

Office of the State Attorney
Fourteenth Judicial Circuit of Florida
In and For Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties

Glenn Hess
State Attorney



In Reply Refer to:
(850) 872-7684, Ext 403

September 25, 2009

Honorable Frank McKeithen
Sheriff of Bay County
3421 North Highway 77
Panama City, Florida 32405

Re: State v. Brian Mead

Dear Sheriff:

Brian Mead was charged with Assault on a Law Enforcement Officer arising out of the aftermath of the destruction of his two Pit Bull dogs by Deputy Kenny Bibbs on September 7, 2009. He was charged with threatening Deputy Doug Pierce by balling his hands into a fist. Initial reports stated that Mr. Mead also attempted to strike Deputy Pierce.

During the course of our investigation into the circumstances of the dog killing, I interviewed Deputy Pierce. I found him to be honest and straightforward in reciting the events of that evening. He related that Mr. Mead was very vocal and that he did clench his fists. He candidly denied that Mr. Mead did anything more.

As you know an assault is defined as a threat, by word or act, to do violence to another and doing some act creating a well-founded fear that the violence is about to occur.

Brian Mead was not home at the time his dogs were shot. He pulled up minutes later. There was no way he could have known what had happened. He was greeted by at least one irate neighbor, and his wife was visibly upset. Certainly, the atmosphere in his front yard was highly charged, and the flow of emotion was not going in Mr. Mead's favor. An element of self-defense cannot be dismissed.

The instruction that I have read to jurors countless times directs that in matters of self-defense a defendant must be judged upon the circumstances surrounding him at the time force was used. Here, the only "force" Mr. Mead used was the clenching of his fist. No reasonable person should fault him for that. Likewise, Deputy Pierce should not be faulted for his actions.

Having considered all of the information gathered in this investigation -- without the intensity or exigencies of that night -- I am filing a No Information in Mr. Mead's case.

Best wishes,

A handwritten signature in blue ink that reads "Glenn Hess".

Glenn Hess

GH/ps

cc: Ben Bollinger, Esq.