Successful prosecution of Chicken Abuse cases tied to a Commercial Operation

By Michelle Welch
Senior Assistant Attorney General
Director of the Animal Law Unit
Virginia Attorney General’s Office
How do you win?

• No crying allowed
• Being prepared
• Treating it like a criminal case
• Demanding everyone else treat it like a criminal case
• Building your case
  – Corroborating your case
Being Your Best
Being a Professional

• “I have been the Commonwealth’s Attorney here for 36 years this October and I have rarely seen a more prepared and organized Prosecution. Michelle stood her ground against some tenacious senior members of the defense bar in a very professional manner. She did not hesitate to try the case and her presentation of the facts and the law obviously led the judge to his conclusion of guilt.” Lunenburg Commonwealth’s Attorney
Tips

• No matter how sarcastic or flippant the defense Bar is about your case.
  – Be Professional
    • Email from defense bar, comments from defense bar
    • Where are you getting your vet, New York City?
  – Be Unapologetic
    • In Court, Confidence is everything.
  – Be Prepared
    • Prep your witnesses
  – Be the Best
    • Bring your “A” game
Illtreat- Using a rarely used portion of our Cruelty Code:

Count 2
May 25, 2016
• Undercover video
  – Compassion over Killing
    – Sent it to the 3 jurisdictions
    – Then released it to the public
      • As a prosecutor, I have to get the video corroborated.
      • Animal Control Officers did that for me
        – Lunenburg, Buckingham and Mecklenburg
        – They talked to Tyson and to the supervisors and to the defendants
        – Cruelty-throwing/kicking chickens, crushing chickens to death, boning chickens, crowding them to load them, and cruelly killing
Boning Chickens
Tyson b/c of this case stopped the practice

Count 1
June 1, 2016
Crushing Chickens to death

Count 2
June 7, 2016
3 witnesses

• ACO
• Undercover witness
  – If you ever go to trial, don’t wear a disguise.
• Veterinarian

• In the end, simple case-
• 100 hours of video we had to view-Kelci Block-
  then we reviewed the videos over and over-for Indictments and then for trial and finally with our Vet.
Defense

• Standard Animal Husbandry Practice
  – We did not get a NY City Vet (as the defense counsel predicted)
  – We got a vet from Buckingham County.
    • A local or state vet would be the best to get

• Expert-Chicken Farmer
  – Bias-how much $ being paid to be here
    » How much $ have you made on chicken farming
  • How long ago did you farm?
    • Did you crush chickens to death?
    • Did you throw or abuse chickens?
Defendants/Workers

- 9 defendants
- 3 jurisdictions
- We tried 2 defendants to bench trials
- After that, many pled out.
  - Lessons learned-On fire in court, we were more prepared than the defense. Objections being sustained-Wondered if we were winning the battle but would not win the war.
  - Demanding justice-What does that mean?
    - Jail
    - Conviction
    - No working with animals for a period of time (took our lead from the first case and what the Judge would sentence
    - Animal abuse prosecutor for almost 20 years
    - When 19 year defendants are convicted of felony drug possession, what we are asking for is not trivial. Animal abuse is a violent crime. The link between it and other violent crime is well documented. Violence is violence and cannot be tolerated.
Change is in the air.

765 matters
2015

58 special prosecution
Up from 14
20 special prosecution
Total special prosecution
• Michelle Welch
• Senior Assistant Attorney General
• Director of the Animal Law Unit
• VA Attorney General’s Office
• 804-225-4776
mwelch@oag.state.va.us