

SUFFOLK NEWS-HERALD

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SATURDAY DECEMBER 17, 2005 Last modified: Thursday, December 15, 2005 6:29 PM CST

Parents of dead child have first court appearance

By Allison T. Williams

A bond hearing will be held next week for one of the parents indicted Wednesday for the fatal dog attack toddler son in Whaleyville.

On Thursday, during a video teleconference from Western Tidewater Regional Jail, Suffolk Circuit Court Judge Westbrook Parker appointed two Portsmouth attorneys, Barrett Richardson and Gregory Matthews, to represent Heather Frango and James Jonathan Martin respectively.

A bond hearing for Frango has been set for 2 p.m. Dec. 22, Richardson said. No hearing for Martin had been scheduled as of late Thursday, according to the Suffolk Commonwealth's Attorney's office.

Both will be arraigned on Jan. 5.

Frango, 29, and Martin, 25, were arrested in Chesapeake Wednesday and charged with second-degree murder/accidental homicide, child neglect/abuse - serious injury and involuntary manslaughter for the October death of their son, 2-year-old Jonathan Martin.

The child was alone when he approached two adult pit bulls and a litter of puppies in the family's home in the 6000 block of Whaleyville Boulevard, according to police reports. One or both of the adult dogs attacked the child, who died later that day in Sentara Norfolk General Hospital from multiple dog bites.

More than 24 hours after Frango and Martin's arrests, family members say they are still stunned.

"I was shocked," said Frango's stepmother, Linda Grinels, who lives in Ohio. "It seems like it is a lot more than in other cases. It seems like they want to use Heather and Jon to set an example."

Frango, who waited tables at a local pancake house, and Martin, a construction worker, loved and took good care of Jonathan and his younger brother, Daniel, Grinels said. The younger boy, now about 18 months, is staying with family members in Chesapeake.

While tragic, Jonathan's death was an accident, she said.

"They didn't expect this to happen," she said. "Burying your own child is the worst pain in the world any parent will ever experience."

"I will always love Jonathan ... but punishing Heather and Jon is not going to bring him back."

Martin's father, Jonathan Martin Sr., of Chesapeake, said the family was expecting charges to be filed.

“We were sort of expecting the child abuse or neglect charges,” he said. “But I think they went on the heels of things in this situation.

“They can charge people with anything they want, but proving it and making the charges stick in a court is a different story. My only hope is that the jury will make their decision on truth, not hearsay and prejudice.

Frango and Martin are the first people in Virginia charged with second-degree murder in a fatal dog attack on Kim Hamilton, executive director of the Virginia State Crime Commission.

“Most of the time, it falls under involuntary manslaughter,” she said.

A Spotsylvania County woman, Deanna Large, is scheduled to be tried Dec. 20 on involuntary manslaughter charges for her pit bulls' March 2005 fatal attack on an elderly woman and her pet dog. She will be the first person in Virginia tried for involuntary manslaughter for a dog mauling death since 1966, said Spotsylvania County Commonwealth's Attorney William N. Neely last week. That case, heard in Amherst County, was dismissed.

But times have changed, said Karen Delise, spokeswoman for the National Canine Research Foundation in Virginia.

In the past five decades, there has been an increase in the number of fatal dog attacks nationwide, she said. There were 10 reported in 1955; last year, 22 people were killed from dog maulings.

“The world we live in is different than it was 20 or 30 years ago,” Delise said. “In today's society, people supervise their animals ... and be accountable for their actions.

“People who fail to do that are being taken to task for it. That is the way law enforcement and courts are addressing dog attacks today.”

Delise said she doesn't believe Frango and Martin are being singled out for their dogs' actions. Several people around the country have been convicted of involuntary manslaughter for fatal dog maulings in recent years, she said.

“It's a trend now,” she said. “Criminal charges are being filed in almost every case that is clearly not an accident.”

Suffolk Commonwealth's Attorney C. Phillips Ferguson said his office spent several weeks studying data and making its recommendation in this case to a grand jury.

“We don't lightly bring these kinds of charges,” he said. “What we did and the police department did ... was a methodical analysis of the available facts and evidence.

“What happened to the child is horrendous. But we have to look at it in a factual way ... the same as we would in any case.”

Many states, including Virginia, are beefing up their legislation to hold dog owners criminally responsible for their animal's actions, Delise said. State Sen. R. Edward Houck, D-Spotsylvania County, announced last week that he will be introducing legislation during the January 2006 General Assembly session that would strengthen Virginia's current dangerous-dog laws.