

21.1(a) RESISTING A POLICE [CANINE] [HORSE] WITH VIOLENCE

§ 843.01(2), Fla. Stat.

To prove the crime of Resisting a Police [Canine] [Horse] with Violence, the State must prove the following three elements beyond a reasonable doubt:

1. (Defendant) **knowingly and willfully** [resisted] [obstructed] [opposed] a **police [canine] [horse]** by [offering to do violence] [or] [doing violence] to the animal.
2. **At the time**, the [canine] [horse] was [working at the direction of] [or] [in tandem with] [an officer] [a legally authorized person] who was **engaged in the** [lawful execution of a legal duty] [execution of legal process].
3. **At the time**, (Defendant) **knew the animal was a police [canine] [horse]**.

In giving the instruction below, insert the class of officer to which the victim belongs, e.g., law enforcement officer, correctional officer. See Wright v. State, 586 So. 2d 1024 (Fla. 1991). See §843.01(1) Fla. Stat. for the type of officer covered by this statute.

The court now instructs you that every (name of official position of officer or legally authorized person the animal was working at the direction of or in tandem with) **is an officer within the meaning of this law.**

Definitions. Give as applicable.

Walker v. State, 965 So. 2d 1281 (Fla. 2nd DCA 2007).

“Offering” to do violence means threatening to do violence.

§ 843.19, Fla. Stat.

“Police canine” means any canine that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

“Police horse” means any horse, that is owned, or the service of which is employed, by a law enforcement agency or a correctional agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

Lesser Included Offenses

RESISTING A POLICE [CANINE] [HORSE] WITH VIOLENCE — 843.01(2)

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Aggravated Animal Cruelty	828.12(2)	29.13
	Animal Cruelty	828.12(1)	29.13(a)

Comments

In *Wallace v. State*, 724 So. 2d 1176 (Fla. 1998), the Court held that a defendant commits only one count of Resisting with Violence even if several officers are involved in the incident because the statute refers to “any officer.” § 843.01(2), Fla. Stat., however, refers to “a police canine or police horse.” Pursuant to *Wallace*, the unit of prosecution appears to be each animal the defendant resists, not the event.

This instruction was adopted on March 8, 2024.