

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

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No. 1D2024-0701

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AARON BARNES,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

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On appeal from the Circuit Court for Walton County.  
Kelvin C. Wells, Judge.

December 18, 2024

PER CURIAM.

Appellant, Aaron Richard Barnes, appeals his judgment and sentence for two counts of misdemeanor animal cruelty, asserting that the trial court erred by denying his motion to dismiss. For the reasons that follow, we agree with Appellant and reverse.

Appellant was charged by information with two counts of aggravated animal cruelty. He filed a motion to dismiss the charges on the basis that his shooting of two dogs was justified under section 767.03, Florida Statutes, because the dogs had killed his chickens.

At the ensuing evidentiary hearing, Appellant testified that on the morning of March 26, 2023, a neighbor informed his wife that two dogs were attacking their chickens inside a fenced-in

chicken coop located in their fenced-in yard. Appellant went to investigate the scene, where he discovered three dead chickens. Appellant spoke with the neighbor who witnessed the attack and chased off the dogs, and Appellant also watched security video footage of the dogs breaking into his coop and attacking his chickens. Shortly thereafter, Appellant went to run errands and to look for the dogs with the intent of finding their owner to address the incident. Appellant noticed the dogs a short distance away, and as he exited his vehicle, he observed that one of the dogs appeared to be in the process of killing one of his chickens. Appellant drew his weapon and shot and killed both dogs as one of them lunged at him.

The State did not contest Appellant's evidence, and the trial court denied the motion to dismiss. Appellant then pleaded no contest to two counts of the lesser-included offense of misdemeanor animal cruelty, while specifically reserving the right to appeal the denial of his motion to dismiss. The trial court withheld adjudication and sentenced Appellant to concurrent terms of 11 months and 29 days of probation. This appeal followed.

We review a trial court's denial of a motion to dismiss *de novo*. *Key v. State*, 348 So. 3d 691, 694 (Fla. 1st DCA 2022). Likewise, our review of an issue of statutory interpretation is *de novo*. *Fla. Dep't of Revenue v. Verizon Commc'ns Inc.*, 380 So. 3d 541, 544 (Fla. 1st DCA 2024). In interpreting a statute, our task is to determine what the Legislature actually said in the statute based upon the common meaning of the words used and their context. *Tsuji v. Fleet*, 366 So. 3d 1020, 1025 (Fla. 2023). We are committed to the supremacy-of-text principle that the "[t]he words of a governing text are of paramount concern" and "what they convey, in their context, is what the text means." *Steele v. Comm'r of Soc. Sec.*, 385 So. 3d 587, 590 (Fla. 2024).

Appellant moved to dismiss his charges pursuant to section 767.03, Florida Statutes (2023), which is titled "Good defense for killing dog" and provides as follows:

In any action for damages or of a criminal prosecution against any person for killing or injuring a dog, satisfactory proof that said dog had been or was killing any animal included in the definitions of "domestic

animal” and “livestock” as provided by s. 585.01 shall constitute a good defense to either of such actions.

Appellant’s unrefuted testimony established, and the State did not dispute, that the dogs he shot had been or were killing his chickens, which are considered domestic animals under section 585.01(10), Florida Statutes (2023). We are without power to construe an unambiguous statute in a way that would extend, modify, or limit its express terms or its reasonable or obvious implications. *Searcy, Denney, Scarola, Barnhart & Shipley v. State*, 209 So. 3d 1181, 1189 (Fla. 2017). Under the circumstances of this case, the plain language of section 767.03 provided Appellant with a defense, and the trial court should have granted his motion to dismiss. Accordingly, we reverse the denial of the motion to dismiss and remand with instructions to vacate Appellant’s judgment and sentences.

REVERSED and REMANDED.

LEWIS, B.L. THOMAS, and LONG, JJ., concur.

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***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

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Byron E. Cotton, Shalimar, for Appellant.

Ashley Moody, Attorney General, and David Welch, Assistant Attorney General, Tallahassee, for Appellee.