of Gina Marie who immediately howled in pain. After trying unsuccessfully to pull Dutch away, Robbins entered the fight himself by digging his teeth into the dog who then turned his attention to him. If it had not been for a stranger, David Meitz, who came to his aid, the pit bull might

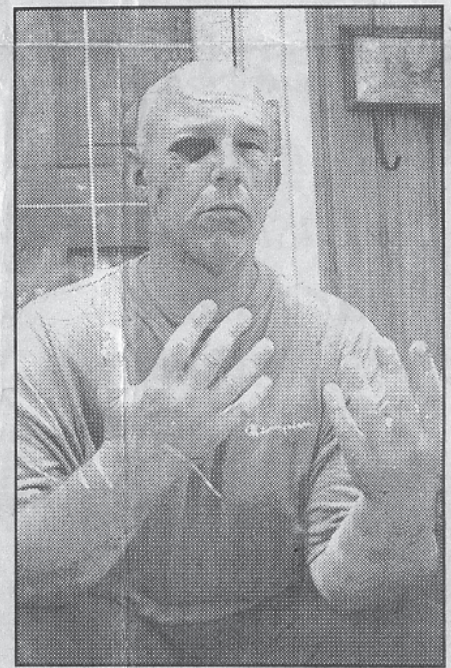
have killed him, said Robbins.

Brown disagrees with some of that story, particularly the claim that Dutch ran across the field to attack the husky. According to the defendant's account, the fight started after Robbins' dog — which was unleashed — approached Dutch — who was leashed — to play, said Brown. The defense is for the most part in agreement with the rest of Robbins' account, he added.

Whether the fight between Dutch and Gina Marie started innocently or not, Graham has since admitted that at least two of her pit bulls are indeed dangerous.

Partly in order to save the life of Dutch, who was for a brief time following the attack scheduled to be euthanized, Graham entered into a "dangerous dog" agreement with the Town of Huntington requiring that the two dogs be confined to an enclosure, according to Bruce Richard, the town's director of public safety. More stringent than that imposed by the Suffolk County Dangerous Dog Law, the agreement stipulates that the dogs be kept in an enclosure with a six-foot-tall chain link fence, a roof and a concrete floor to prevent the dogs from digging their way out. When they are walked, the dogs are required to be muzzled and leashed, said Richard.

But these requirements have come too late for Robbins and Gina Marie, who both reportedly still suffer from long-term effects stemming from the attack. Robbins has nerve damage in both hands, he said, while Gina Marie has experienced lasting effects in her bowels, which has caused irregularities in her waste cycle. Robbins has not been in contact with Graham since the incident,



Richard Robbins, pictured here days after being attacked by a pit bull last summer, is hoping that the court holds the owner of the dog responsible.

Long-Islander File Photo

nor has he returned to the site of the attack — once his favorite place to go with his dogs.

"It's changed things for me a bit," said Robbins of the attack. "Psychologically it's going to take some time...it definitely changes your outlook when you are outside."

But you don't need to hear him speak to know that Robbins' feelings toward dogs have changed, if only slightly. His license plate that once read "WHOOOF," now reads: "NO LEASH."

Mary Graham's trial was scheduled to begin Monday in district court in Central Islip, with Robbins expected to testify either Wednesday or Thursday.