

## Not Guilty by Reason of Humanity

From Paul Darwin Picklesimer, DxE, Direct Action Everywhere

December 2022

The feeling of hearing those words “not guilty” after five long years of the uncertainty and judicial bureaucracy was indescribable. But mostly I felt proud. Proud of the jury, our legal team, and Direct Action Everywhere.



Having one's fate determined by a jury of 8 strangers is a surreal experience, especially knowing a guilty verdict would put me in prison for 11 years. Despite the potential for a harsh sentence, I refused to accept a plea deal. Even after the judge offered to declare a mistrial, I declined. Even though the judge prevented us from presenting all of the evidence of the horrifying conditions the animals lived in, I wanted to know what the jury's decision would be, even if they were only allowed to be shown a few still photos.

It was apparent my co-defendant, Wayne Hsiung, and I were up against the machinery of a multibillion-dollar corporation with endless resources to ensure our prosecution. Our charges? Two counts of felony burglary and one of misdemeanor theft. Our crime? Rescuing two dying piglets, Lily and Lizzie, from a factory farm owned by Smithfield Foods, a wholly owned subsidiary of WH Group, the world's largest “pork producer.”

So why didn't I take the offered plea deal?

The charges were outrageous. Finding us guilty would require proof we entered with the intent to take something of value. But Lily and Lizzie were both sick and dying. They were not going to become the pounds of protein Smithfield could profit from. Treating such ailing piglets would not be financially viable to the company. Had we not been there, they would've been among the [18 million pounds of pig bodies](#) dumped into the corporation's landfill every year.

Smithfield didn't know or care about their whereabouts until we released our footage to the [New York Times](#). Ultimately, this trial was about free speech, not theft and burglary.



According to FBI Agent Chris Andersen, [1-2 days](#) after publication of [our footage](#) in the New York Times, the bureau started building their case, initiating a [multi-state search for the pigs](#) that involved [eight FBI agents](#).

Upon hearing the details of the FBI involvement, my friend—former [U.S. Prosecutor Bonnie Klapper](#)—remarked, “agents don’t usually get out of bed unless the loss exceeds \$50,000.” And yet, there I was: subject to a massive criminal investigation for taking, by *the company’s* best estimate, \$84.40 of “property.” My co-defendant and I were just two people, up against a corporation with virtually unlimited power and resources—including the FBI.

From the onset, the odds were not in our favor. In pre-trial hearings, our judge refused to allow us to use the [defense of necessity](#)—a common law doctrine that would allow us to describe how we had to take action to avert greater harm when no legal alternatives exist.

I could’ve avoided the risk of charges by covering my face and recording in secret. But our goal was to present our [footage](#) to the public, and show that—unlike Smithfield—we had nothing to hide. The tactics employed by the prosecution were unrelenting in their aim to suppress evidence of the cruelty at Smithfield. Judge Wilcox approved the State’s request to prohibit any evidence relating to the welfare concerns at Circle 4 Farms saying that “Smithfield was not on trial,” and the prosecutor claimed the footage would incite “horror,” unfairly biasing the jury in our favor. So, the video of the “crime” was not even allowed to be shown in court.

Following the conclusion of closing arguments, the jury deliberated for over eight hours. What were they discussing? Would this end in a hung jury? I imagined I might have about a 50-50 chance of being acquitted. Wayne’s was smaller. Maybe 20-80?

The feeling of hearing those words “[not guilty](#)” after five long years of the uncertainty and judicial bureaucracy was indescribable. But mostly I felt proud. Proud of the jury, our legal team, and Direct Action Everywhere. The jury saw what the prosecution worked so hard to hide: that millions of sick baby piglets end up in dumpsters every year, viewed as worthless trash by Smithfield, and that was the fate Lily and Lizzy likely faced. Instead, they received the care of the humans who love them.



They were two individuals as inherently priceless as you or me.

But it's not over for me yet. I await trial once again on felony charges for [rescuing dogs](#) from Ridgland Farms. Much like the recent [investigation of Envigo](#) in Cumberland, VA that led to the rescue of 4,000 dogs and closure of the facility. Ridgland is home to the same number of Beagles, housed in stacked wire cages in [deplorable conditions](#).

If dogs were confined this way in someone's backyard, we would certainly expect law enforcement to react harshly. While private citizens may face severe consequences for animal abuse, large corporations go unpunished— simply because the laws were put in place by those in power to protect their own interests.

Unlike the Envigo case, the USDA failed to take action. Now, we are the ones being prosecuted for exposing Ridgland. The disparity highlights the systemic injustice that threatens us all, especially the most vulnerable among us. We must ask which is the real crime? Exposing what's hidden behind closed doors and rescuing suffering animals, or committing large-scale animal exploitation? It will be up to a jury of our peers to answer that question.

