



Sturm College of Law

UNIVERSITY OF DENVER

Animal Law Program

Foster Farms Trial Juror Interviews

Continuing with its goal of documenting the animal rescue trials, the University of Denver Animal Law Program took up the project of formally interviewing the jurors from a March 2023 trial in Merced, California. In this trial, former “Baywatch” star Alexandra Paul and activist Alicia Santurio were charged with misdemeanor theft for taking two chickens from a Foster Farms truck outside a California plant.

With the assistance of Program Manager Jess Beaulieu, Professor Justin Marceau formally interviewed each juror who volunteered within six weeks of the trial. They attempted to contact every juror; however, only three agreed to be interviewed. What follows are the transcripts of these interviews. The project fully complied with the IRB process at the University of Denver. The interviews have been anonymized and slightly modified to remove any identifying information and to improve readability, but they otherwise reflect a verbatim transcription.

Juror #1

Justin: What were your initial impressions of the defendants and the defense team? Do you have any recollections of the first thing you thought when you saw and heard the lawyers and defendants?

Juror: I was really glad to be wearing a mask because I kind of giggled when I first heard what we were there for. Like, are we really here for two chickens? And I know that a lot of people had that response – is this serious? And, initially one of my thoughts about Alicia, and I know I did share this with the defense team, is I thought she was kind of mean. That was my impression of her because she wore a lot of black. I didn't really know Alexandra; I was fairly young when Baywatch was on, so that didn't really carry any weight – it didn't go one way or the other for me. I didn't really know her at all. I really tried to be impartial and as neutral as I could be.

I took the judge's instructions very seriously. But it was really hard not to, from the very beginning, not to like the defense team. They were very personable; they had some humor. Wayne explained things clearly, making them easy to understand. This approach made it harder to remain neutral, as they were very likable from the beginning. Wayne did an amazing job of describing bias. And because I am in [profession] we are constantly talking about bias, so I look at those things a lot. So I am very familiar with it, but I don't think most people are. The way that Wayne described it and really emphasized that, I appreciated that as we were, I forget the name of that process – when they're first questioning the jurors –

Justin: Voir dire.

Juror: Yes, during that process I was already kind of liking the defense, and trying to still be neutral, but they made it hard.

Justin: So even during jury selection you found that the defense lawyers, to have – you sort of connected with their descriptions of biases.

Juror: Yes, and in the beginning, the questioning of transparency, honesty, you know I recognized that and liked that from the beginning.

Justin: Was there anything during the trial that, we'll focus on the lawyers at the moment, was there anything either lawyers on the defense side did that you were like I don't know about that, or I don't quite see this or follow this?

Juror: Not me in particular, but I know some of the other jurors commented on Chris in particular. So Wayne, I greatly admire his ability to maintain his composure and remain calm, even having strong emotion. That is so hard to do. And I personally didn't feel like Chris was angry or that he presented that way, but some of the jurors felt like he was a little bit more angry, and not able to keep his composure quite as well in the way he presented questions. So that didn't sit as well with them – not me in particular – I didn't think he did badly at all because there was a prosecutor who I didn't appreciate his conduct. I felt like it wasn't very respectful of everybody.

And I didn't feel that way about Chris, but I do know that some jurors kind of felt like he was a little rude.

Justin: Do you have an example of when it came up like I feel that Chris is a bit rude, or a little unhappy?

Juror: I think you could tell in some moments maybe he was a little bit unhappy, his emotions shined through a little bit more than the other defense attorneys, than Kevin and Wayne. I think Chris's shined through a little bit more, but also I kind of liked that as well because he was defending his clients and again, I thought he was respectful and not rude. Maybe a little bit more direct and firm, but I don't think he crossed the line, in my opinion, of being disrespectful. He was being an advocate for his client, and I thought that was his job.

Justin: But some of the jurors mentioned when you were talking that Chris got a little angry, and there was sort of an expectation among the jurors that there would be an equilibrium, is that fair to say?

Juror: Yeah, I think so.

Justin: And what about the prosecutors – what was your initial impression of them and how did that impression progress throughout the trial?

Juror: During jury selection I was one of the last ones picked. I was way in the back and couldn't see the lead prosecutor very well and it wasn't apparent to me initially that he had a speech impediment. So I thought he was having a medical emergency or something – he was really struggling to get his words out and had a bit of a stutter. But I could only hear him, so at first I felt kind of bad for him and didn't understand why he was the lead and had to do so much talking because he struggled with it.

The second prosecutor I did not care for at all. I struggled with him because I felt he was disrespectful. I think you can be direct and firm, but also kind and respectful to people. He did not, and again I am not a lawyer, this was my first time spending that much time in a courtroom, but I immediately picked up on some of the courtroom etiquette that he was the only one who didn't follow. So approaching witnesses, before handling letters, he did not ask the judge's permission – and he was the only one who didn't do that. I felt like he just kind of bulldozed and did what he wanted, and that didn't sit well with me.

Justin: And were there any things the prosecution did during the trial that did impress you or warm you to their side?

Juror: No. I think the prosecution really was very disappointing. Especially as they are supposed to be representing Californians and their citizens, I think they performed very poorly. Actually, that's not true. The one thing I did like that the prosecution did was in their opening arguments, the instruction that they bear the burden of proof. It was their job to convince us beyond a reasonable doubt. And so that was helpful to know, and I did appreciate them kind of explaining that. But they just didn't meet their mark. So I'm like hey you're supposed to be of the people and you really let us down. And as they kind of went on in their closing arguments, the attorney I struggled the most with was the co-prosecutor. He tried to do like an a-ha look,

Alexandra has these bolt cutters in her backpack and waited until the last minute. And I just kind of felt like they were a bit condescending – like oh this is just simple, you see the video and it's got to be guilty. They didn't put in any effort because they thought it would be so simple and they didn't fulfill their job. They really were a letdown.

Justin: What about the judge? Did you think the judge was fair, did you like how the courtroom was handled, any thoughts or reactions from you or your fellow jurors?

Juror: I really liked the judge. He seemed like a nice guy. He also valued two other programs, he oversees drug court and behavioral health court, so he had some passion. I appreciated that about him. Actually, during our deliberation we got to hear them celebrating in a drug court program, clapping and stuff like that. I think he was fair though. There would be times when I was like well why can't we hear this, but I think he did a good job of, well he's got legal reasons. I also took his words very seriously, his instructions very seriously. I think because I did respect him and think that he was fair, trying to be impartial, I liked him and took his words to heart throughout the entire trial.

Justin: What convinced you, personally, to acquit?

Juror: I guess there were a number of things. This was a hard experience. I'm a person who processes their feelings and I couldn't talk to anybody, not even the other jurors about it. So that was kind of a challenge, but when I could finally talk to them in deliberations one of the things that really stood out to me was – there were two parts of it. If somebody had stolen my two chickens, we wouldn't be sitting at a trial for it, for one. For two, if my two chickens were in the condition these two chickens were in, I would be charged with animal cruelty. But because it's Foster Farms, that's not happening. So that didn't sit well with me – it doesn't matter who the victim is, the prosecution is here because it's Foster Farms.

Also, the biggest thing was feeling that the prosecution did not reach their burden of proof. I did not, beyond a reasonable doubt, feel they had committed petty theft. And because the prosecution said oh, well this was just a PR stunt, that was all they were doing. And I said well if I'm trying to have this big PR stunt, I'm going to let a bunch of chickens off that truck into the grass, that can't walk, record it – I could think of a much larger stunt. Also, if I'm trying to steal – this was part of our conversation – why didn't they just fill up the U-Haul that was there at the protest with more if they were really trying to stick it to Foster Farms. [The prosecution] did not convince me that there was criminal intent. They did not convince me of the value of the chickens as well. In fact, I thought the opposite. I felt like those two chickens were a liability and also that they shouldn't have been on the truck in the first place. They were not appropriate for human consumption or even consumption by another animal. They shouldn't have been there to begin with. At the end of it, I felt like these two women did Foster Farms a favor, actually.

Justin: I think one of the things that came out of the trial, and correct me if I am wrong, is that Foster Farms conceded that even if these chickens were diseased in a way that they were not fit for human consumption it would be fine to feed them to pets, or something like that.

Juror: Yes! That did come out of the employee. That did not sit well with me, at all, and any of us. Well, I shouldn't say any of us – there were some people who really struggled with not finding them guilty. There were a couple people. But the majority of us are pet owners. And I'm like no – the way the veterinarian described it, if my dog had eaten one of those chickens and got sick, they could pass it on to me. That's just not okay. Foster Farms has a responsibility, I believe, to their consumers. Yeah, he said they could have been valuable to the rendering process, is what he kind of said.

Justin: So that was something the jury found interesting – it's like well look no, even though we have this terribly diseased and dying bird we're still going to process the animal and try to have the animal turned into food for something.

Juror: Yes, it was definitely bothersome. Some people struggled to eat chicken – I struggled to eat chicken during the trial.

Justin: You mentioned the value – you also said that you thought they just didn't, the prosecution failed to meet their burden of proof on the intent question. Can you say a little bit more about that? What do you mean by you don't think the prosecutor proved intent here?

Juror: So the jury was full of educated individuals that, you know we really did some critical thinking. We used the whiteboard that we had in deliberations. We wrote on the board what the elements to convicting on petty theft were. And where we weren't able to find them guilty was on the intent and the value. So the only place we were given a value, a specific value on the chickens, was from the police officer. So not someone from Foster Farms. And we kind of felt like the number was pulled out of thin air. So apparently a security guard told the police that the chickens were worth \$20, each one. And we were like how? How is the chicken worth \$20 when you can get a rotisserie chicken for like \$5–8 at the store? How is this chicken worth \$20 to them? And especially, again, the defense really did a better job of convincing us of how these chickens were of negative value because they were a liability. So [the prosecution] never clearly provided a why are they of value and how much were they worth to Foster Farms.

Now, there were some people on the jury who argued that Foster Farms fed them and had invested money in them, but again that didn't prove to enough of us – like okay so what's their value? Where's their formula, where's their Excel Spreadsheet that more clearly explains to us their value? Also, the defendants got these chickens medical attention immediately. They spent a lot of money getting them intense treatment for 72 hours, medications, the necropsy, all of these things that didn't speak to criminal intent. There were a couple of people who had been on juries before that said in other cases they got to see text messages, or other things that kind of spoke to the criminal intent. So we could all agree that as far as the belief of these two women, even though we didn't necessarily all agree with it, was that they were in the right and as far as their understanding of the law and their ability to rescue animals in dire need of medical attention, right. We were not convinced that they were committing a crime intentionally to gain from it in some way.

Justin: So related to that, what do you think would have happened, same exact facts, if the birds that were rescued were rushed to a vet and the vet said these birds have a clean bill of health – they are 100% healthy. Do you think that would have changed anything? So everything else was

the same and the birds may have looked unfortunate, but they were okay. Do you think that would have changed the outcome?

Juror: I think it might have made for a hung jury. One of the things that resonated with me was Alexandra and Alicia's ability to explain what they were looking for, what they saw, and why they picked those two chickens in particular. There were a couple of jurors, two in particular, who were like no they committed a crime, and so I think they would have stuck with they're guilty. I think I still would have been like well no, based on their understanding of the law and their belief that the chickens needed medical attention, and they did do that, I don't know that I would have been able to find them guilty. Even if the chickens weren't diseased.

Justin: Changing the hypothetical one more time – what if they were diseased but this time it was a backyard farmer driving them to the slaughterhouse? Or there were 30 or 50 birds and two were taken – do you think the outcome would have been a hung jury or a conviction then as well?

Juror: That's a good question. I think if it was a personal farmer, some people might have been more sympathetic, because it's like what are two chickens to Foster Farms? They have like thousands upon millions of chickens. Now if it was a farmer at a smaller farm, I think people would have struggled a little bit more. Me, personally, I don't even like chickens. They kind of scare me honestly. But I don't think that they should be treated inhumanely. And those are some of my values. Whether they are being slaughtered or not, it needs to be done in a humane manner. And if it was a farmer doing that, I still wouldn't be okay with that. This is your business and you're going to be slaughtering animals for human consumption or pet consumption. I think that you still have some responsibility. Even if it was within your own family, you still have some responsibility to be informed and educated and to humanely be doing that.

Justin: What do you think the public should know about the jury's decision to acquit?

Juror: I think the public deserves to be more informed about the lack of care and the lack of following the law on Foster Farm's part. And the reason I think that is because I'm a consumer of Foster Farms, I've been a consumer, and I think we have a right to know and should be holding them accountable as well for what they're doing and what they shouldn't be doing. But also, I think it would be important for the public to know that the prosecution didn't do a good job. They did not reach their burden of proof.

Justin: Was there any argument by the defense or the prosecution during the trial that you and the other jurors found particularly persuasive or particularly unpersuasive?

Juror: Something that came up a lot during the deliberations was the mistake of law and I think the defense covered that. One of the things that I really liked that I told Wayne – I'm a visual learner, yes I like to hear but I like to see at the same time. So in their closing argument they had a PowerPoint with a diagram of the burden of proof. Like this is how the level needs to be. That was really helpful.

Some of the jurors thought that Wayne was a little dramatic in his closing argument. He said something about if the chickens are sick you must acquit, or something like that. It reminds me

of the whole OJ trial. And they were like he's a little too theatrical and dramatic. That was a statement that was made.

Again, the pictures the prosecutor tried to throw in at the very last closing argument were discussed. But some people had already noticed that. So that actually was a good part of our deliberations was does it matter that she did have bolt cutters with her or not. Some of the conversation was if they are there to rescue, they may have thought that they were going to have to cut something. So again, that wasn't enough for the criminal intent piece the way that he quite made it, but it was a part of the conversation. It did serve his purpose of making it a part of the jury deliberation and the conversation.

Justin: You mentioned this a couple of times, but do you have a recollection of how the vote totals went? So after you elected a foreperson –

Juror: Oh, I definitely remember that. So we had someone from the very beginning who said she was not comfortable taking a silent vote until there was some discussion. Like out the gate we are not doing a vote until there is some discussion. Which great, everyone was pretty respectful of that. But early on, even though we didn't do a silent vote, well we actually did have a little conversation and then did our silent vote. We were at like nine not guilty, two guilty, and one undecided – from the very beginning.

Justin: And by silent vote, you did it on a piece of paper –

Juror: Yes, anonymously. Nobody was associated with their votes. We put them in an envelope.

Justin: So 9-2-1 very early. And then what do you think was hanging up the two that were in favor of convicting and what might have tipped them towards voting to acquit as well?

Juror: They were pretty vocal that stealing was wrong. They stole and that's wrong – that's somebody's property and you don't just take someone's property. They were very strong about that, they were very clear. That just didn't sit well with them. And they asked questions – how come you don't feel like the prosecution met their burden of proof was something they actually asked. And we were like look, nine of us have reasonable doubt, they didn't do their job. From the beginning, nine people have reasonable doubt, you didn't do your job. So that was a part of the conversation.

We went back and listened to evidence, we reviewed evidence, because we had two that were like guilty and one undecided. And then ultimately one of them said even though I don't necessarily agree with it, and I wouldn't do it, doesn't mean that they broke the law. And she said I feel like they manipulated the law, but that's not the same as breaking the law based on our conversations. They didn't agree with it, they felt it was wrong, but it wasn't necessarily proven to be breaking the law.

Justin: Speaking of sort of using the law or thinking about how the law applied in this case, what did you and your fellow jurors think of the legal opinion by the law professor saying maybe they had a right to rescue the chickens? What did you all make of the fact that the defendants looked at the opinion and were relying on that – how did that come up?

Juror: I think that carried the most weight. In my opinion that carried more weight than anything throughout the trial – well, that’s not true the veterinarian carried a lot of weight – but that letter. A lot of us believed that their mindset and understanding was based off of that opinion. So that was the mistaken law and that was their understanding. And they had gotten legal counsel so – again, me bringing in my experience, but some of the other jurors were educated. The prosecutor had asked – I think it was Alexandra – did you do any of your own research?

So in the jury room I said look, I had this thought in the shower and want you all to know. Research is not a Google search. We all know that, right. So when I’m doing research and I’m writing a paper, I have to look at studies, I have to look at the data, but a lot of times I’m going to my professors. One of my professors works at [organization] and she is the expert. You go to the experts, you go to the professors – what they say, their opinions, carry more weight than an individual doing their own research. So the fact that [the writer of the legal opinion] was a professor, the fact that they had legal counsel, Alicia was like a paralegal. They also made complaints to the DA’s office, they went other routes to try and address this legally. So that definitely carried a lot of weight, I think. Some people were definitely bummed we didn’t get to see the letter.

Justin: But everybody was discussing it even though you didn’t get to see it.

Juror: Absolutely. Even though we didn’t get to see it, it was a huge part of our conversation.

Justin: And then the last question is, you mentioned the veterinarian, were there any or a few witnesses you thought were particularly persuasive and helpful for the defense – or any that were really good for the prosecution?

Juror: I think the veterinarian was probably the best witness, in my opinion. The judge allowed her to be considered an expert witness. And again, I think we all pretty much respected the judge. So when he allowed her to be an expert witness that carried a lot of weight with us. Her opinion carried a lot of weight. But also, sometimes you have people who are really intelligent but they lack in social skills, but she was able to explain things in more simplified, layman’s terms that we could understand. And that was just extremely helpful. She was so easy to understand, and you could tell that she really knew her stuff. Her background in trying to change policies and legislation – I think she carried the most weight out of all the witnesses.

I think that having the police officer, which I believe the prosecution called, actually helped the defense a little bit because he did say that he had heard about a complaint about Foster Farms and animal cruelty. So that didn’t help the prosecution, that hurt them. Also, I felt really bad for the employee from Foster Farms. And again, I didn’t like that the prosecution called this guy who had only been working for Foster Farms for two months. I felt like he was just thrown to the wolves this poor guy. He wasn’t there at the time, and he was like in accounting, so it just kind of made it like shady. Like you have somebody who really can’t tell us anything. Anything that a long-time employee would know, all the dirt, you can’t ask him because he doesn’t know. And I felt bad for the guy – he was nervous – no, I felt bad for him.

Justin: Is there anything else I haven’t asked you that you think was particularly salient or relevant, reflecting on the trial and your experience?

Juror: It was a good experience. That was my first time on a jury trial, and it was definitely a good experience. I liked the other jurors. We did notice, ironically, that the majority of the jury was women. Which I guess wasn't the intention. Wayne told me later, after the trial, that they were looking for compassionate and thoughtful people, and it just so happened that the majority ended up being women.

[The defense] used a little bit of humor – I think that helped. Again, because I paid attention to some of the etiquette of the attorneys. Some of the defense – even in communicating just oh here, do you need a copy of this or, they were still kind and respectful to the [prosecution]. I paid attention to some of those things as well. And I really took to heart, as I know a lot of the jurors did, what the judge's instructions were. He was, I need you to be here, I need you to be present, you can't be distracted, you need to be intentionally listening. So we really took a lot of his instructions to heart. He said, everyone here is being inconvenienced, that's not the same as a hardship. We're all here to do our civic duty and he was very believing in the process. So the judge was great as well – it was a good experience overall.

Justin: Well, thank you so much for your time.

Juror: Oh! One thing I thought of. There were a lot of people from Direct Action Everywhere in the courtroom. So some of the jurors were nervous that if we found them guilty would we experience retaliation, would they be upset with us. That was something one of the jurors mentioned that she had asked the bailiff about.

Justin: So was her fear that these people will be mad at us if we convict?

Juror: Yes. So it was interesting, it was one of the jurors who was like they are guilty who was worried about this. And the bailiff we had was so kind and was trying to be very accommodating, and he said he would walk us to our cars. Like they would walk all of us out to our cars and ensure out safety no matter what the verdict was. I thought it was interesting that she had this fear because even though there was a lot of people from that organization present, they also really followed the judge's instructions. Even though legally it wasn't that they couldn't talk to us, he instructed them not to speak with us, not to interact with us. And they followed that – they didn't try to look at us, they didn't try to wave at us, they followed that. And actually, one of the jurors said that before we were actually selected, [a member of the organization] had offered to buy her something at the vending machine, because jury selection had almost lasted a week, and another member said no, you're not allowed to talk to them. So even in that small interaction of pleasantries, nothing about the case or anything, they were holding each other accountable. So I thought it was kind of interesting that she had that fear. But I guess I could also see how that would be on somebody's mind, are they going to be upset with us. But they weren't rude, and they really followed the judge's instructions as well.

Justin: So in your personal experience, the presence of the Direct Action Everywhere members in the courtroom didn't really make a difference one way or the other. Were you interested to see them there? Did it suggest that they cared?

Juror: I wasn't worried about them, but I did have judgements initially. I'm like they're kind of weird, kind of eclectic. But as it went on, I'm like oh, they're here to support their beliefs. They're being quiet, I know people have the right to protest and do so in a nonviolent way. But they

were respectful through all of it, so it didn't bother me. Once we knew what was going on, they're here to support [the defendants] because they took a big risk, so they are supporting their community, their organization, and that makes sense to me.

Juror #2

Justin: I'm curious what your first impressions were of the defense lawyers. What did you think of them and why?

Juror: I could tell they weren't from our area. Or I didn't believe they were.

Justin: How come?

Juror: This sounds a little strange, but their suits were higher end. I don't know, they just seemed prepared. They seemed to know what they were going to stand for. I know one of the defense attorneys – one of his questions was don't you want to know the why, why the ladies took the chickens. So that to me was there is more to this story than two women taking chickens. As far as the prosecution, it was interesting because the first day, I believe, there was only one prosecutor. I could be wrong, but I think that's right –

Justin: That's right.

Juror: Okay. And there was a second prosecutor. The initial prosecutor had a significant stutter, which is neither here nor there, but I couldn't figure out if it was a speech impediment or if it was nerves. I didn't know if this was like his first trial. And he just seemed not well-prepared. So when the other prosecutor came in he seemed to be coaching him, from what I could tell.

Justin: Did you have favorable impressions of either [the defense or prosecution]?

Juror: I would say initially I liked Wayne. I felt like he was a bright guy. Chris didn't speak initially. Kevin was fine too, I thought he was interesting. On the opposing side – the prosecution side – I didn't care for Colby right off the bat because he seemed irritated to me so it kind of rubbed me the wrong way. I thought okay you're not happy with – I can't even remember his name – the other prosecutor.

Justin: Yeah, the first prosecutor, or the more junior prosecutor?

Juror: Yes, it seemed like [the second prosecutor] wasn't happy with [the first prosecutor's] performance. But I almost felt like instead of coaching him in a private way he was kind of doing it in front of all of us. That's what I observed.

Justin: And as the trial progressed, were there things about [the parties] that you and the other jurors found that you liked, or you didn't like?

Juror: It's funny because I saw things a bit differently than the other jurors through my observations, because there were several who actually liked Colby. They liked his kind of aggression and I always thought he was bad because they weren't convincing. They were playing catch-up the entire time. Some people thought that Chris was kind of – I don't know if arrogant is the right word. Which was funny because as he was more involved in the trial, I liked his demeanor because when he was – he was clearly showing frustration with rulings or whatever was

happening – and I can understand those frustrations. Some people didn't like it. On the opposite side though, I didn't care for Colby's demeanor, and I didn't care for his – when he was frustrated. But I think because in my mind I felt that when he was frustrated it was him not getting his way – almost like a tantrum. That's how I saw it at least.

Justin: And generally, was there anything that the attorneys did besides demeanor that you thought was particularly effective or ineffective?

Juror: With the defense side, they used PowerPoints – which is a good visual. Their selection of witnesses was very helpful. Having the defendants take the stand was extremely useful, even though they didn't have to. But for this case I think it was necessary.

Justin: Why did you like that?

Juror: Because we were able to understand the why for removing the chickens from the truck and how they were able to do it so easily. Especially Alicia did a good job of explaining the health of a chicken and what she could look for, or what they look for. So it was really helpful because initially when you see the video you're like how did they figure that out – how did they grab two chickens and determine they were sick. But when she was up there explaining, it made much more sense. And then with the expert witness – the veterinarian – Kirsten I believe her name was. She corroborated with what [Alicia] had said.

Justin: What about the judge? Did the group have any reflections about him? What did you think about how he was doing?

Juror: I thought he was fine. He looked a little uncertain sometimes when he was making decisions because I really think this wasn't an easy case – as far as what to overrule, what to sustain when they're trying to bring in evidence.

Justin: So what convinced you personally that a vote to acquit was appropriate in this case?

Juror: There were a few areas. Obviously, the prosecution in my opinion did not prove beyond a reasonable doubt that it was petty theft. Because the chickens, in my mind, were sick – which brought no value to them. Now, the prosecution brought in a – and the legal letter was huge for me. Huge.

Justin: Tell me why that persuaded you.

Juror: Because they were acting on the opinion of a well-known law professor who should know the law, right? And the prosecution didn't argue it. They didn't combat it. They didn't try to even negate that – they could have called this professor a quack – they could have done something to prove otherwise, and they didn't. So I found that interesting that they did not, they didn't fight it necessarily. In fact, I don't think they even cross-examined one of the defendants on it. I can't remember which one but there was one they didn't [cross-examine] on the letter. So there was that.

The necropsy was significant as proof that they were very sick animals – that means that they have no value. And when the prosecution – I think they actually hurt themselves, in my mind

– when they brought in the Foster Farms representative in the case because he was a very weak representative in my mind. He was new to the company, he didn't disclose much knowledge, and when he said they use sick chickens for renderings and the renderings were used for pet food, that was, in my mind, appalling.

Justin: Did the jurors talk about that fact – did it come up in deliberations?

Juror: It did a little bit, but not a whole lot because I think a large majority of us were in favor of acquittal. There were only a couple who were really hung up on the law-breaking part, that they broke the law by taking something that wasn't theirs.

Justin: And do you think that they did break the law?

Juror: No, because I don't think you can break the law if you're trying to help. You could help more than two chickens, right, they could have jumped in and stole the truck, whatever – but in my mind I saw the bigger picture. That if they're breaking the law, then so is Foster Farms. So we can't convict these two women for breaking a misdemeanor law when Foster Farms – it's a public health issue.

Justin: You mentioned a number of things that helped you get to the point where you felt like acquittal was appropriate. Can you imagine a fact pattern or a slight change in the facts where you would have said that here a conviction would have been the right outcome?

Juror: If the chickens were healthy.

Justin: So if it came back that both chickens were 100% healthy, this might have been a different case for you?

Juror: Yeah, because why else are you taking chickens?

Justin: What if Alicia was wrong? She has a good method for figuring out which chickens, this one looked like she was hurting, and they grab these two birds and they go back to the vet and the vet says it's bad luck she was a little dehydrated but overall she is ready to be slaughtered. That might have been a different case for you – everything else was the same but the birds were actually healthy.

Juror: It's hard to say because that's very hypothetical. I think that would have been – I hate to say it – but a dealbreaker. But also, if that letter hadn't been a part of the case that would have been really difficult too. I don't think I would – I might still be able to lean toward the other side because of the value, if they're still sick. Actually, I would. But I think it would have been harder to – it would have been harder to convince others.

Justin: It might have been a hung jury –

Juror: Yes, that's what I think would have happened.

Justin: So you've identified that if they were healthy that might have changed the outcome. If you didn't have the letter from the law professor that might have been different. What if it wasn't Foster Farms but it was a backyard chicken raiser in Merced –

Juror: Doesn't matter. No, because that was a lot of my thinking – if my neighbor had chickens, or animals in their backyard that were sick – I feel like I have the right to help those animals. If I know that they are sick next door.

Justin: What about after the trial – did this trial change your view, maybe you already had this view, or the views of the other jurors of the big farm conglomerates, or the factory farms like Foster Farms? Did it have an impact on you or other jurors just going through this and sitting through it all?

Juror: I'm a vegetarian now.

Justin: Wow, and you weren't before the trial?

Juror: No.

Justin: So it's sort of the fact of being subjected to this day in and day out, whereas you kind of knew some of this in the back of your mind, but then the trial really put it into the forefront.

Juror: Yes, the second part or the latter. I've heard things but [the trial] just solidified that. . . . It made me really think about just the importance of – now do I believe everyone should go vegetarian or vegan or anything like that, no that's not for me to say – but it does make me realize that, why people choose to purchase from local farmers or grass-fed meat or hunt, those types of things because the animals are free and getting the appropriate nutrients they need to survive.

The way I see things now, like for instance I was driving, my [partner] and I, and my [partner] pointed out a facility that was Foster Farms where they raise the chickens. And it dawned on me – because I have seen these and I just hadn't paid attention – and it made me think about [a] classroom. How [it's] just one big Petri dish. So I was telling [my partner] how appalling it is that – I mean we know that in [a] classroom, how easily viruses, bacteria, whatever, spreads. And just imagining hundreds or thousands of chickens in a closed environment, and how easily those viruses, bacteria, whatever, spreads. And it just sickens me. So it's changed a lot but I think I might be the only one like that.

Justin: What about the defendants – Alexandra and Alicia – you appreciated that they testified, you said that was important. Was there anything about their testimony or their background, or anything they said that was positive or negative? How did you form an opinion about them?

Juror: I just remember thinking that they were being truthful. They were, for the most part, forthcoming in the areas I felt like there might have been a little hesitation in what they were saying, to me it wasn't significant enough. I might have been a little different in the sense that I feel like I have a good enough understanding of how difficult it is to be a witness and how that process works. And that there can be hiccups when you're on the stand. So because of that, everything that they said for the most part was favorable in my eyes. I felt like they were being genuine.

Justin: Was there something you remember where you thought I'm not sure they were quite being truthful about that?

Juror: There was an area where Alexandra – and Alicia I felt like too – Alexandra tripped up about, something about because there was a protest that day and she had said that she wasn't planning on going to the protest – I can't exactly remember but something regarding the protest. And in my mind, I was thinking come on, you guys had to know that there was a protest because you had your stuff in your car – you were prepared for this. And that's okay to me that this was premeditated, you know.

Justin: And so for you though it does sound like, I mean probably for all the jurors, the ability to see them as really candid and truthful people, acting in good faith, was significant. Is that fair to say?

Juror: Yes, there were a couple of jurors who were concerned about that and so that's why we had to go back and listen to the tapes. That's one of the reasons why is because they didn't feel like – it was mainly Alexandra – there was a big question mark on her, her character, I guess. But for me it was fine. I mean, but yeah.

Justin: And as you know it's commonplace to – like we see criminal trials, or we see jury verdicts and then there's a news story and the public often has an opinion of did the jury get it right or wrong. And I was going to ask the jurors what do you think the public should know about the decision to acquit here? If people are reading this short story, they're not going to have two weeks of evidence, everyone forms their opinion, so what would you say to somebody who wasn't there in the jury box?

Juror: You know actually I have had several conversations since then with people who had followed this trial or who have heard about it in some form, and I did actually get a couple people who commented to me like oh, you're the ones who let them off. And I stood firm because you know I told them there is more to the story. This isn't just a cut and dry case, there was much more to it. And what they did was right because they cared for the chickens. They took care of them they did what was necessary to, well one, to make healthy again. And there's a bigger issue here, you know that's what I tell people, this is a much bigger issue.

Justin: How do they respond to that when you tell them that?

Juror: I actually have another friend who stopped eating chicken because of what I told her. Yeah, I shared quite a bit and it's interesting because when I have shared it, I'm starting to find more and more people, who I didn't realize, know someone who works at Foster Farms or somehow they're related to a Foster Farms employee or former employee. And there's a lot of corroboration there, you know. Oh yeah, I've heard this, this, and that. In fact, I was telling my [service provider] about it and she goes oh yeah, my husband works at the UC and Foster Farms is a trustee or was, I don't know if they still are. And initially when he first got on, Foster Farms gave him a tour of the plant, and that was probably ten or more years ago, and they've never eaten Foster Farms chicken ever since. He came home and said we will not eat from them, and they only eat pasture-raised chicken. So now I'm like no one told me about this! So I think it's just one of those things like in my mind I'm hoping that it helps shed some light.

Justin: Just a couple last questions – one is, when you think back on the trial were there any particular moments that were persuasive or emotion-evoking or were there pieces of evidence that were particularly powerful? You mentioned the letter, but were there things that happened during the trial where that was kind of a turning point for some of the jurors or you?

Juror: It's so hard thinking about it. I think one of the biggest things that resonated with me was, well there's a few areas: the truck driver had commented that there's dead chickens and sick chickens on the truck every single load; the fact that they were able to get chickens off that truck that were sick like that; that the doctor – the veterinarian – commented that sick chickens weren't even supposed to be on the truck; and the certification that they had from that animal humane association required five feet of walking distance for a chicken and the fact that these chickens couldn't walk, and I know that they hadn't been transported very long so it's not like they had been on there for days. That told me that people were putting them on the truck without making sure that they were healthy enough to go to the factory. And there was one other thing I thought of, the letter. When we went back to relisten to it, the – I want to say it was Alexandra, but I could be wrong – one of them had commented that they used the letter before this trial. Like as far as their reasoning for open rescue. So in my mind, they thought they were doing it in good faith because they had that letter, that it wasn't a one and done thing.

Justin: The last thing I was going to ask you, well two things, one is do you remember, like when you think of going back and you were given the jury instructions and told to deliberate, do you remember the breakdown of the vote early and then when that started to change, like what persuaded the jurors who initially I think you said there were two that wanted to convict, like what persuaded them to change their mind, how did it all look?

Juror: So if I remember correctly, it was – there was one person who was, I don't know, he kind of seemed like he was wobbling. But there were two people who were absolutely no the first day of deliberation and by the time we were about to leave we did like an oral vote, and it was two people who were like no, they're guilty, two or three people who were on the fence, and then the rest of us wanted to acquit. But in my mind, the ones who were on the fence I felt like we could convince, the ones who said not guilty at the time I felt like we could convince them too because their response was kind of, I'm not ready to say – I meant the ones who said guilty, sorry – I'm not ready to say not guilty. So I thought okay, we can do this.

Then the next day, first thing in the morning, there were comments like they're guilty, you know from the two who felt like they were guilty, they were pretty adamant. So then I was worried. And then we did two blind votes. The first one came back I want to say it was ten not guilty, no – ten guilty and two not guilty. Or no, sorry the other way around – ten not guilty and two guilty. Or it might have been eleven and one. It may have been eleven and one. And then we listened to the tapes, then we did a second round and it was twelve to acquit for Alexandra – no, Alicia – and eleven to one for Alexandra. And it was kind of like what is going on. And one of the people spoke up and said they just weren't sure about her still and we kind of said well if you're not sure – because he was kind of on the fence – and we said well if you're on the fence that means they're not guilty. The prosecution didn't do their due diligence. And so he said okay and that was it.

Justin: And when you say you went back and listened to the tapes was that testimony of Alicia and Alexandra –

Juror: Yes. It was regarding that letter.

Justin: Okay, like how they focused on it, how they listened to it. So really kind of interested in were they really relying on this thing that they had seen before.

Juror: Exactly. And it was mainly to convince the ones who were wanting to vote guilty. That like no, they did this in good faith.

Justin: Because the others of you may have been okay, if I am hearing you right, with saying well there wasn't any value and so, but for the two that wanted to convict or the one at the end, it was really important to have the letter piece and whether they relied on it?

Juror: Yeah. The majority of our conversation in the jury room was regarding that letter.

Justin: That's really interesting. And the last thing I was going to ask is did you notice activists in the courtroom and what were your reactions or thoughts about that? Or the other jurors in general?

Juror: I mean I noticed it before we even stepped into the courtroom, for jury selection. They were all outside the courtroom. Because you know when the judge explained what the case was about my initial reaction was we're here for a misdemeanor trial? Like, what? And in maybe ten seconds I'm like okay there's people out there, there's three attorneys for two women, this is bigger. And so for me it was no we need to hear them out. Because if I were in that position, I would want to be heard.

Justin: Right. And so to you the presence of the activists, the presence of sort of a serious legal team, it seemed like some of them, at least, were coming from out of town, suggested there was more going on here than meets the eye?

Juror: Yes, exactly. Because I also know that they had to have been provided plea deals multiple times. I mean, just knowing that – because you don't go to trial for a misdemeanor.

Juror #3

Justin: When you first learned about this trial, were you excited or scared or interested in being on the jury, or how did you think about it?

Juror: Well at first, of course, my initial reaction was from the judge, and all he could tell us was what it was about. So this was the beginning, beginning even before jury selection, he had said it was about the petty theft of two chickens. So that was kind of, a little bit ridiculous to me – I thought two chickens, this is ridiculous, why would anyone care about two chickens? But as we got into it and the jury selection process, we got to learn more about the why. Then I was pretty much, I was hooked from there.

Justin: From the jury selection, on?

Juror: Yes.

Justin: What was it in the jury selection that kind of hooked you?

Juror: Well then, we got to learn more about it so as I began learning more about the case, I realized it wasn't just about two chickens, it had more to do with, I don't know, it was more than just two chickens. I was very interested in why.

Justin: And that was impactful for you to know that, to realize it was not just somebody who went next door and stole their neighbor's chickens, it was like part of something bigger, part of a movement –

Juror: Yes, that's what I was looking for.

Justin: So when you, you kind of alluded to this during the jury selection piece, when things first got started, what were your initial impressions of the defense team, focusing mostly on the lawyers?

Juror: Oh my goodness, they were – they had it all together. First of all, it stood out to me right away that the defendants, there were three lawyers for the defendants. They all looked sharp, they were very smart, they were very knowledgeable about everything. Basically, they had it all together as opposed to the prosecution team.

Justin: So your first impressions of the defense were these are folks who are pulled together, like ready to go, well-prepared. And as the trial progressed, did that view continue, did anything strike you maybe as oh I wish they hadn't have done that or not quite right with the defense lawyers?

Juror: No, they did amazing.

Justin: And what about the prosecution – what was your initial sort of reaction to them?

Juror: So they didn't really, I don't know, they left me reasonable doubt. They weren't very in-tune with the case. It was like they wanted to lose or something, I don't know. They didn't present the case well. That was my impression.

Justin: Did you personally find them –

Juror: I mean I didn't have any personal feelings – one of them was kind of, not somebody I would associate with probably. He had a meaner demeanor, so.

Justin: And the demeanor of the defense lawyers seemed to –

Juror: They were great, they were down to earth people.

Justin: What about the judge, what was your reaction to the judge?

Juror: You know what, he was all about business. That's it. I didn't have any bad or good feelings towards him. He was just about business.

Justin: And when thinking about the trial, was there, what would you say is the thing more than anything else that convinced you that it was appropriate to vote to acquit? When you think about the first votes or your first reactions or reading the jury instructions. What was it, if you can think back to when you're sitting there, did you feel nervous about it were you like oh I wonder what the other jurors are thinking – what convinced you? Or was it something the other jurors said?

Juror: No, I was just paying attention to the case. Basically, I just feel like the defendants believed that what they were doing was right. And then when we were presented with the law and all that it just fit into the mistake category, the mistake of law. So it fit it perfectly and right then that was my final okay yeah these girls are innocent. You know, we have to find them not guilty. That was the determining factor.

Justin: And do you think that, so for you it was really the mistake of law. And do you remember what about that like was powerful to you as you were deliberating yourself, thinking about this case? Do you have any memory of why you thought that the mistake of law fit so perfectly?

Juror: Well because the girls were just going off of what they were told. They were told in a letter by a law professor, who knows a lot about the law, that it's okay for the right to rescue. So in these girls' minds they believed that it was the right thing to do. And it fit the mistake of law category – even if it wasn't within their lawful rights to take these two chickens, they believed that it was because of the mistake of law. They believed that it was. They had good intentions, they didn't have bad intentions, they were doing this off the belief that they had a right to rescue.

Justin: That's really helpful, thank you. And do you think that without – I know that you didn't get to see the letter from the law professor – do you think that the, well first of all, did that bother you, that you weren't allowed to see the letter?

Juror: Yeah, I mean it was really, it really bothered me. We all wanted to know what was in that letter. We finally did find out after the case was over, but yeah it did bother me and that was probably more damning for the prosecution not to let us see what was in the letter, I think.

Justin: When you finally saw the letter after the trial, was it roughly what you expected or something different?

Juror: Yeah, it was pretty much what I expected it was going to be.

Justin: And then what do you think would have convinced you that they were guilty? Do you think that it would have changed your mind, for example, if you had learned that the birds that were rescued were 100% healthy? These were going to be the healthiest birds in the truck. Would that have changed your mind?

Juror: Well, yeah because that's what their whole defense was off of – that they were sick chickens that needed help. So if they were healthy chickens, then it probably would have been more like, I don't know, like they were doing it just for the protest, I guess? I don't know.

Justin: So even if they had the letter, if the chickens turned out to be healthy – I mean we can assume there might still be others who were unhealthy on the truck – the chickens that they took were healthy chickens, you might have felt differently about this case.

Juror: Maybe, yeah.

Justin: What do you think about if it would have been, instead of Foster Farms, it would have been you know, a small neighborhood chicken farm – so they only have 50 chickens total, and everything else is the same, it was two chickens that were sick, and [the defendants] go and they rescue them. Do you think you would have convicted on those facts?

Juror: No, I probably would have found them not guilty as well. It doesn't matter that it was Foster Farms to me, it just matters their mindset.

Justin: What about the two defendants, Alicia and Alexandra – it's probably hard because I know that you saw them and met them – but do you, what were your reactions during trial to them, as humans, before you met them?

Juror: From the beginning of the trial, I could tell they were good people. They weren't trying to do anything against the law, so to speak. They seemed, I don't know, they seemed like pretty good people.

Justin: Did anything they do during their testimony, or during trial more generally, ever call that into question for you? Or did you stay pretty constant on that?

Juror: No, I stayed pretty constant. There was one incident where I believe Alexandra's lawyer, Wayne, had told her to recant a statement. So it was kind of like making her look like she wasn't telling the truth. The statement was actually that she did not go to Livingston for the protest, and she had already claimed that she was there for the protest, and then she goes oh no I wasn't there for the protest because her lawyer was like you weren't there for the protest. So it kind of looked

funny, you know. It didn't make me think any less of her because her lawyer was telling her to say that you know.

Justin: Did the trial impact the way you think of food production in this country or Foster Farms in particular?

Juror: Oh my goodness, yes. I don't eat chicken anymore. I really don't. I do eat some meat but I do not eat chicken, it really affected me.

Justin: And why do you think that is – it's just like being exposed to these sorts of things?

Juror: I think it was, like the necropsy – everything that was in that chicken, you know that had died. It was very scary to learn that they are letting things slide through our lines like that. That chicken was going to slaughter, so it just makes me very weary. Also, we heard other things you know – like I think Alicia she had been on some like investigations of facilities. She told us horror stories and I'm like oh my gosh. And I'm sure if I heard horror stories of other slaughterhouses, I would probably be vegetarian to tell you the truth.

Justin: I mean on some level you probably knew this information but being forced to be subjected to it really made you internalize it I suppose. No way to look away.

Juror: Yeah.

Justin: And one of the things I was interested in is how have you explained, if at all, to friends or family or others, the decision to vote to acquit? In the United States we have this tradition as you know of second-guessing juries like how could the jury do that, but those people aren't sitting there day in and day out as part of the jury. So I wonder how you explain that to somebody – you can't give them two weeks of evidence – so what do you tell people when they're like how could you do that?

Juror: And they have asked me why did you find these girls not guilty and I tell them well because it's in our law. There is a certain clause in our law, and that's how I explain it to them, that basically protects these girls. And then I explain to them the mistake of law, I explain everything and then they're like oh okay yeah, you would have to find them innocent.

Justin: Was there anything about the trial – did the trial impact you at an emotional level? It sounds like it did at some level because you were like wow, I don't eat chicken anymore. Did it, like were there moments during trial where you could feel like a visceral reaction, like an emotional reaction?

Juror: You know, I felt like that when they were going to read the verdict. All my emotions were so bottled up. Maybe by the reaction of the crowd, the reaction of the defendants, you know with the verdict, but I was almost like crying, that's how much excitement, like I knew I did the right thing because of how I felt.

Justin: Were there any expert witnesses or witness testimony in general that you found particularly helpful, or particularly confusing or unhelpful? Anyone who took the stand, like the veterinarian or somebody from Foster Farms or the defendants themselves?

Juror: The veterinarian was very knowledgeable, she helped us with the sicknesses of the bird and how extensive those are, so she was helpful in that way. The testimony from the Foster Farms witnesses actually hurt them. And maybe it didn't, maybe they just wanted that deniability so they couldn't answer any questions. But they sent one of their officers, executive officers, over that had only been there for two months. So he wasn't even there when this incident happened. So I feel like that hurt their case. But after, in talking to the defense attorneys, they said that [Foster Farms] did that on purpose so that they could use it for deniability. I feel like that was really mean to do to somebody that's been there for two months – it's like sending a lamb off to the slaughter.

Justin: And was there any visual evidence that was helpful or not helpful to you?

Juror: The only visual evidence we had was of the girls, and they actually posted it themselves, the open rescue video where the girls are actually taking the two chickens. And that's the only visual evidence we had. And then at the end during closing statements the prosecution team had blown up pictures of the open rescue to show that Alexandra had a pair of –

Justin: Bolt cutters or something.

Juror: Yes, which I just found as a desperate ploy.

Justin: You didn't put much stake in that.

Juror: No, I didn't. It was kind of a snake move.

Justin: And anything about the closing statements – did you find them effective, the defense closing statements?

Juror: Yes, like I said the defense did a marvelous job and I think they really had a lot to do with our decision. They were very forthcoming with everything; they didn't leave anything unanswered. Things that we were thinking and even asking were later answered by the defense team, without even having to ask it.

Justin: And the last couple of questions I was going to ask you are about the deliberation process as you remember it. So when you went back, the first thing that you did was elect a foreperson – is that fair to say?

Juror: Yes.

Justin: And did somebody want to be the foreperson or how did you –

Juror: No, she basically just said if nobody wants to do it, I'll do it. So she kind of put herself in that situation.

Justin: And then how did it proceed after that? Do you remember the first vote, second vote, anything like that?

Juror: Yeah, so then we put like the law on the board –

Justin: Which law did you put up, the petty theft statute?

Juror: The three laws, basically like the three laws that were given to us and then the mistake of law was off to the side. But the three laws were like, you know what – I can't remember them right now without having them in front of me.

Justin: But presumably it was the crime, the petty theft crime, and then –

Juror: Yeah, we were looking at the criteria of theft, was there value of the chickens, you know things like that.

Justin: So you were sort of looking at the definition of the crime, the question of value, and then the mistake of law point.

Juror: Yeah, we had that off to the side and it did fit the mistake of law. Then we had a silent vote where nobody was put on the spot, we just kind of did it, and then put them in an envelope, and then at the end we tallied them up. There were two people finding the defendants guilty, we didn't know who, so we said okay, obviously we need to talk about it more. We went and reviewed the defendants' statements. We went over their testimonies a couple of times. I think that was just the determining factor.

And even the judge at the end, that was just the nail in the coffin, he said okay – because they're like you can't use the letter because the prosecution had objected – and then the judge actually said okay, jurors you can use the letter as far as this, this, and this. If you find this, this, and this, then you have to find the defendants not guilty. He said it with his own mouth. So it kind of just sent goosebumps up my arms and I'm like okay that's it, they're not guilty. That's what I was thinking in my head. So then we went in after that and everybody voted not guilty, everybody. And that was when we had our decision. It was after that last reviewing of testimonies.

Justin: And is your impression that any of the people who weren't sure, the two, or any who weren't sure early, did they have hard feelings about it or did they –

Juror: They kind of did. The one, one of them didn't. She was like I just want to make sure that we are doing the right thing. And once we were all like okay, it fits this category, [the defendants] could have been the ones driving the truck, their intentions were that they were doing the right thing. They lawfully thought they were doing the right thing. Then she was like you know what, you're right, okay. So she switched sides. But the [other] one, she was just hard-headed, and it was after the judge's statement, it was after we reviewed the judge's statement that everybody went that way.

Justin: And what do you think persuaded her at that point? Was she just tired of disagreeing or –

Juror: Maybe, I don't know. I can't actually tell you what she was thinking.

Justin: Sure, of course. So you did another sort of vote and then said okay sure, and she went along.

Juror: Yep. I don't feel like she was totally satisfied with her vote because even after the thing was over we were walking out to our car, and she said something to me that will stick in my mind. And I'm like why would she say – she said you know what, we found these girls not guilty and watch them come out next year in the paper for something similar to the same thing. Like they didn't learn. And I was like what! I felt like she thought they were guilty.

Justin: Yeah, and she felt like if you had convicted them, they would have learned a lesson or something.

Juror: Yeah.