

## Symieon Robinson Pierre Exonerated Of Convictions For His Dog Biting Police Officers

Symieon Robinson-Pierre's 2012 convictions of owning a dog that bit four police officers in London [have been overturned](#) by the UK's Court of Appeal.

On March 22, 2012 a warrant was served on Robinson-Pierre at his row house in east London. The police didn't knock before breaking down the front door and entering the house. After the officers entered Robinson-Pierre's pit bull terrier named "Poison" attacked one of the officers. As the officers fled the house the dog followed them outside and over a period of minutes attacked four officers. Poison was killed when he was shot four times with a shotgun. The five officers bitten by Poison suffered varying degrees of injuries on their hands and legs. The most seriously injured officer required surgery and he was off work for 85 days.

Although nothing was found during the search of Robinson-Pierre's house, he was arrested at the scene for Poison's attack on the officers. [He told the police](#), "It's not the dog's fault. You should have knocked. I would have let you in."

Robinson-Pierre, 25, was indicted for four counts of being the owner of a dog which caused injury while dangerously out of control in a public place, in violation of the UK's Dangerous Dogs Act of 1991. He was not charged for the attack on the first officer because it took place inside his house.

The later part of the incident was recorded by a local resident on his mobile phone video camera. The video was uploaded to the Internet and can be [viewed on YouTube](#).

During Robinson-Pierre's trial in August 2012 the prosecution played the video of Poison's attack to buttress the testimony of the police officers who were bitten.

At the close of the prosecution's case Robinson-Pierre submitted there was no case for him to answer on two grounds: The first



Symieon Robinson-Pierre's dog Poison attacking police officer on March 22, 2012.

count involved an officer bitten in his yard so it didn't occur in a "public place"; and, the police, not he, allowed Poison outside, so he wasn't responsible for the injuries to the officers. The judge agreed the first count involved an officer bitten on Robinson Pierre's property and directed the jury to return a verdict of not guilty on that count. However, the judge ruled the offense Robinson-Pierre was charged with was a "strict

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she felt drowsy she knew she needed to pull off the highway at the first opportunity to rest. In arriving at its decision the appeals court found the trial judge erroneously relied on the false transcription of Rigel's statement at the hospital as -- "I knew I should have pulled off" -- that was in the past tense and implied she knew she erred not pulling off the highway. When in fact the audio of Rigel's statement showed she actually said "I knew I shouldn't put it off," which was in the present tense and indicated she immediately began looking for the next turn-off after she was hit with drowsiness. [Op.Cit. at 7] The Court referred to Rigel as "youth" [in stating](#):

"The only reasonable inference that can be drawn from youth's uncontroverted statements, as correctly transcribed, and from the evidence concerning the highway, is that she did not feel tired until after she had passed the last pull out on the southbound side of highway 101 before milepost 341. [Id. at 12]

... it appears that the juvenile court did not find the testimony of youth's expert to be pertinent to its ruling; the court did not mention it when ruling. We note that the expert's testimony confirms that a driver can go from a state of not feeling tired to a state of sleep in as little as one minute and that drivers are not always

aware that they are being overcome by fatigue. [Id. at 13]

...

As discussed above, only two minutes passed between the time youth became aware of her tiredness and the accident. The expert's testimony confirms that drivers who fail to pull over *immediately* upon realizing they are tired are not for that reason alone deviating from a widely shared, reasonable norm. ... and, youth did not disregard the risk of falling asleep because she immediately began looking for an appropriate place to pull over once she started to feel tired ..." [Id. at 14]

...

Therefore, youth did not act recklessly, and the juvenile court erred in taking jurisdiction of youth based on its conclusion that youth's acts, if committed by an adult, would have constituted criminally negligent homicide and assault in the third degree.

Reversed. [Id. at 15]

The Court's ruling bars Rigel's retrial.

Rigel's appeal lawyer, George Kelly, [commented](#) after the appeals court's ruling, "I'm pleased with the decision, and I happen to think it was the right one." When contacted by Justice Denied, Kelly declined to com-

ment on specifics of the case because he hadn't been given permission to do so by the Rigel family.

[Click here to read](#) the appeals court's ruling in *State of Oregon v. S.N.R.*, No. A148495 (Ore. Ct. of Appeals, 1-29-2014), that includes an extended discussion of what constitutes criminal negligence and third-degree assault under Oregon law.



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Source:

[State of Oregon v. S.N.R.](#), No. A148495 (Ore. Ct. of Appeals, 1-29-2014)

[Court says sleep-driving strikes quickly](#): Teen driver who killed motorcyclist gets case overturned, *The Oregonian* (Portland, OR), January 29, 2014

[Two similar fatal accidents](#), two very different outcomes. Why?, *Curry Coastal Pilot* (Brookings, Ore.), October 28, 2011 10

[Judge: No license for teen driver](#) who hit, killed motorcyclist, *Curry Coastal Pilot*, May 4, 2011

[BHHS graduation 2011](#): Students receive diplomas Saturday, *Curry Coastal Pilot*, June 15, 2011

[Brookings-Harbor High School](#), Brookings, Oregon

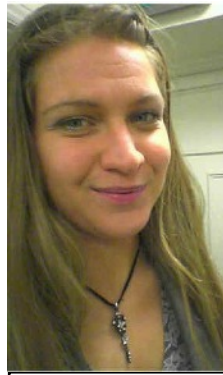


# Who Is Responsible For Annie Borjesson's Death?

By Hans Sherrer

The repeated failure of Scottish police to thoroughly investigate suspicious deaths has resulted in the [circulation of a petition](#) calling on the Scottish Parliament to urge the Scottish Government to introduce the right to a mandatory public inquiry with full disclosure of evidence in deaths determined to be self-inflicted or accidental, following suspicious death investigations. [Sign the petition by clicking here.](#)

Annie Borjesson's death is one of the cases that inspired the petition. Annie was a 30-year-old Swedish citizen whose body was found on the morning of December 4, 2005 lying on the salt water beach near the seawall in Prestwick, Scotland. She was last seen on the afternoon of December 3 at the Prestwick airport. Annie was lying on her back with her coat and two bags close to her body. The bay is shallow enough that a person can walk out hundreds of yards during low tide before reaching the water line. The police considered Annie's death a suicide by drowning without conducting a meaningful investiga-



Annie Borjesson  
(annierockstar.com)

tion of the suspicious circumstances under which her body was found and her known movements in the 24-hours before her body's discovery. The pathologists who conducted [Annie's autopsy](#) determined "death here was due to drowning." However, the pathologists didn't estimate her time of death or make a determination her death was a homicide, accidental, or suicide. Neither did they collect any of the water they found in her stomach for testing to determine if was fresh or salt water. Lab tests of Annie's blood and urine found she had an alcohol level of less than .02 and no other drugs were in her system.

The website about Annie's case, [www.annierockstar.com](http://www.annierockstar.com) details the evidence about Annie's death and her known movements in Edinburgh and Prestwick in the last 24 hours she was alive.

After more than three years of effort to try and convince the Scottish police to investi-



Annie Borjesson caught on CCTV at Prestwick Airport at 3.15pm the day before her body was found on the nearby beach

gate Annie's death, her mother Guje and her friend Maria Jansson who live in Sweden, contacted Justice Denied in 2009. Although normally Justice Denied deals with cases of possible wrongful conviction, it was glaringly apparent the snap judgment by the Scottish police that Annie committed suicide by drowning was based on the same disregard of the evidence that results in the prosecution of innocent persons in Scotland, the U.S. and countries around the world.

Justice Denied contacted forensic pathologist Dr. Glenn Larkin, who in June 2010

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## Pierre cont. from p. 17

liability" offense, so it didn't matter who let his dog out: the prosecution only had to prove his "dog was dangerously out of control" in a public place. Based on that ruling Robinson-Pierre did not present any evidence in his defense.

The jury convicted Robinson-Pierre of three counts on August 6. During his sentencing hearing on January 17, 2013 the prosecutor argued for a long term of imprisonment, [telling the judge](#), "If you need a useful image in mind of the aftermath of the event, imagine the sickbay after the Battle of Trafalgar and that will give you an idea - carnage." The judge sentenced him on Robinson-Pierre to three concurrent terms of 22 months imprisonment, and disqualified from owning a dog for 5 years.

Robinson-Pierre filed leave to appeal on the ground the judge erred in ruling the charges were a "strict liability" offense, and instructing the jury the prosecution only had to prove his dog was dangerously out of control in a public place. [He argued](#), "the Dangerous Dogs Act 1991 does not permit the conviction of an owner or person in charge of a dog who did not by his act or

omission cause the dog to be in a public place or cause the dog to become dangerously out of control." and it was an uncontested fact his dog only escaped from confinement in his private dwelling by reason of the deliberate act of the police.

On December 20, 2013 the UK's Court of Appeal issued its ruling in [Robinson-Pierre v R](#) [2013] EWCA Crim 2396 (20 December 2013). In unanimously overturning his conviction the Court stated:

"It seems to us that had the jury been directed to consider whether any act or omission of the appellant had made a more than minimal contribution to the presence of the dog in a public place, dangerously out of control, it is likely they would have concluded that he did ... However, the learned judge, having reached his conclusion as to the nature of the offence, did not direct the jury to consider the issue; on the contrary, he



Symieon Robinson-Pierre during his sentencing on January 13, 2013 (drawing by Julia Quenzler).

told them that if they were sure the dog was dangerously out of control in a public place any act or omission of the appellant was irrelevant to the question whether he was guilty of the offence. In these circumstances the appellant elected not to give evidence. ... We cannot in these circumstances be sure that the verdicts of the jury were safe.

For these reasons we allow the appeal against conviction." [¶46-47]

Robinson-Pierre was out of custody at the time of the Court's ruling. He was continuously in custody from his arrest on March 22, 2012 to his sentencing in January 2013, so he was released on parole in February 2013 after 11 months of incarceration.

Source:

[Robinson-Pierre v R](#) [2013] EWCA Crim 2396 (20 December 2013)

[Pit bull owner has conviction overturned](#) after blaming police for his dog's attack, *London Evening Standard*, December 20, 2013

[Pit bull owner whose dog savaged](#) five police officers leaving scene 'like the Battle of Trafalgar' jailed for nearly two years, *Daily Mail* (London), January 17, 2013

[Graphic Footage of Pit Bull dog](#) attacking Policemen, *Youtube.com*