You Decide

7.1 Michael Berry was charged with depraved heart murder. The defendant purchased a pit bull, Willy, from a breeder of fighting dogs. Berry trained Willy and entered the dog in "professional fights" as far away as South Carolina. Willy was described as possessing stamina, courage, and a particularly "hard bite." He was tied to the inside of a six-foot unenclosed fence so as to discourage access to the 243 marijuana plants that Berry was illegally growing in an area in the back of his house. Berry's next-door neighbor momentarily left her two-year-old child, James Soto, playing on the patio of her home. James apparently wandered across Berry's yard to the other side of Berry's home, where he encountered Willy and was mauled to death. An animal control officer testified that pit bulls are considered "dangerous unless proved otherwise." Is Berry guilty of killing with an abandoned and malignant heart? See *Berry v. Superior Court,* 256 Cal. Rptr. 344 (Cal. Ct. App. 1989).

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