



Association of Prosecuting Attorneys

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July 30, 2018

Governor Rick Scott
Florida State Capitol
400 S. Monroe Street
Tallahassee, FL 32399-0001

Dear Governor Scott:

The Association of Prosecuting Attorneys (APA), the Animal Legal Defense Fund (ALDF), and the Animal Welfare Institute (AWI) respectfully request that you reassign the case of Dewie Brewton from the state attorney for the Fifth Judicial Circuit to another Florida state attorney. As you know from your 2017 victory in *Ayala v. Scott*, you have the authority to reassign cases to best serve the “ends of justice.” In this case, the ends of justice demand reassignment. In support of this request, we respectfully submit for your consideration the following:

- A June 6, 2018, letter to you from ALDF asking for this reassignment, including its letter to the Fifth Judicial Circuit State Attorney, in which ALDF states that its “independent analysis of the facts and Florida law” led it to conclude that “there is a strong case to be made for animal cruelty, solicitation, and child abuse charges against Brewton.”
- A May 22, 2018, letter from AWI to several state and county officials setting out its review of the several laws and regulations Mr. Brewton’s actions violated, including Florida’s anticruelty statutes and Florida Fish and Wildlife Conservation Commission regulations.

The thorough analyses done by ALDF and AWI, given the facts available to us, make clear the following:

- It was not established that the individual raccoons and opossum in question killed the school's chickens and thereby could be considered "nuisances." However, even if the animals in this case were deemed "nuisances," Mr. Brewton's drowning of the animals violated Commission regulations requiring that any nuisance wildlife that has been captured be released or euthanized within 24 hours of capture. The regulations further specify that euthanasia must be "humane" as defined by the American Association of Zoo Veterinarians or the American Veterinary Medical Association, and the AVMA unequivocally states that "drowning is not a means of euthanasia and is inhumane."
- Mr. Brewton made no effort to consider several readily available nonlethal alternatives. The animals were safely contained in cages. Mr. Brewton could easily have called the Commission or animal control, or he could have relocated the animals himself. Consequently, by killing the animals he committed an unnecessary act of cruelty in violation of Florida law.
- Moreover, Mr. Brewton's actions appear to constitute aggravated animal cruelty, which is defined as intentionally committing an act to any animal that results in cruel death or unnecessary pain or suffering, or causing same to be done. Aggravated animal cruelty is a general intent crime, meaning that the state need not show that Mr. Brewton had "the mental intent to inflict a cruel death or unnecessary suffering," only that his intentional act directly resulted in the animals' cruel deaths. The reasonable conclusion is that Mr. Brewton intended to drown these animals.
- Under Florida law, a person who commits aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal.
- The State Attorney's memorandum declining to file charges erred in a number of its findings. The memorandum also cited a prior cruelty case in which the defendant was found not guilty as a reason not to prosecute Mr. Brewton's crimes—this is not only wholly irrelevant to the case at hand, but is also a deeply troubling look into the State Attorney's discretionary process.

Given the findings summarized above, which are discussed and analyzed in detail in the accompanying letters, we believe this case deserves a more thorough review and merits being reassigned. As you know, Mr. Governor, this case has sparked outrage across Florida, as well as throughout the country and elsewhere. Justice for these animals—as well as confidence that Florida's cruelty laws and regulations will be enforced properly—depends on your stepping in to assure Floridians and others horrified by this case that it will receive the attention it deserves.



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Thank you for your consideration of this request.

Sincerely,

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