



Sturm College of Law

UNIVERSITY OF DENVER

Animal Law Program

Smithfield Trial Juror Interviews

In September of 2022, Wayne Hsiung and Paul Darwin Picklesimer were put on trial for removing two pigs from a Smithfield production facility. The pigs were removed, given veterinary care, and are now living out their lives in a sanctuary. Despite the fact that there is video footage showing the pigs being removed from the facility, a Utah jury unanimously acquitted both Paul and Wayne of all charges, which included burglary and theft.

The verdict has been celebrated by activists as recognizing a “right to rescue,” and the case has been decried by factory farms as justifying, even encouraging, more efforts to rescue animals. The case has also been covered repeatedly by the New York Times, and it has spurred legislation in Utah attempting to prevent acquittals in similar circumstances in the future. This trial and the resulting acquittal are landmark moments for the field of animal law. Indeed, the very definition of animal law, or what it means to use the law to protect animals and improve their social standing, could be shaped by this case, or the backlash to the case, or the response by activists to the backlash from the case. The acquittal marks a rare win in a high stakes case for those who seek to shine a light on industrial animal slaughter.

As part of an effort to memorialize the case and preserve the insights that can be gleaned from the process, the University of Denver’s Animal Law Program took up the project of formally interviewing the jurors from the Smithfield trial. Professor Justin Marceau formally interviewed every juror who volunteered to participate in an interview within two months of the trial. Five jurors agreed to be interviewed. What follows are transcripts of the interviews. The IRB process at the University of Denver was fully complied with. The interviews are anonymized and have been modified slightly to remove any identifying information and to improve readability, but otherwise reflect a verbatim transcription.

Juror #1

Justin: The first thing I was going to ask is what was your reaction to being picked or told you were going to have jury duty? And when did you first learn what the case was about?

Juror: My first reaction is – they said do you want to be a juror or are you going to be a juror because you're required to. I put down I would be a juror because I was required to. I'm probably limited with giving my time out to things that I don't know about or anything else so I was like hey I will do it but only if I'm asked to do it. I probably don't want to do it – I didn't know anything about the case at first, so I didn't know what everything was. So that was kind of how I went into it . . . And then the process was a little interesting where it was like a Zoom meeting similar to this and it started around ten o'clock and there were times I sat for two or three hours with nobody even talking to me and it took the whole day for them to finally come back and say you were picked – so yeah, I was very surprised to tell you the truth.

Justin: So, the jury selection was done by Zoom in this case? How did that go?

Juror: Yeah, it was they had us on like this and I could tell they had quite a few people on. In my one session there were probably, I would guess fifteen people. So, I thought it was just fifteen people and I found out later that there was a lot of people involved. And I would have liked to have heard the back stories on how they decided on everybody – I thought that would have been interesting. But of course, we don't know that.

Justin: So, what were you thinking going into the trial? After you heard you got picked to be on the jury, what were your thoughts going into the courthouse, getting ready, sort of the days leading up to it? You know, as trial started –

Juror: You know, I went in there at first with the feeling – just like I told you – I'm doing this because I have to. I know that sounds kind of crazy, but that's what I was thinking. And so I'm like – here's the thing. I went in there and I didn't know much about the case, but as the judge laid it out and everything else, my feelings changed a lot the first day where I was like if I'm going to spend the time to do this, I'm going to do exactly what the judge just said. And he said you can't talk to the people out there and you have to go in unbiased. And I'm like I'm going to do the best I can to make sure that when this is all done, whatever this trial is about, however it all shakes out, I can at least say hey I did my part exactly how the judge said I should. And I'm going to take this thing serious, and I will do the best I can as a responsible juror. So that's kind of how I changed when I got in there and knew how important it was, whatever the case was, as that unfolded. But that's kind of how it changed and the mindset, let's do this correctly.

Justin: That's great. And you said you didn't know much going in, what did you know? Or when did you first hear or recall first hearing what the case was about?

Juror: Here's what I heard about it. When they were doing jury selection, Judge Wilcox asked me a question – he said do you remember ever hearing about an issue at a farm in Milford where some people went in and took some piglets from a farm. And I said I do think I remember hearing something about it, but I really don't know anything about it. And he says what is it

that you actually know about it, and I said what I actually know is what you said – that some people went in and took some piglets. I said that is all I know and I said I think I remember hearing something on the news, but other than that I have no idea what the issues are.

Justin: So, during jury selection you were asked what you knew and that kind of tipped you off [to the trial topic].

Juror: Yes, exactly.

Justin: Well, that was what I was going to ask next is what were your thoughts on Judge Wilcox when you first came to know him, came to meet him – I guess on Zoom – and then throughout the trial. Did you think that he did – and again this is all anonymous – did you think that he did a good job, is there anything that stood out to you, is there anything you liked or didn't like? Any concerns?

Juror: This is the first time I've served on a jury so I can't compare him to another judge and how things were done. You know, he seemed very credible, he seemed to command respect, as the trial went on – and depending on how your questions go – I thought there were some inconsistencies in the way he would make some judgments or some references to some objections. I think that kind of changed a little bit over the time. I felt that he had one direction first, and that it was very limited, but as the trial went on I felt that he opened it up a little bit so it felt like he did kind of evolve over the trial like maybe my opinions did.

Justin: Yeah, do you want to say a bit more about that? . . .

Juror: Yeah, what I kind of had an issue with at first was the way the prosecution was back and forth. I thought there was too many objections by the prosecution all the time. And I thought that I wanted – as someone with my background, [I have a background as a successful professional], I like to have all the data so I can make the right decisions – and I thought there was too many objections sustained where Wayne or whoever else was up for the defense on the stand, they couldn't continue their line of thought. But as the trial went on, I remember – and I don't know what it was – but I thought about it as we were able to discuss it on Saturday. I said I think things changed somehow with Judge Wilcox because he started after a while to allow more evidence to come in from the defense. He started to ease up on Wayne a little bit. I thought he was really tough on Wayne at first. And I didn't know at the time that Wayne was an attorney and so when I first went in I – even though you're supposed to go in unbiased and have an open mind – I did but it's hard not to formulate some ideas on what is going on with this thing. So you kind of start getting fed this information and it's first from the prosecution and – I can't remember his name, Christensen or something. So you hear that and you think okay this is going to be pretty easy. Then you hear Wayne – and I didn't know that Wayne was an attorney at the time – and they kept stopping him. And I know he had all this stuff to say, and I could see that he was frustrated, so that is something with the judge I wish had gone a little smoother, but I think he opened up over time. That's my opinion.

Justin: . . . And do you have a sense, do you have a memory of when you think he started to open up? Like was there a point at which you thought things [turned around]? –

Juror: Well, we started on Tuesday, and I thought Tuesday there was no opening up. It was either Wednesday or Thursday where I felt that there was really a shift in him allowing it to go further because – I can't remember the gal's name for the prosecution from the county or something. She was really focused on these objections and saying no this is part of the case we can't discuss, but it seemed like something changed to where Judge Wilcox allowed it to be maybe expanded a little bit more. And I know that was probably a day or two into it, maybe two or three days into the whole process.

Justin: That's helpful. Similarly, and then we'll get more into details, what was your opinion of the defense, defendants, and the defense team at the beginning and then kind of as the trial evolved?

Juror: I thought Von Christensen's opening statements were good. I mean he came in and said here's what happened, these guys went in, here's what they did they took these piglets. It sounded pretty straightforward and clearcut to me. I really thought, without trying to form something, that this is going to be pretty easy. They went in, they did this – it seems pretty cut and dry to me without knowing the law. Of course, we'll get into why my opinion changed. So I thought originally that was good and then I did like Wayne's opening statement, except they gave him too much [objections] – they were on him a little too much is what I thought. I thought after the opening statements I thought it was going to be a pretty straightforward case. However, and you can be more specific in your questions, it changed over time from good opening statement by Von – I thought the closing statements by him were . . . and I'm not an attorney, were not good, were poor. I mean the way he kind of analyzed the things of comparing the piglets – and I can't even remember what he said –

Justin: To the can, yeah.

Juror: To a dented can of soup or one thing –

Justin: And ice cream cone.

Juror: I was like – I just felt that he was kind of talking down to me a little. I thought it was poor at the end by the prosecution. However, having said that, I thought on the other hand I loved Wayne's closing argument. And I thought after the trial evolved and I saw that Wayne was very comprable, or I mean he was very good at what he was doing –

Justin: Competent.

Juror: Yeah, competent. And you came in and gave a good character reference to him that really helped to show that hey this guy he's not just some radical activist that's represented himself because he wants to prove a point. I mean, it really changed for me over the trial. I can say that my opinion changed, you know.

Justin: Yeah, that's amazing. And was there a moment during the trial where, you mentioned the closing, but you were particularly impressed by the defense or the prosecution or that you were particularly like I don't think this is going well for them? Were there specific, do you remember –

Juror: I'll tell you a couple things that really hit home for me and helped me kind of evolve to where I got at the end. I think, the gal's name it was the veterinarian from California, Dr. Rosenberg. When she got up on the stand and started talking about pigs, started talking about the injuries they had, started talking about the mortality rates, started talking about how much it's going to cost to get these pigs – talking about herself. I really liked her. I was like I told Wayne when I got to him I said I think she really helped me. I mean Dr. Taylor was for the prosecution, he was good but he said the same thing that the mortality rates were – I don't know what they were, let's say 10-15% – but that many piglets are going to die. And he also said that there were some injuries and stuff like that so I think that Dr. Rosenberg was really huge for me. Your testimony about Wayne, his character and everything, I think helped me a lot. When they talked about what you do Justin and how respected you are, I thought this is good to have someone like this, and when you talked about Wayne and everything else I'm like this is a big deal. This guy is not just some – like I say – some radical activist that's just out there kind of going – I mean he's thought these things through. He has a cause – and that's another thing I told Wayne is I evolved, and I respect their cause. I don't know how they go about it and maybe there are some ways that could be done a little differently, but those are a couple things. And I also thought that the attorney for Paul, Mrs. Corporon, was very good and very – I respected her and what she said. And I think some of the things she brought up and stuff really helped to kind of move the case in a direction where I evolved to maybe a different point of view from where I started.

Justin: That's super helpful. And that's what I was going to ask you – what convinced you to vote to acquit and were you there when the trial ended after closing or were you there much later? Like what do you think was the tipping point for you and when did you get there?

Juror: Oh, there's a couple things. I will say that I was probably in – I was ready to say not guilty to Wayne and Paul at first. Then when we got the instructions, it kind of makes you come to a different realization. You've got to do it based on the facts, not because you have a feeling or anything else. And so, I think a big thing was Wayne's closing argument – I really like how he talked about his pet dog. He went over to China to visit relatives or something, saw a dog like that – he kind of brought the whole story together of why one dog was being treated one way now he's going to come back and I could kind of see where everything transformed to him. Now he has this cause with animals, which was great. From a perspective of my background – when I looked at the case, I know the case is a high-profile case, but I was like the state is spending this much money on this trial. I mean they've got the FBI involved, they've got all these attorneys involved, we're taking up all this time – I just started in my mind kind of going through like hey these guys are making five hundred bucks per hour. They're spending tens of thousands, if not hundreds of thousands, on this. And so it kind of made me think there's something else going on there. So if you want to know exactly how it happened to me in the deliberation room, I'll tell you what. We were going through all of the items and Judge Wilcox read all the items on Friday night if you'll remember. And one thing, I still don't know why Count 1 was taken off and we had to disregard two testimonies from the one guy who worked for, Hoppum or whatever his name was, that worked for the company. Also, I think it was the veterinarian, that was still kind of puzzling to me, but so there was Count 2 and 3 to resolve. Count 2 I think was the burglary count and in the Count 2 it said that they had to have the intent. They were going in with the intent to take something.

And the little information that we got from the video, which is another thing I didn't like, hey I'm old enough to – I can take the video. If it shows some crazy stuff let me see it, I want to know what's going on. I did not like how they would only let us see a little bit. But the part that they let us see, if you'll recall, they kind of had a little meeting, Wayne and his party and Paul, and he said hey if we go in there and find something here's kind of the procedure, here's what we're going to do. That was big for me when they said if. They didn't have the intent to go – their intent was not to go in there and grab piglets and take them out. If they found something here's what we do. So, I didn't think the intent was there. In order for Count 2 to be found guilty, it said in the documents that they had to have the intent to do that. So, I thought burglary was pretty straightforward. So I was not guilty for burglary right off the bat. Or right off. And then when it went to theft, that did change a little bit. I think theft was easier to go guilty on. But the sticker for me, and I can remember the number, it's number 43. Number 43, the instruction number 43 says the prosecution has to prove that the two piglets taken had a value greater than zero. And when I started listening to Dr. Rosenberg saying hey here's the deal 15-20% of these pigs are going to die. These are the 15-20%, Lily and Lizzie. They're going to be dead. Let's just say we take them out – the one had a foot issue, they were underweight, there was issues. I don't know all of the different things that they had. And it varied, the one Dr. Taylor said maybe it costs 50 bucks, and the other one said it costs 200, I don't know. But guess what, in order for them to have some value, money would have been put into them. And this is what I told everybody in the jury room – I said hey don't think of these things as animals, even though they are. They're just a commodity to this company. If they're not going to provide them a positive revenue – I hate to say it – they're out the door, basically. So I said, so when I saw that it said in order for you to convict on either Counts 2 or 3 the prosecution has to show that these pigs had a value of greater than zero, they didn't. But one of the jurors said well Mr. Toppin said yeah the pigs had value, I said yeah but the veterinarian said they had no value. So he says well how do we take that, and I says the instructions say you take what people say and if you believe someone over someone else. So that was my whole thing Justin, is these pigs were worth less than zero, they didn't have any value, and so there was no way to convict him on Counts 2 or 3. Even though Count 3 on the theft, I think they could have been found guilty on that.

Justin: Well, that's really great and leads into a follow up I wanted to ask you – so do you think you would have voted to convict if the evidence had been that the two pigs at issue were healthy and fine? What if they were doing great?

Juror: Burglary probably not, theft yes, I would have said guilty on theft. If they did have a value.

Justin: And what would you have needed – what would have convinced you they were guilty of burglary? What would have changed? Or theft?

Juror: Burglary was very – I think burglary was tough. But I think the big thing with burglary is you have to have the intent. I really believe from their testimony, and what I saw – I don't think either of them had the intent. Now if it was something that could have been used as propaganda, yeah maybe. Because that kind of helps their cause, they're showing these pigs that have the issue and everything. So burglary – I still didn't think they had the intent was my opinion. That wasn't their intent. As far as theft, with Paul – here's the issue with Paul. Is Paul was not involved in handling the pigs, taking the pigs. But there was one item in the documents that made me at least think to where we had some discussion about it. And that was – I'm

trying to think how they put it – if it's a failure to act. If you know that a law is being broken, and even though you aren't the one breaking the law, if you fail to act or do something – the way I interpreted it – you can also be said that you had broken the law too. So, there was that discussion on theft with Paul but for me, I was pretty clearcut on Paul being out of the mix pretty early.

Justin: Yeah, that's helpful. Just a couple follow up questions and if there's anything else you want to add. Do you think this would have come out differently for you or in the deliberations if it had been a small farm. Everything else was the same, but it was a farm with 50 or 100 pigs instead of whatever, 10,000 pigs per barn for 20 miles. Do you think that would have played differently?

Juror: Yes, I think that's probably a little bit different. I was a small business owner for a few years until I sold my business. I can't say that would have changed but that would have been a little bit different. You know the one thing related to that though, as you'll recall, and I can't remember the gentleman's name that owned the turkey farm. He came in and he said something, and so I think that's more towards your point. I know his farm is a bigger one – but to hear him talk about how he got along with – I thought that was another point that was really, really, really well done. Whoever decided to get him in there, he was a really good witness. But yes, you're probably right. If it was smaller, I probably would have felt a little bit different than this big conglomerate that owns – I don't even know what they said – a million pigs, three million pigs or something. It's just yeah, it probably would have, how it would have changed I don't know.

Justin: And the last thing I'll ask before seeing if there's anything you want to ask about is do you think over the course of the trial your view of activists like Wayne and Paul changed – like do you think that there was something that changed in you having seen this go, or your views of a company like Smithfield, or do you think it was just no I went in and I did my job, like you said. I saw the jury instructions and you know, I felt like they didn't meet their standard.

Juror: Let me tell you what happened to me. I went in, as you know, probably hesitant. I didn't want to do it really, to tell you the truth. But as it went on I really did – and I talked to Wayne and Paul – I said it really evolved to where I learned something. And I learned that in order for, I mean unless they do something that kind of is on the fringe there is no way we would even know about anything like this, you know. If someone didn't – trespass or whatever, or go in – there was no way, and so I thought, and after it was over I could talk to – one of my daughters was down visiting after I could talk about it I said you know this has made me really rethink my idea that – I'm not a vegetarian but we should be more involved in knowing where our food comes from and how it's processed, how it's taken care of.

And so, I have a lot more sympathy for what's going on. I do see some things – the way they're trying to get their point out there, and I don't know if this is Wayne and Paul stuff – they'll do some things that's maybe, you know whether it's spray blood on the floor of a supermarket, I saw that a few weeks ago, sometimes they maybe push the envelope to where a person like me that's very conservative, that will not help the situation. I would rather have what Paul and Wayne did kind of expose what's going on so that changes can be made. People know, animals have got to be treated better. Whether we use them for food or protein or anything else, that doesn't matter. So I really think I came around a lot and I've talked to a lot of people about it.

And that's why after the trial was over, I was like I've got to get ahold of Wayne and Paul, I really want to talk to these guys and kind of see what this is all about.

Now that I've learned about this. So I got out of there from not wanting to be in there like this has really been a good experience for me. I learned a lot. I think I made a difference in the jury room to tell you the truth. Because – you'll find out from the other jurors – the ones that don't want to be involved – there was a lot of emotion in this jury room. There were several people that were crying and saying we can't, what if someone were to come into your house and do this, what if, they're a piglet you can't just say they're a commodity. So, there was a lot of emotion and that's why it took all day Saturday. And I don't think – in my opinion – people didn't start changing, you probably know this because I told Wayne, there's only two of us that had them not guilty after the first few hours. And so it took getting the emotion out of it to where you're just looking at the facts to where people came around, because, and the emotion no we can't just let people off – what if they were to come into your house and steal something. And I'm like hey that's not the point. That's kind of how it all evolved for me. And I'm glad to be a part of it, I was excited to talk to you guys and even when you said something about Denver, I'm like I think this is a big enough issue that it deserves some attention. And now that the trial is all done, I did exactly what the judge said – I did not get online, I did not talk to anybody about it, and you could of very easy, it's so easy to get online and find out what's going on. But I waited, just like I said, so I didn't have any regrets at the end of this thing. But after it's all over with I'm like, that's why I called them, I would like to be more involved, kind of see how someone from my point of view could even help. And kind of get people who are more like me to agree with –

Justin: Well, I think it's amazing that you're doing it, I think the Denver event will be just another step. And I think we'll have some opportunities to discuss some of the questions you have, like how did Count 1 get dropped. But I think your perspective as somebody who just has – went into this somewhat reluctantly, learned a lot, and then kind of was trying to do what you thought was right by the law is really quite a powerful thing. In some ways it's how the system is supposed to work, so I don't want to take any more of your time today. Is there anything else you think I should know that you haven't mentioned? It sounds like the two who are not wanting to participate, it was a particularly emotional experience for them and maybe they didn't like it at the end – is that a fair way to describe it?

Juror: Yeah, I think that would be a fair assessment. It went to where – and this is what I kept telling them – I'm not going to force you to change your opinion but just read instruction 43. These pigs are not worth anything – and at first they're like yes they're worth something they have a soul, and I'm like nope that's not the point. And so once we got passed that, and there was one juror – this is one you'll be interviewing – said these people deserve to have an opinion, and so it took a long time it took like seven hours to go through this whole thing. But there were a couple people, there were two – one on each side of me actually – that I think didn't like it when all was said and done. I think they were very upset. They did agree to the fact that here's what the facts are, it's what we have to do. But after that when I started saying hey we have this opportunity to do this they said I don't even want to talk about the case anymore, so they were out of it. I haven't even talked to them.

Justin: That makes perfect sense and I appreciate all your help. I guess there was one other quick question – at any time during the deliberation do you remember or recall anyone saying kind of like to heck with the instructions or we don't have to follow the law, or the jury –

Juror: No, I don't remember any of that. I think everybody was pretty good about the instructions, the instructions were very helpful, but I'm telling you – whoever put number 43 in there, for me that was the kicker.

Juror #2

Justin: Do you remember when you were selected, or you even got notification that you had to come down for jury selection, and what was your reaction to that? Were you excited to be on a jury, what did you think about being selected?

Juror: So, I got notified by mail that it was a possibility that I was going to have to do jury duty and I was excited because I have always thought this is something that would be cool to be able to say that I experienced in my life. I'm the kind of person who likes to learn and grow and this is not something that I normally do every day, so I was really excited for the opportunity and I always kind of had my fingers crossed and was hoping that I would get chosen. I don't know if that's the norm but that's how I felt so.

Justin: Do you remember when you figured out what the case was about or had a sense of what the case was about? Was it when you were doing the jury selection or when did you first come to say oh, I think I know what this is?

Juror: So, when they sent out the survey, I guess that's the best way to call it, it was a survey free to answer like all the questions about yourself and stuff. When I very first opened it and I remember reading that it said something about Beaver County, taking place in Beaver County, and I mentioned that to my spouse just in passing and that's when my partner said oh, I bet it's about the pig case. And I had no idea. I had no idea about it at all. And so then I just told my partner that I don't want to hear anything because I don't want to screw this up. So I said you just keep it to yourself. So that's kind of when I thought I knew.

Justin: And then during jury selection did they ask any questions of you that confirmed that, or do you remember when you first like had that suspicion? Was it not until the first day of trial?

Juror: Yeah, not until I actually showed up for the first day of trial did I know for sure because the jury selection day, I'm sure you've heard this, was very long and painful. It was supposed to be from 10am-4pm and I didn't even talk to anybody until 7:30 that night. And it didn't even take like two minutes for my part, and they didn't really ask me questions that I thought were like pertaining to anything. The only thing they asked was where I got my professional degree from, and I remember thinking well that's weird, what does that matter, right? And then that was it, so no questions gave me an inkling at all during jury selection.

Justin: Getting slightly more specific, do you remember what your first impressions were of the judge, Judge Wilcox, and then what were your kind of perceptions throughout trial – did they change, were they constant – do you have any distinct memories?

Juror: My first impression was that he, just by looking at him, he didn't look super excited to be there. But then as the trial went on, I just learned that's him, you know what I mean? I feel like every day he showed up he looked like that so I kind of just figured, you know, that's his face. For a lack of better words. I do remember thinking that he was pretty patient. I felt like he was really patient with all of the objections and things that were going on. I kind of remember being a little impressed because I would have been frustrated and I don't hide that well so I was

impressed that you couldn't tell that he was super frustrated. Overall, I had a pretty good feeling, I felt like he was genuine in taking the jury's view into consideration and I felt like he was always like I'm sorry I have to do this to you, you know this is the process. So, I felt like he was kind of looking out for us and was mindful of us.

Justin: And did you find his reaction to the two sides, the defense counsel and the prosecution, to be consistent and fair?

Juror: No. There were a couple times that I thought he was a little hard on Wayne, like he didn't really say anything that was mean, it was just his reaction to him like move on we've already talked about this, next. You know what I mean? So, I kind of felt like, at times, he was shorter with the defendants than he was with the prosecution. I do feel that way – but it wasn't like a ton – but it was there.

Justin: What did you think at the beginning of the trial of the defense team, Wayne and Paul and Mary, the lawyer for Paul? What were your initial impressions and how did those vary if at all during the course of the trial?

Juror: To begin with I thought it was pretty bold and brave and gutsy for Wayne to be defending himself, representing himself, and I'm the kind of person who is like I give people a chance until they prove me wrong, you know what I mean? So, my mind was pretty open and I was kind of excited to see where this was going to go, this was interesting that he was going to defend himself and at the same time I thought it was pretty interesting that Paul chose to not say anything. And I did have some, I guess you could call them judgements that I was having just based on those two things.

At first, I thought Wayne is pretty gutsy, pretty bold putting himself out there like that, he must be really confident. So, I was excited to see where that went. And then with Paul, I'm not really proud to say this but I was thinking there's got to be a reason why they're not "letting" him speak. Like maybe he's not as, doesn't use words well, things like that is what I was thinking because why wouldn't they let him talk. And then honestly just until this moment I didn't really think that that was a choice he was making. So those are just some thoughts that went through my head. As time went on, I still kind of felt that way about Paul until the very end. Until I was chatting with some of the jurors afterwards, because after it was all over, we got together once and visited about it, and they told me that some of them had spoken with him and that he was really witty and all these things and, in my head, I was thinking that's definitely not what I was thinking. And I'm not proud to say that because he said nothing to make me think that maybe he wasn't, you know, a smart man or anything like that. But I just thought there was possibly a reason why. But then at the end of it, Wayne. I was really impressed with Wayne because I feel like he represented himself really well and did a really good job. But as far as he was concerned I didn't really have a lot of preconceived ideas, just thought this is going to be interesting. I was excited to see how it played out.

Justin: What about the prosecution team, like when you listened to their opening statements were you impressed, and as the trial went along do you recall your emotions or reactions to them?

Juror: Yeah, I actually, because I don't really have any experience with this, the fact that they're the prosecution, in my mind I had already kind of labelled them the good guys at the beginning. And I know right or wrong is kind of what I was thinking and the main prosecutor, what was his name?

Justin: I think Christensen, I'm blanking at the moment too.

Juror: Yeah, I kind of liked how he made a story out of it, like in his opening arguments and stuff, I don't know what the verbiage is. I kind of like that he was making it a story, but then by the end of the trial, how he was like wrapping it up and finishing it with a story, I kind of thought, I definitely had a different opinion, I kind of thought that he was talking down to us. Like here we are on this little ride and we're going to finish this little ride. So, I started out thinking they were the ones with the answers, they were going to prove to us that what they did was wrong, and then at the end of it I just was like I'm not sure that they did the best that they could do. Because they left me with questions and concerns, does that make sense? So I just was thinking I'm not real sure how good you did at your job.

Justin: And that's related to the next question I have – thinking of you personally, I'm interested in how the jury dynamic was as a whole, but you personally, what do you think it was that convinced you [they were not guilty]?

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Juror: . . . When it very first started, I think it was the second day into it, I just remember telling myself, this is really dumb. This is black and white. They clearly did something wrong. This isn't going to last long. Like when it comes time for us to deliberate this isn't going to be a big deal, they clearly went in and took property that wasn't theirs. In my mind I remember telling myself, this is black and white and it's dumb that it's getting drug out like this, is what I was starting to tell myself. And then Friday at the end of the day when the judge had delivered the law or whatever, gave us those instructions and stuff, I remember thinking in my head, oh shit this is going to be really hard because now it's not just black and white anymore. The way that they laid it out, the law so to speak, I was like this is going to be difficult because my inner conscious was already working of the they did something wrong yeah but not according to the instructions we were just given.

Justin: What was it about the instructions that made you see it as more complicated? So before going into the instructions you were saying it's pretty straightforward, they did something and they're going to be convicted, and then when you saw the instructions you thought well actually I'm not so sure. What changed there?

Juror: Well, the instructions laid it out that there had to be proof beyond reasonable doubt that they took something of value. And they proved, both sides actually in my mind, proved that the pigs had no value. And then also the intent, whether they went in the night before, whether that was the first night or whatever, their intent was not to steal from Smithfield. Like I didn't feel like they were ever trying to I'll show them and take something of value away from them. They were trying to save the pigs, I know that was the intent. So, in my mind after the judge had given us those instructions, those were the two things they were asking us to do – our decision was did they take something of value and did they mean to take something of value.

And then that's clear, they didn't – the pigs weren't worth anything because they were hurt, they weren't healthy pigs, and if I would have bought two pigs and those are the two pigs I got, I would have been livid because they weren't good pigs. And then I do believe their intent was not to deprive Smithfield of money, their intent was to save the pigs. So, once they laid it out like that, and the inner struggle was I knew that they did something wrong because they took things that didn't belong to them and that was not their pig, right? So, there was that inner struggle but then if I let that go and just focus on what they were asking of me to do, then it was very clear that they weren't guilty. Does that make sense?

Justin: Yeah, no that is very helpful. So, what do you think would have changed your mind, like what facts do you imagine being slightly different that then would have convinced you that a conviction was warranted? What would have changed? Does that make sense? Let me put it this way, if the pigs had been healthy and fine, do you think a conviction would have been easier in this case?

Juror: Possibly. But there's still that intent, right? So – that's a really good question. Can you tell you stumped me? I do – that would have made it even harder, actually.

Justin: Yeah, in some way the question is just like how important was it that these were, according to expert testimony, pretty sickly, injured piglets and I guess in part you say well it's important but you're not sure that it would have changed the outcome.

Juror: Yeah, it is important, the fact that they were sick, and I guess there were two counts, right? Theft and what was the other one?

Justin: Burglary.

Juror: Yeah, so it probably would have change one of them, right? The one –

Justin: On the value, maybe.

Juror: Yeah. Based on the value. But I don't know if that would have been enough overall to change the whole thing.

Justin: No, that's helpful. And do you think that it mattered that this was Smithfield – this huge conglomerate, multi-national – do you think your instincts would have been different with a small pig farm with 50 pigs? Or no, because the jury instructions still say what the jury instructions say?

Juror: Yeah, it wouldn't have mattered to me. It wouldn't have mattered – whether it was a farmer who this was the only farm he had, it wouldn't have mattered to me. I still would have wanted to treat it the same. In my mind it would not have mattered.

Justin: That's great. And just a couple last questions – do you think that the trial changed your perspective at all on either meat production or animal activists like Wayne and Paul, or both, or neither?

Juror: It for sure has, in fact I'm going to tell you some family members and I have kind of fought about it a little bit because they don't want to have anything to do with the activists. And I was just trying to be like there's two sides to every story.

Like I did a little bit of research afterwards, I didn't do a ton just because my brain power I can't take a lot with work and everything else, but there is a human side to everybody. Wayne is a person, right? Like he matters. But he's had experiences in life that have led him to where he's at now, that matters. And it is something that has changed how I look at activists for sure because not that I met him and shook his hand and know him, but the interaction I did have with him because of him I see that he's human, right? So every activist now, in my mind, is not just an "activist" they're each a human and they're doing what they do for a reason, right? The same as me I do what I do because I have a reason, there's a story to why I believe my values and stuff. I do question more what I eat, where I eat – I read labels more, I pay attention more. Not to the fact where I'm like giving it up, you know what I mean? But I'm more aware, it has really changed my mind like my theory has always been like animals are here for a reason, right? Cats and dogs that's kind of different their pets, but like pigs and cows I feel like they're here on this earth to help provide food. That's my personal belief. So, pigs that's their lot in life, to give us food, and I'm grateful for that, but there's also a part of me that's like we still have to be good stewards over what we have, right? So like Smithfield for example. They need to take better care. They can do what they do, they just need to be better stewards over what they have. If it means not taking on as much because they can't take care of what they have, fine then don't take on as much, right? Or ramp up the money and spend a little more and give them room. Give them a better place to live while they're here, if that makes sense. And it's because of this trial I never would have thought past the black and white of that's a pig farm. Does that make sense?

Justin: One other question I had – did you ever get a sense that anyone [on the jury] was like we don't have to follow the law? Did you ever hear about something called jury nullification, or anything like that?

Juror: No, in fact the only time I heard about it was one of the jurors has been emailing all of us his interactions with you and stuff, and one of them was, I can't remember if it was a podcast or a video with you and Wayne I think, and that's when you brought it up and I was like damn, that would have been nice to know. You know what I mean, because it would have been nice to know, to be able to say we don't have to do this, we don't have to follow this, we can do what we feel is right. Right?

Justin: It is, it's one of those things where I talk to the law students about that because the judge is not required to mention it. But [nullification] is part of the system where it always can, but they don't allow the jury to be told that. And so if the jury says at the end of the day, we think this is an unbelievable waste of resources and government overreach, they could acquit in any trial, right? I mean whether it's a drug dealer or civil disobedience there's nothing you can ever do about it if the jury acquits. The jury can't get in trouble for acquitting, but the instructions are written in this way that's like you must do this and if you find you must do this –

Juror: Yeah, through the whole thing I'm thinking like as a good person in good standing I have to do A, B, and C because that makes me a good juror. Right? Because that's what I want to be, I want to do my best because that's why I'm there so knowing that because of who I am, that

could have been a gamechanger for me. Because throughout my life I've listened to my gut, listened to whatever you want to call it, and I act upon it. So that might have changed the conversations – it would have changed – it would have changed the conversations.

Justin: The last question I have for you is sort of any general reflections you have on the trial and you could shape it through were there particular moments that were more powerful than others or were there particular moments that you thought okay now things – or was it just the jury instructions, because it seemed like to you things were still pretty clear until the jury instructions. But I guess I'm just asking are there any memories of trial where it sort of made you say wow this is getting more complicated, or was it just the jury instructions?

Juror: When they started like, doing all the objections and stuff over when like Wayne would say stuff, made comments about how the conditions were for the pigs, and they so adamantly were objecting and spent so much time making sure we weren't made aware. They spent so much energy making sure the jury wasn't aware of this video. But there were times when I was like, just show us the video already. So like when they started doing stuff like that, we as a whole got frustrated. And I remember just thinking okay they don't want you to see that so you have to let that part go, you can't like focus on the fact that there's this video out there. So I try not to let myself think about it, but I remember thinking things are getting interesting because something is going on in this video that they don't want us to see, right? So that was kind of towards the beginning of the case, right?

Justin: Right, in the opening statements. But we appreciate your time, do you have any other questions or thoughts?

Juror: No, other than because I'm not very savvy with the law and everything how would people know about that [nullification] stuff, they wouldn't right?

Justin: They wouldn't really know about it. It's kind of a catch twenty-two, it's a weird thing I mean it's kind of like a right that exists but what some of the courts have said is that you'll learn about it through informal channels. There's a famous case from Washington, D.C. that says that there is no right to be told that you can nullify, and that you can only learn about the nullification through informal channels. –

Juror: And don't do any research and you can't even talk with your jurors.

...

Juror: I do want to say that one huge takeaway of this for me is that I feel like our judicial system, if that's the correct word, is kind of messed up. Like it's not just black and white like lay people like myself expect it to be, right? And there's so much in life that you worry about, being a good person, raising your kids right, whatever it is, but our judicial system was not something on my radar that I thought I need to worry about. Well now it is, right? So that's a gamechanger for me because now I'm going to be questioning things that I'm told. Which is good because that's what we're supposed to do is question everything. I have taken that away from it and I won't be this, okay whatever you say kind of person anymore when it comes to stuff like this so.

Juror #3

Justin: The first question is just kind of do you remember anything about your reaction to getting a summons for jury duty, like what you thought about when you learned you were being put on the jury? What were your reactions to that?

Juror: I'm not surprised just because I hadn't had the opportunity yet to do it so I knew my time would come at some point. And I'm busy as everybody is, busy schedule, so I wasn't thrilled about it, you know. Hopefully not getting picked is what was my goal in a sense. But I was happy to do my civic duty, you know.

Justin: And when did you first learn about the case topic? When did you think you knew what the case was about, like before opening statements or during jury selection – when did you think you knew?

Juror: You know I knew, and I disclosed this to the defense and the prosecution, once I read some of the questions, I pieced it together that it was some kind of animal activist issue and Beaver County was involved and how many Beaver County activist issues are there really? So, I Googled it and there was a St. George news article on it. So, I read the article and so I had some familiarity with it before I became a jury member.

Justin: So, having looked at an article, and being willing to do your civic duty, what were your thoughts or your emotions or generally where were you at in your head going into the trial? What were you thinking?

Juror: You know, I wanted to go into it very open-minded and wanted to hear both sides thoroughly. You have your judgements that are just kind of in you already, but I tried to really keep those judgements at bay until I heard both sides. Once I decided I'm in this, I'm in it, and I wanted to hear both sides thoroughly out before making any judgement.

Justin: That's impressive. And so, when you went into trial you didn't have a necessarily leaning one way or the other kind of way, just see what happens here.

Juror: To be honest, I thought it was kind of a slam dunk case in a sense because in the article it talked about there was a video posted of the "theft," right? And so in my mind I thought okay let's go forward and this will be kind of a slam dunk case. And when I saw that it was going to go on and on for quite a few days I thought wow there's more in depth here. So yeah, I went into it with like this should go quick, there's video evidence, let's hear it out so.

Justin: And what about, what were your perceptions initial and sort of throughout the trial if you remember, of the judge. Like had you been around judges before, were you impressed, were you sort of disappointed by anything, were you impressed by anything – what were your thoughts about the judge?

Juror: Again, it was my first court case, it was my first time being around a judge that closely in a jury. He seemed to want to run an honorable court. I felt like he was trying to put parameters, which is what judges do right they have to have parameters on it. And I felt like he tried to hold to those parameters, whether for good or bad, he tried to hold to those parameters the best he could, but I think in some ways it backfired on him, on us as a jury how we felt.

Justin: How so? What do you mean by that?

Juror: I mean, I don't know how the other jury members felt, but I think it did bother me personally not to be able to see the video that kept being brought up continuously throughout [the trial]. But yeah, I understood his point of view on that because it was a theft case in that incidence. But I think in the end, withholding that and trying to hide certain things, you know, backfired.

Justin: Right, it felt like to you, you weren't seeing everything, and it sort of didn't sit well is what it sounds like.

Juror: Right.

Justin: Okay, and what about your perceptions of the prosecution? Like when you came in and throughout the trial, at the end. Do you have any memories of the trial of things that were good not good or –

Juror: I felt like they blew the case completely. I thought, I don't think they were prepared well enough for what was going to happen and there were people on the jury I thought how did the prosecution allow a certain juror to be on this jury because I felt like they were an activist in a sense. So if you want an unbiased jury, it was like wow how did they allow this. So, there were several things I thought the prosecution bungled.

Justin: How did you come to see some of the jurors as activists against the prosecution? What did you see that made you think wow how did this person get on the jury?

Juror: Not necessarily that they were against the prosecution, but they had a history, and talked about it, of being, I guess you could say, an animal rescuer and I don't see that as a bad thing, I want you to know that, but I was just surprised that she made it onto the jury from the prosecution's side of things.

Justin: No that's really interesting, okay. And it seemed like this person who was an animal rescuer was then predisposed to think favorably about an animal rescue in this instance?

Juror: Sure.

Justin: And was there anything they did during the trial, the prosecution, that you thought was not particularly good, you said it just seems like they kind of blew it and weren't prepared. Is there anything that stands out to you?

Juror: I don't think they were prepared on – I don't know, it's hard to know how much to say.

Justin: It's okay. It is not going to be like this is their job performance review or anything. It's only for sort of reflection – no one's going to get in trouble or anything like that.

Juror: I think the overall feel was that for a case that seemed, should be important to Smithfield, there wasn't enough invested into it on the prosecution's side as far as expert witnesses or people that really held credit to us as a jury.

Justin: That's interesting. Okay, so you felt like they just could have done a better job of making the case to the jury.

Juror: Correct. We weren't overall impressed with some of the witnesses and the responses they gave. We wanted more information that we never got.

Justin: What's an example of a witness that didn't quite go as the prosecution had hoped, do you think?

Juror: Well, I mean I would have – I guess they brought in two gentlemen from Smithfield Farms, one was on the ground, gentleman who worked in the building, but we never saw – it came down to did the piglets have value, right? We never saw anyone come forward with, to me, concrete evidence showing yes these pigs have value, this is what we do with them, if they do die we can still use them for other things. You know there was never, that wasn't given to us. And a lot of people were angry about that on the jury, that they didn't give what needed to happen.

Justin: That's very interesting. And what about the defense team – what was your initial reaction of the defendants and the defense team and then did anything during the trial change that, better or worse, or how did you react to them?

Juror: You know, as far as Wayne, at first he seemed kind of cold to me, and I didn't really warm up to him. And again, that's all part of creating character, but he gave his personal story and that worked. That really helped us to get to know him and warmed him up to me, so that was smart. I thought he was smart in how he carved that out.

Justin: And what about Paul or Paul's lawyer, did you think that they were, I mean Paul didn't speak, but did you think – what was your reaction to them?

Juror: I mean yeah Paul in the courtroom didn't speak, he seemed just kind of hanging out you know there and not, I don't know. But then I heard interviews of him after the trial, I watched interviews of him and he was a very bright, capable man and I would have not pieced those two together just by looking at him. You know it's a judgment, obviously, but I thought his lawyer did a good job. She in the end was likeable, which was hard to be, and she made some important points at different times that stood out to me as well. I thought she did a good job.

Justin: That's great. Do you remember a point she made that stuck with you?

Juror: Well, she – I just remember they did an analogy of a spoiled can of food to the pig and she came back on that and some of the points she made about that, kind of – I agree with what she was trying to say with that, it didn't sit well with me his analogy of that.

Justin: And what do you think it is that convinced you personally in this role of juror, doing your civic duty, as you put it, what do you think it was that convinced you to vote to acquit?

Juror: I mean personally I, as the trial evolved, I evolved in this. And I thought the prosecution, had they handled it correctly I think there would have been a conviction of theft, but like I said they bungled that. I so appreciated seeing the view of an animal activist in some of the wrongs that are going on – it helped me to open my eyes to some of the issues that are happening in that world for sure.

Justin: When you went back after reading the jury instructions, what was that Friday night? I can't quite remember the days now. When you first started deliberating, where were you at personally at the beginning? What did you feel like?

Juror: I mean Paul for me was not guilty with the parameters we were given on both charges. I felt like Wayne was not guilty on the burglary charge because I don't think the intent was to just go in and steal things. And so we came to that conclusion – it was the theft that really – there was a theft in my mind and I think there should have been some accountability for it, for that. But yeah, I saw the moral-ness in it, if I can use that word, on Wayne's side of things. I understood why he did what he did, but I also wanted to see the accountability by law, the lawfulness of it. But again, there were certain parameters under the theft charge that the prosecution just didn't meet for us. So, there was anger more on the prosecution as far as not being able to give a judgement on theft. That I believed should have been there on some levels.

Justin: Right on some levels you thought that was possible but that the prosecution hadn't done what it needed to do to make that case.

Juror: For sure.

Justin: It sounds like on the burglary you were of the view that because the instruction said that there had to be intent to take something, and they didn't have the intent when they went in – you felt comfortable that it wasn't burglary but then there was a taking so there was a sort of theft is what it felt like. Is that –

Juror: Correct. Right.

Justin: And what do you think you would have needed to see – I think you have already said this in terms of more prosecutor's witnesses – what would you have needed to see to convict of another charge. I mean it seems the theft is easier to you – but what would you have needed to see, like some evidence of value? What would you have needed to see to push you to say no they were definitely guilty of theft?

Juror: Yeah, just some real evidence of value. They had a state veterinarian that was one of their witnesses, but he was using a chart that didn't pertain to these particular pigs so that became irrelevant to us on some levels. But I was guess perplexed, and I'm not an attorney, but perplexed that one of the parameters under theft was that they had to show that the pigs had value. That that was added – you know I assume the attorneys agree on what is added to the charges, is that correct?

Justin: Well, it's sort of like a discussion, yeah of like what the jury instructions are going to say and then the judge ultimately decides but the parties propose, sort of the things we'll talk about in Colorado, but yeah –

Juror: I mean that was genius on the defense side that they had that parameter added because if that parameter hadn't been there, it was black and white. Yeah, it's a theft, it was videoed you know? So again, hats off to the defense –

Justin: Yeah, that's interesting. So if somebody had come in and testified now look we could have ground up these baby pigs and got twenty five cents or a dollar worth of value out of them, do you think there would have been a conviction? Because you're right, there's this sort of chart that showed, I don't know what it was, 40 dollars or something, but it was inapplicable and that there was nothing really else. Do you think like if they would have had some valuation like this is a quarter or a buck, whatever, do you think that would have changed the case?

Juror: I mean they just had to prove that there was one cent, right? So, it could have, it could have – I can't say for sure, but I think it could have for sure. And it was perplexing to me that that didn't happen.

Justin: And what about then, this is presumably easier, if the pigs had been healthy and fine when they were taken out. It wouldn't have been challenging to convict it sounds like.

Juror: Right, right.

Justin: And after this trial did – and I think you already alluded to this – but did your views of things like Smithfield change at all? And what about your views of activists like Wayne and Paul, sort of before and after the trial, have you reflected on that at all?

Juror: Yes, I have reflected on that quite a bit actually. I would say yes, my views did change. But again, I want – I guess – I was a little disheartened after I saw some of the videos of the activist group, and the pretrial and some of the opinions expressed were oh, they're not going to get a fair trial. This is southern Utah, they're not going to get – and I heard that quite a bit – and I was a little bit I guess saddened by that because I felt like those were prejudgments too, right? On their end. I, yes wholeheartedly, I had a change of – I wouldn't say change of heart – I had, I was given more knowledge and more awareness of what's going on, right. We don't see, we don't know – and you kind of know what's going on but when you don't see it it's out of sight out of mind. And so I came to really, as far as Wayne, I found him respectable I found him honorable in a lot of ways, and though I don't agree with breaking the law, I can understand where he's coming from, I guess. On some of his views and the ways he has to get those out.

Justin: Right, that's interesting. And even so the media I guess you saw after the trial of people saying oh there's no way they're going to get a fair trial, that kind of made you feel like hey come on here you're prejudging us as the ones who are going to do this. Did I hear you right?

Juror: Yeah, I felt that way. I feel like if you have a group of, you know, educated people with an open mind you're going to get a fair trial anywhere, and even in southern Utah, you know?

Justin: Yeah, so in some ways southern Utah, and this is part of why we're doing this to understand what the jury did, I mean it's interesting, I think a lot of the people who were making those comments were concerned more about the judge and the jury because of the parameters that were going to be put on and what kind of jury instructions would be given. So, the jury sort of is there and as you said there's always this concern about, you know, how the judge would deal with objections, cases can be very different depending on what the judge allows, doesn't allow.

Juror: True, true.

Justin: Yeah, that's super interesting. Just a couple of last questions and we're almost done. I mean one question, at any time during the deliberation, or before the deliberation or talking to the jurors, did it ever come up, did any juror ever suggest, like look I just don't think we should follow the law, or we're not really bound by the law, or anything like that? Did you ever have that experience was happening or anything like that?

Juror: No, no I don't recall anything like that being introduced.

Justin: That's great. And do you think there was any like any particular moment in the trial – I mean you've mentioned the jury instructions – do you think there are any moments of the trial that were particularly influential or powerful to you as a juror? Did anything happen during trial speak to you? It sounds like there were some things that were absent that bothered you, were there anything during the trial that were helpful?

Juror: I mean I will say, and again my hats off to the defense, I thought they were smart, I thought they outwitted the prosecution on two or three things. We talked about that, we talked about the effects this case may have. But Wayne came across cold to me at first, but at the end he was warm to me, you know I learned to respect him, I felt like he was honest, I felt like he has strong convictions in his cause. But I battled again because you know, the law – I mean you're a law professor you can understand that. So, it was kind of this moral battle inside of me, and for some it was very, very difficult on them. And I remember at one point someone saying at least we're not letting off a convicted killer. You know?

Justin: That is true, that is true. And is it your sense that the people who were really struggling were in the same boat as you – they were kind of like look I feel like we can do this, fine, but this is terrible because there's a video of these people taking piglets. It was that sort of the dilemma because we have this sense that it's the law, right – it must be theft because they took something, but if the law tells you that it's not theft – it's never quite as black and white is one of the things I tell law students, right. Was that kind of realization for the jurors? Like gosh this is kind of upsetting, like something wrong had happened but they didn't have a legal fix to it sort of thing.

Juror: Yeah, right – I think that's a good way to voice it. Me, I was a little bit more open than a few of them who were like black and white with that. And I think it was really difficult on some that they weren't given what they needed by the prosecution. But again, that the pigs had to have value was added in there, there were these things I was like wow the defense has got – they're smart and they're outsmarting this group. And you know, I guess here's my kind of final thought on that – I knew they were outsmarting the prosecution, but I also believed that

they believed in their cause, and they were honorable in their cause. If they were dishonorable people in my – it would have been much for difficult for me, but I saw – as the jury – as it went on I kept waiting for the prosecution on different things and it never came and I thought oh my gosh they're just getting outwitted here and, but yet, then Wayne – I just learned – I warmed up to him, and whether you know, whether he's a brilliant lawyer that way I don't know but he – he did his job, he did what he needed to do . . . on us.

Justin: On us, that's a way of saying it. Alright, I think that's all I had for you – do you have any other thoughts or questions you'd like to share? Is there anything else I haven't asked you?

Juror: I just think – in conclusion – again I hope, I don't like to think of it as this side and our side and your side kind of thing. I love when people can come together and discuss and you see that grey area where you can have common interests and that really happened for me in this trial, and so it was an interesting process for me that way and I, my mind was opened to what's happening in the animal world that way so.

Juror #4

Justin: So, the first question I have is just what was your reaction to getting a summons and finding out you were going to be on a jury? Were you excited to be on a jury –

Juror: To be honest, I was not looking forward to it. I was really just kind of like I'm going to be as truthful as I can, but hopefully it's not me. I was also surprised that it happened because there was a couple of like the more in-depth detailed questions you know like have you ever protested anything before, have you ever done A, B, or C and I had done some of those things I thought would remove me from contention, but I guess not.

Justin: What were some of the things you thought would get you removed?

Juror: One was, have you been like a victim of like a theft or a violent crime before and then I lived in another country for a time and was carjacked down there, I lived in another state for a while and was burglarized there a few times too. So, I thought that would be a removal and then I didn't know obviously, but I thought I had protested something might remove me from the competition.

Justin: That makes sense. What was your protesting history?

Juror: The Grand Canyon Incline – it was a sky lift down to the bottom of the Grand Canyon and shopping districts and all that and I'm super against any of that, so.

Justin: And somebody mentioned today that someone on the jury – does this ring a bell with you – was like a cat rescuer or had been involved in animal rescue before –

Juror: So, I had – when living in another country I actually worked with like rehabilitating wild animals but that didn't really come up in the interview so that could be me.

Justin: Very good – so when did you first know what the trial was going to be about? Did you know from the jury questions or when you came in and got opening statements? Or what

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Juror: I would say opening statements, yeah just that first day in the courtroom. I had not heard of the Smithfield trial, I had heard of like – just like really loosely in passing news – you know some piglets were stolen from a farm in Utah but like I didn't connect the dots at all until I was in court.

Justin: Yeah, sure that makes sense. And so some questions about each of the participants in the trial – I'll start with the judge. What were your thoughts on the judge, did they change at all during the course of the trial, what did you see, what did you observe, what kind of reactions did you have?

Juror: I thought he did a good job of playing the observer. At first, I thought that he was a little bit irritated at the defense. I could see that – I don't know if that stemmed from the days before that we weren't there. And I felt that as it went on, he became a lot more balanced, but I felt he had definitely lost his patience in the beginning and towards the end, he was a lot more impartial at really giving both sides their chance to present and speak and –

Justin: Yeah, that's interesting, okay. And did you – but you generally perceived him to be fair and didn't have any real concerns when you went back to deliberate, anything like that?

Juror: Yeah, I don't think so – I thought he was pretty fair. I think from both sides he was kind of tired of some of the arguing that went on when we weren't in the courtroom – that was really evident and just every time we were asked to leave or be brought back in. I think as far as balanced, he was pretty balanced.

Justin: And what about the prosecution – what was your like impression of them? Beginning of trial, end of trial, middle of trial – how'd you think they did?

Juror: I thought they were a little weak. Especially early on – I forget the one lead attorney's name, but I felt kind of pandered to. Like we're going to go on a school bus trip to Milford Utah, you know – it felt very like childish and off-putting early on. I wasn't a fan of how they went after – again I'll have to go back through my notes – but it was the witness from the defense who runs the animal sanctuary in California, they kind of went after her daughter and like questioned her credibility and I was like that has nothing to do with what we're talking about here. So that didn't really fall in good favor of mine. But you know other than that I thought they were respectful and that so. I think you know – just going to where this is going – at the end we thought they failed in their duty overall to –

Justin: Yeah, the burden of proof –

Juror: Yeah, I felt a little pandered to, to be honest.

Justin: And by pandered to do you mean like in some ways they were talking down to you, it was like speaking to you like a child or –

Juror: Yeah, absolutely. And I don't know what went on behind closed doors, but I thought it was silly we never got to see the video, like you know we would be so upset by it that we couldn't judge, or you know come to a conclusion that would you know be unbiased, which I think hurt them in the end so.

Justin: Yeah, that seems right. And what about the defense team – what was your reaction? What was your initial reaction or do you remember sort of that gut feeling –

Juror: You know, Paul – he never really said anything – it was all kind of on his attorney, and then with Wayne, you know I have always believed in the adage kind of the man who defends himself has a fool for a client – and that was how I kind of thought at first. But you know he really won me over it went from a guy seeming to just want the light shown on him and then you know just to be I guess vivacious in the courtroom to just well thought out, calculated, had an explanation for everything. He didn't – I believed him.

Justin: And so, when you first heard the opening statements were you sort of like okay this is an easy case for the prosecution, or were you like – what was your initial reaction when you first got in there?

Juror: I would say probably 80/20, I definitely wanted to hear what was presented but you know based on the evidence – especially that first little bit of the prosecution where they went into, you know searching on social media and identifying that this was the guy in the video, it felt like a slam dunk to me. But as the case proceeded, obviously that changed.

Justin: And what would have – what do you think convinced you personally to vote to acquit? What was it that you know at the end of the day like no this is the thing that gets me, the prosecution didn't meet their burden.

Juror: So, for the burglary charge it all came down to intent. I think – I don't know if this has been expressed – but when we sat down in the jury room, we took the jury instructions we were given and we labeled out the charge steps, you know A through D and all of those elements had to be present and we couldn't come to intent on the one. You know they said they were there to document, they had the camera equipment – there was evidence of that from both sides that were presented.

So, we couldn't prove intent so if they could have shown the intent to go in and remove piglets and that they had done this before, and that they would do it again, or you know other charges that had happened in similar places. Since then, I've learned that there was a similar thing in North Carolina and a few other places – and if that was presented that would have led to intent there. And on the theft itself, it was the monetary value. That the piglet was actually worth something and the prosecution just didn't show that.

Justin: Yeah, so – that's really interesting – so if you had seen evidence that there were charges in North Carolina or California, or a conviction in North Carolina in a case very similar to yours. Then that might have changed the way you approached the case, is that right?

Juror: I think so – I mean I think there still could have been reasonable doubt saying that they went in there solely to document but if they happened to find an injured piglet, but I think if the prosecution had said charge here, charge here, they did this before and they're going to do it again, it's what these guys do. That definitely would have made that intent harder to work around.

Justin: And did you find the video – the video that showed them discussing it, sort of pre-meeting, saying we're going to go in and if we see something, if an animal is in really bad shape, then we'll take the animal. Was that important to you?

Juror: Yeah, . . . you know a real big thing that hung up to me was that they said "if" we find an animal. You know they didn't know what was in there, they didn't know what they were going to stumble into and that was the big probable doubt thing for us.

Justin: Yeah, and that's very helpful. Do you think that you – as you think back on the trial, if you had seen certain things in this trial, you probably would have voted to convict? Like are there facts that if they had been slightly different, maybe if that video clip hadn't existed, or things like that – are there other things that would have made a difference for you?

Juror: You know, to be honest, I think only on intent. Like if they had brought up prior incidences. I think a big thing they kind of wash-boarded over was whether or not to show us the Death Star video and I think it would have just done more to us to prove that Smithfield didn't value those animals. And I think that while they probably thought it was going to put us on the animal liberation side or the animal care side, it was more just like yeah, look there's a visible dead piglet there, there's feces everywhere, they don't care you know.

Justin: Yeah, that's helpful. Do you think that you would have voted to convict if you had learned that the pigs were perfectly healthy and fine? So, like if Lily and Lizzie, these two piglets who were taken, were shown to be perfectly healthy animals? Instead, there was a lot of evidence about this and that and the sickness – do you think that would have made a difference?

Juror: I think perhaps. I think with the theft – sorry the burglary charge – which was so heavily reliant on intent I still would have voted to acquit because you just could not prove the intent. On the theft, you know for me especially – and I'm not going to speak for the other jurors, but I genuinely think for them as well – it really came down to that point of value. The state didn't prove that there was monetary value, but if they were in good health and you could look at that prospective value or that 22 dollar figure or whatever was pulled out, I think it would have been harder because there would have been a monetary value associated with something that was taken.

Justin: That makes sense, yeah. And in your deliberations – you talked a lot about the instructions, the point about intent and the point about value – do you remember anything during the deliberations or any of your conversations with the jurors before the verdict was announced where anyone was talking about not following the law or that the jury could ignore the law or anything like that – did that come up, as best you remember?

Juror: No one was like trying to tiptoe around the jury instructions. I think we ended up deliberating for like eight and a half hours, and probably genuinely the first three hours of that were going through those instructions, making sure we had highlighted components to go back to, and really trying to do it by the books. Because I think a few of us had different personal opinions on you know they did something wrong they should be punished. Some of us just said hey, the prosecution didn't do their job and therefore we must acquit. So, there was a lot of I would say differing opinions of what the outcome should be, but as far as doing it by the books and by the law, we were all unified.

Justin: Yeah, meaning everyone was sort of saying we're doing this by the book, we're following the law.

Juror: Correct.

Justin: And when you think of the disagreements in the jury room, what do you think animated those? I mean you mentioned a couple themes just now – what do you think was – what were the big sticking points in terms of jurors feeling like no this isn't quite right, you know when people started to change their mind or not change their mind?

Juror: I'd say a massive one was probably precedent. So, you know we went on like this for a while but like if – and I'll say this too – everyone thought that Smithfield was a pretty brutal corporate farm and weren't happy with the conditions there. It was kind of having to set that aside and just say what actually happened. So, the precedent of saying that you know someone can deem something of no value as to me and take it from me – that was kind of a hot topic. I mean be it a bicycle sitting in your backyard or, an example that was brought up specifically was, or if I'm at Target in the middle of the summer and I leave my dog inside for the ten minutes I'm in the store, and somebody decides to break into my car and take my dog, you know I'm not valuing my dog because it's a hot summer day in southern Utah, but that may be very different. So that was one big point. I think another one – it was sort of a hot topic specifically in terms of the piglets was I think everyone was of the opinion that the piglets might have value to me. Like I love animals, so they intrinsically have value because they are still alive. But as far as you know corporate, meat grinding animal farms they don't. So, I would say those were two really big points – was precedence and then just the inherent does something living have value, whether or not it needs care or is maybe sick.

Justin: Yeah, that's interesting isn't it. It's funny to hear the car example came up. It is one of the examples Direct Action Everywhere uses, right. It actually is an instance where the law has recognized if I did leave my dog in the car on a hot day, they could break the window to rescue them. That doesn't mean that they get to have my dog – they get to save it because – and I could actually be criminally charged if my dog was suffering in the car, so we try to encourage people. It's actually one of the analogies they make, that probably the judge didn't allow them to make in this case. Sort of like, if your dog was suffering in the car, you would want somebody who's walking by who cares about dogs to break the window and rescue that dog. And that doesn't mean anything about the value, right – it's a separate question of valuation because they might say oh my gosh thank you so much, I forgot she was in the back seat, I love her so much. So, you could have sort of the do we allow rescue separate from is there value, right.

Juror: Absolutely, and I think that's really kind of what my hang-up there was, you know just from the prosecution doing their job that the value was there, regardless of what we thought about the value of an animal life. And I feel for the most part we're all kind of bleeding heart animal lovers, I think everyone had a dog or a cat, we kept bringing that up, you know during deliberations so.

Justin: That's really interesting, yeah. And is it your sense that the people who were – so what I heard was that the initial poll was like 2-6 in favor of acquitting then it sort of evolved. In your recounting, how did the numbers keep changing – was the next vote like split 4-4 or like how did it go throughout the day?

Juror: Yeah, so it definitely was 2-6 at one point, but of those six – and we basically did a straw poll before we did any of the actual deliberation talking, hey where do you guys stand. And so, I would say four of us were just like genuine fence-sitters, but we would say I would lean here

and this is why. And I would say the biggest thing was for five of those six, it was really hard to separate that a living thing has value, even if it's one cent, I mean you know there was some discussion of just from Smithfield's point of view if piglets didn't have value at all, regardless if they live or die, they wouldn't be in the pig business. It's all about that perspective. So slowly that went from does a piglet have value to do the pigs at Smithfield in their current conditions have value. That's where I think we all really flipped to acquittal was removing that little mind bug we all had that a living thing has value as opposed to the piglets in this condition do not have value.

Justin: Yeah, that makes sense. So, it was kind of like we're tripped up on "well I'm sure animals have value because they're animals," but then being able to fall back on the this is Smithfield problem? You sort of have a sense of what's going on there even though you didn't see the video, that allowed you to get over that –

Juror: Yeah, it was do the boogeyman's piglets have value as opposed to piglets at a small farm, you know.

Justin: Yeah, and that's one of the things I have asked people – based on that I think it would have been a much harder case for Wayne and Paul if this had been – everything else was the same, even the conditions were similar – but if it had been a farm that was 50 pigs or 100 pigs it would have looked a lot different.

Juror: Sure – where care was actually provided, you know? I grew up raising sheep and I did a lot of comparisons to that and if a sheep got lost or injured, it was a big deal. We actually worked with every animal to make sure it was taken care of, because that was the bottom line. Whereas here where it's just corporate farming, that 20% [death rate] is just the cost of business.

Justin: Exactly, which came out with their own expert. Were there points in the trial that you thought were particularly influential to you or to your fellow jurors? Anything that stood out or kept coming up in deliberations – things that were either impactful, or emotional, or influential pieces of evidence?

Juror: Yeah, the cost of veterinary care. That was probably the single largest determining factor in that valuation of the piglets. And that was such a key component to acquittal.

Justin: That it would cost more than the 40 dollars or something like that [to treat the pigs and restore them to health]?

Juror: Yeah so, I think that the state expert said it was like a minimum of 80 dollars for care and the defense said 200-300 dollars – that was a big thing to us to completely wash away that expert testimony of the 22 dollars and 40 cents or whatever.

Justin: Right. And were there any witnesses you thought like either worked against the side they testified for or that were counterproductive or at least memorably not that helpful?

Juror: I think there was probably one in both instances. I don't remember his name – I should have brought my notes with me – but he was one of the activists that went in, and he was a character witness for Wayne and Paul. And – I like to read eyes in the courtroom a lot – he mentioned

that they had gone there the day prior too, and I just kind of saw like both the defense – their eyes kind of blew up like oh, that hasn't been made public yet. So, I think looking on that, that could have honed onto intent a little bit – at the end it didn't – but that definitely could have shot them in the foot, so to speak. And then from the prosecution, they had a couple of staff from Smithfield, and they just could have done a much better job in actually speaking to the care they provide instead of just testifying, oh yeah this is our barn and those are our piglets. You know, if they would have spoken to anything they did for those pigs – veterinary care onsite – you know as brutal as it may be, hey when these piglets die, we use them as feed or we use them as fertilizer for feed, whatever the case may be that could have shown some value. And in the end, it hurt them.

Justin: And the last thing I was going to ask, is sort of related to that – I guess just two last things – one is was there anything during the trial that you – like when you are sitting back and reflecting on this, or when you were in the deliberation room – that you thought this was like a powerful, favorable moment. So, we talked about a couple of witnesses who maybe didn't quite get the job done – was there anything like that – when you were sitting there that made you be, what you call, the fence-sitter or something else? And was it just sort of the absence of Smithfield witnesses and the like, or were there powerful moments to you that you remember?

Juror: A big one for me was probably Wayne's testimony, when he kind of spoke about his upbringing in China and his dog that was his only friend. That really took him – you know, back to my statement about the man who represents himself has a fool for a client – that really changed my perspective on him. I tried to be fair and impartial the whole time but that really took him from somebody just seeking attention for his cause to somebody who is sincere and actually is a true advocate of animals. That really proved intent for me – that told me they were there to document and this and that. That was a massive one for me. And of course, you know the testimony by both veterinarians. That really was a big deal in the case on both sides – one was just a hard, cold number and the other one really talked about the care those piglets needed, and it just really went to the defense's favor.

Justin: Yeah, that's great – thank you. The last thing I was going to ask is just after sitting through this trial – I mean did the trial do you think have an impact on how you view activists like Wayne and Paul or companies like Smithfield? Or did you already kind of have these views – did it have any effect on you?

Juror: I'm a documentary nerd – I seek them out wherever I can. So, I've seen like Food, Inc. I know how really bad corporate farming is, so my opinion didn't change there. I think it just went from feeling sorry for some of these farmworkers in the middle of Utah having to put up with this to actually like no, they should be looked at for what they're doing. As far as activism goes, I think – especially for Wayne and Paul – it changed my opinion of them. It went from maybe these guys are out here representing themselves just to get attention to their cause – and you know, this is probably worth mentioning – I didn't research any of the trial when I was in there but I was kind of accosted, totally by accident. I was listening to the Pat McAfee show and they were talking about people storming the field during a Monday night football game. It turns out they were actually representing them. So, I was like oh, this case is much bigger than what we're going through right now. But I think activism is important because it brings things to light, or topics that need to be talked about are brought to the surface whereas they otherwise wouldn't

be. Sometimes that's done poorly, and sometimes that's done effectively, and I think Wayne and Paul are good examples of doing it effectively. Even if that may be extreme. And so, I would say to them specifically, yes, my view has shifted favorably thinking they might be kind of just "crazies" or whatever to actually good, well-rounded, thoughtful people.

Juror #5

Justin: The first question I have is just relating to what your thoughts were, your reaction to being picked for a jury. Have you ever been on a jury before, what were you thinking when you were sort of going into the jury selection?

Juror: No, I had never been on a jury before. I actually fought it, so. I see clients all day, I didn't want to cancel – I had no idea what it took, so. And financially I didn't want to do it and lose that work. I also respect the legal process.

Justin: That makes total sense, and so do you have a private practice of some sort, or what do you do that you were seeing clients?

Juror: [Field of Employment].

Justin: Yeah, and that's a tough thing to miss. And then do you remember when you first figured out what the case was about? Was it opening statements or did anything come up during the jury selection? Any questions that were asked that kind of tipped you off?

Juror: It's when they brought me in front of the judge, and they asked me those questions. I said I didn't want to do it because financially, [it could have been tough]. Anyway, his last question was will that deter your answers and I said no. And I thought for sure I'm going to be fine, but – anyway I even forgot the question you just asked me.

Justin: Sorry, I was just asking if you – when you figured out what the case was about. Did you have a sense it was going to be about this sort of like rescue and Smithfield, or not until opening statements?

Juror: No, nothing, I knew nothing. I didn't even know the name Smithfield. I've lived in St. George, I think fourteen years, but I don't really know the small towns outside of St. George, so I had no idea about anybody. Even the case – I hadn't read about it in the news.

Justin: Yeah, that's a good segway. And then you mentioned the judge – what was your reaction throughout the trial to the judge? How did you think he did, was it your first time interacting at length with a judge, what were your reactions? Were there any clear memories of something that you thought you liked, didn't like, anything like that?

Juror: I thought that he was going by the book. I felt like he knew what he was doing, he navigated it pretty well as far as the legal side of it. I was pretty frustrated that Wayne couldn't speak. Initially, it was okay but as the trial kind of progressed I felt like he was just shutdown – that hurt the prosecution actually. Because the judge just kept stopping him.

Justin: Is that something that came up when you all were talking as jurors?

Juror: When we deliberated it did.

Justin: Yeah, that's an interesting strategy because obviously the judge does that at the request of the prosecutors. So, did that make you all – or I'll just ask you in the first person – did that raise any concerns for you about the prosecutor? How did you think they did?

Juror: He was terrible. Initially, on day one I thought oh gosh this is a no brainer, he's guilty, this isn't going to take very long. I had no question about it. But then as things progressed and little facts came up – I probably took the most notes, that's just how I learn – I started seeing the pattern. What they wouldn't allow them to talk about. Not being able to see the video, I don't know what others have said, but that was a big deal for us. We felt like we didn't have all the information. So, the prosecution to me looked like they were overreaching, trying to make a political statement more than – this wasn't really about a crime by the end, that's what I thought. They did a poor job.

Justin: And when do you think you started forming that opinion? So, you said at the beginning you were like okay this is pretty easy, we've got a clear client crime here and then by the end you were like I think they're overreaching. What do you think tipped you, or do you remember?

Juror: You know what I do, oddly. It's when they gave us the picture they had to cut. And I'm like this is ridiculous, this isn't about them having to hide something gruesome from us, this is something else. So that was a huge turning point for me. They actually did Wayne a favor.

Justin: That's interesting right, because yeah you could imagine other jurors being like well it's just the way it is and so we're stuck here. And I would contemplate the defense side was probably pretty nervous not being able to show anything because they're trying to give us some context and the prosecution kept saying no can't do that, can't do this. And what did you think when you first saw the defense team – so you saw Paul's lawyer, Mary, you saw Wayne representing himself – did your view of them evolve at all during the course of the trial?

Juror: I thought Mary was great. She held her composure very direct – she just was always respectful. Whereas the prosecution wasn't always that way. But Mary was just right to the point, very factual. When she brought something up, she had very good evidence to back up why she was maybe objecting to something. And she just made sense to me – whenever she spoke, she made sense. I just believed what she said was just truth.

Justin: And what about Wayne and his representation of himself?

Juror: I wished he would have had – I didn't like that he represented himself. The part that was the hardest was when he took the stand. He had to ask himself a question and answer, it was just weird. I just felt like things kind of got mixed up, it wasn't super clear, and if he had someone there asking questions it just would have been better.

Justin: Was it just sort of the appearance of bizarreness or do you think it had like an effect of causing some sort of confusion as well –

Juror: Yeah, it was just kind of confusing. It took away from what he was trying to say as a witness.

Justin: So, you said Mary was, but that the prosecution wasn't, always respectful. Did you ever have any specific examples where something felt to you not that respectful?

Juror: Well, the biggest one was at the end when he compared the dented can. Which was ludicrous.

Justin: Yeah, I was watching that on the computer screen and was like wow the dented can and the ice cream cone.

Juror: Exactly, yeah.

Justin: And so, what did you think when he said that – you were just like this guy is out of touch or he's reaching too far or –

Juror: Oh yeah, just kind of like irrelevant, it doesn't connect, he's reaching really far out there to try and connect that basically the pig had no value. I'm just at a loss for words because the pig has a brain, it moves, it's a living being, and you compare it with a dented can. It was just so stupid to me. Made it just seem – things were not portraying what it was. This was political. And I didn't know all this stuff around it until we finished, and I Googled things.

Justin: What do you think, you personally – what do you think was the fact or the set of facts, or anything – what do you think convinced you to vote to acquit? Is there one thing as you were sitting there deliberating or going through your notes – like what do you think was the key thing that convinced you that an acquittal was appropriate?

Juror: Well – I don't know if you're aware of this – I'm the one who actually asked the question to – the jury question of the value.

Justin: And just so I have it on the record – what was the exact question you wrote down?

Juror: I'm trying to remember how I worded it –

Justin: It was something like how do you calculate value or something, right?

Juror: No, it was the value to whom. There was a particular juror question that talked about the value that we read over many times, and I was sitting there in that room and said you guys, the value to who? That's where we – I mean we deliberated probably five hours on that question, it seems like. Who was the value to. And I said is it the value to Smithfield is it the value just generally that it's a living thing to us – who to. When we asked the questions, I specifically said the value to who – to Smithfield or to who. And they wouldn't answer.

Justin: And what did you all end up doing with that? So, you had that unanswered question – what did you do? I remember that jury instruction well because the jury instructions said that property had to be a thing of some value greater than zero, right? And then you said, well, value to whom?

Juror: Exactly.

Justin: And so then how did you all wrestle with that?

Juror: There were two of us – one of which was me – [asking] legally should anyone go on a property and take something, no. But it became well, take something of value because that was the jury instruction. I just said to everyone, I said I'm looking at this box with this pig in it. If I'm holding it, it has value, absolutely sick or not sick, it has value to me. But if we put this box in Smithfield's hands, what would they do with it? Does it have any value and I created this, I talked about a box I said who has the box. And so, I just – we kind of discussed that a little bit because we were stuck. I was really nervous we weren't going to come to a unanimous decision. That's when we said hey, can we take a break and walk outside for a minute because we were literally stuck. But then we came in and I said this is where we're at, it's the value to who. And that's where we have to make that decision. And then those that were definitely for acquittal, you know they jumped right on that, and then they talked about the monetary value and the vet and all of that. And those that were stuck on no he's guilty, that's when things kind of started to change. And they had to admit that yes, to them it had value, but to Smithfield it didn't.

Justin: That's really interesting. So, you sent out the question, got no answer, everyone was kind of deadlocked – and at that point, how many at that point, roughly, do you think were leaning towards convicting? Because you said that those who wanted to acquit, was it four people at that time?

Juror: There were two that were definitely acquit, me and one other were in the middle, and then there were, well – now I can see the table visual, I know exactly who was where. Two wanted acquit, two wanted to say guilty, one was really – she didn't say much, we never really knew what she thought, to be honest. She kind of sat there most of the time. And then there were two of us, me and another girl, that were really trying to figure out where to go.

Justin: So it was really split.

Juror: The one that didn't talk much, once the other two really started questioning and getting onboard, she just followed suite.

Justin: Yeah, and on the value question, I mean ultimately so you came back from the walk, you talked about who has the box. How did it ultimately bring people along, did you decide it in fact was the value to Smithfield? How did you ultimately resolve that question, that was hanging everyone up?

Juror: We – it took a while – but we ultimately decided that to Smithfield it didn't have value at all.

Justin: And that's who you were worried about, or that's who you should be concerned with as to the value.

Juror: We were really trying to do the right thing legally – like one girl was crying because morally she thought that it was the wrong thing to let someone off who did a crime. But then she had to look at it legally and it was the legal wording that changed her from guilty to acquittal, if that makes sense?

Justin: Yeah, I think that does make sense.

Juror: It really came down to that value. And I told Wayne this – I met with him the next day, actually. I was super nervous around him but something in me was like I have to just like tell him so he understands. So, I agreed to just meet with him one-on-one. So whatever notes he took that day that was the really raw, right after it happened. I mean it's been a couple months so I'm trying to remember – but I told him this – there was a massive turning point when we watched – I think it was the audio when he was giving instructions beforehand. And [in that video] he said “if,” if there's something we'll take it. Or if an animal – he used the word if – that one word is what changed those two that were really hard against guilty from changing their opinion. Because, you know the charge of did he go in knowing that he was going to take something. They said yes until we re-went over that, and they heard the word if. That two letter word is what changed that.

Justin: This is related to my other question – which is just what kind of facts, if they had just been slightly different, would have probably led to a conviction? And it sounds like one of them, as you just were saying, is if there wasn't that clip with him saying if it might have been different, is one thing. Or – yeah go ahead, sorry.

Juror: For two of the jurors, for sure.

Justin: And then were there other facts that you think if they had been just a little different might have changed your vote or the vote of others?

Juror: I'll tell you one that actually hurt Wayne. If it would have gone much further with him, it may have made a bigger impact. And it was the turkey farmer – that didn't help the case at all.

Justin: Interesting, how come?

Juror: When he brought him in and testified, we felt like, it seemed like, the way it was presented, that kind of Wayne and those that were with him were kind of like bullying. Like they were standing on the sidewalk protesting until he came out, and the farmer even admitted he was scared initially and said well, alright I'm going to go talk to them and see what they want. It just came across like it was kind of like a bully. That Wayne was a bully instead of like hey, we went in and talked to him, we had a conversation, that would have been different. But the whole protesting thing – it just seemed like he twisted, like it was a manipulation a little bit. That he freed so many turkeys – we felt like as a truce okay, will you leave me alone if I free these turkeys? And that wasn't a good –

Justin: That's interesting. It came across as negative to you even though this guy voluntarily came and said oh, I would like to come and testify for the defense. Still the story he told was kind of like yeah, but this doesn't look good, you were bullying some turkey farmer.

Juror: Yeah.

Justin: Thank you. And do you think that if it had been a small farm instead of one of these massive, I forget what it was, they said it was like 20 miles long. Do you think that would have made a difference? You know, if this was like a farm with 50 pigs or something across the street, but everything else was the same, do you think the trial still would have come out the same way?

Juror: That's a hard question. I don't know. There was a juror in there – well I'm sure you know this – she had a criminal degree, a degree in criminal justice, I think. She's the one who first brought up the idea that this is a political agenda. She saw through that before the rest of us did. And so, when that was brought up, I think that did kind of plant an idea in the rest of us and it made us kind of be more aware of the prosecution and how they were coming across. So, if it was a smaller farm, that aspect wouldn't have been included. So, it may have been different, I don't know.

Justin: And when you say she brought it up as a political agenda, I take it that you mean this was a huge employer, big company, and so by messing with them the prosecutor was now trying to teach these guys a lesson. Is that sort of what we're talking about?

Juror: Yeah, and she even said look, if this was a trespassing charge, I would be all over it. But she was the one from the very beginning that was like there's no way, they are not guilty of this. What they have been charged with is not right. It's overreaching.

Justin: I have just two last questions that will be pretty quick. The first I think you have already answered, but I will ask it just so it's clear. It sounds like no one in the jury deliberation, I mean you seemed to have really paid attention and have a very good memory of it, but no one was talking about look we as a jury don't have to follow the law? Everybody was trying really hard to go by your jury instructions and figure out what to do based on the law? Is that accurate, is that how you perceive it?

Juror: Yeah, yeah.

Justin: Like there was no one that was like you know this is an overreach let's just teach the prosecutor a lesson. Or something like that. You guys all felt that you had to follow the law, this is what you had to do – is that fair?

Juror: Yes, except for that one juror. She was the one that said yes, he took something but this – what he has been charged with does not fit. Yeah, other than that little aspect, yeah.

Justin: What doesn't fit is what you were instructed, sort of, right?

Juror: Yeah, so I guess what you're saying – it's true. We all took it very literally.

Justin: And then my last question and then we'll let you go – is do you think that sitting through this whole trial, did it change your perspectives at all on Smithfield? I guess you didn't know Smithfield, but the food system or on these activists like Wayne and Paul, from sort of the beginning when you went in to the end, did it change sort of how you think about those things?

Juror: Yeah, it did. I'm mostly vegan, yeah I'm a huge animal lover. I'm also very ethical as far as the law, and I had a little bit of a hard time with my morals and also the law. They were conflicting a little bit for me. But as far as – like I've watched Food, Inc., I've watched those types of things. When I watched Food, Inc. like eating chicken, that changed that day moving forward. So as far as Smithfield, yeah, I had no idea the massive impact they were having and there were even facilities out there that were on that scale. And just that much killing, I had no idea. I

haven't eaten ham since. I said I rarely eat meat anyway, but even the [Store Brand] thing, that did affect it. I won't buy that from [Store Brand] ever.

Justin: Did they ask any questions of you during the jury selection of like, do you remember being asked anything like do you eat meat or anything like that?

Juror: No. I can't remember the online questions, there may have been one on there, but I can't remember to be honest. They didn't ask it in the Zoom questions though. I want to add that with the activists, Wayne was great. Initially, and I told him this, initially when he started talking I sensed his, he almost came across as aggressive to me, I didn't like that. But by the end I kind of saw – I don't know if it's because he was tired, which probably was true, but I kind of saw him soften a little bit, kind of just like hey, I've done everything I can, it's out of my hands now. He was always respectful, even in those situations of the judge just like, he couldn't even hardly talk. He stayed pretty composed. He had a lot of credibility to me after that first day. And then when I did Google everything and I looked at the activists, I believe in it. But I have a very hard time with – like some of the comments that were said were just almost vulgar and crude. Like about the jurors, you know.

Justin: Like what kind of things? I don't think I've seen them.

Juror: It was something about if they could pull their head out, and stuff like that.

Justin: Like if the jurors could pull their head out, they could see that this was obviously not guilty, or something like that?

Juror: Right. And just the – I don't like when activists get really sarcastic and just start negatively putting anyone down. Whoever it is. It just loses – and there's no way to avoid that – it just loses credibility for the cause. And I just wish some of those activists would be – would just be better. At just being respectful instead of sarcastic. Just like hey, this is what we're standing for and keep it good.

Justin: And that's stuff you would find like in internet searches of the activist websites or in the news or that kind of thing?

Juror: Yeah, some of the Direct Action Everywhere comments, underneath some of that stuff, the comments – because I didn't know, I hadn't heard of Direct Action Everywhere or Smithfield. You know as a juror, of course I jumped online and dove in for a while and just read quite a bit.