

Animal Cruelty Conviction at Wiles Hog Factory

HFA Evidence Ruled Factual, Accurate and *Admissible*

As you know, HFA has been engaged in a major court case against Wiles Farm, the notorious hog factory located in Wayne County, Ohio. In our previous reports, we discussed how HFA gathered extensive evidence showing that the Wiles Farm facility has systematically abused animals and violated Ohio's anti-cruelty laws.

The abuses documented include the starvation of sick and injured pigs, forcing pigs to live in their own waste, severe overcrowding and cannibalism, beatings, inhumane transport – and the hanging and

slow death by asphyxiation of struggling and fully conscious pigs. (HFA's legal petition, documenting many of the abuses at Wiles Farm, is available upon request.)

We also noted the improper actions of Wayne County officials, who did everything in their power to prevent animal cruelty charges from ever being filed against the politically connected Wiles Farm facility. In June, against overwhelming odds, HFA was able to secure a conviction in this case for the way in which piglets were being brutalized. This marks the very first time in the state's history that there has been a successful cruelty prosecution of a hog factory.

It is obvious to everyone familiar with the abuses at Wiles Farm, however, that there should have been additional guilty verdicts. This is particularly true as it pertains to the routine hanging and agonizing death of fully conscious pigs – as well as the slow death by starvation and lack of veterinary care of sick and injured pigs.

Wayne County Judge Stuart Miller, however, had his own agenda. He was determined to rule that Wiles Farm was “not guilty” of violating state law for its torturous strangulation and starvation of scores of animals.

It's important to understand that Judge Miller did not rule that those offenses never occurred, as Wiles Farm defenders had claimed. Rather, he has shocked legal experts and citizens nationwide by declaring that those well-documented abuses did not constitute animal cruelty.

It should be noted that this is the same judge who, prior to trial, actually refused to sign the original arrest warrants against Ken Wiles and other Wiles Farm defendants.

“Joe Wiles just throws those piglets like they're nothing. He told me, ‘Pigs don't feel pain.’”

—Former Wiles Farm Employee



Ignoring even more brutal offenses, Judge Miller issued a token fine of \$250 and put Joe Wiles (son of Ken Wiles) on one year of probation.



GUILTY: Joe Wiles watches evidence of his abuse of animals. Video submitted by HFA was the foundation of the Wiles Farm court case.

Wiles Trial (continued)



Doing the right thing. Special Prosecutor Frank Forchione filed animal cruelty charges against Wiles Farm in response to HFA's investigation. Forchione pursued this case in the face of significant political obstacles and open hostility from the Wayne County D.A.'s office and other county officials.



The Wiles Farm defendants inside the packed courtroom.



Latecia Wiles, inside the courtroom, is the daughter of Ken Wiles, owner of Wiles Farm. Ms. Wiles works in the Wayne County District Attorney's office. Due to this conflict of interest, the case was ultimately assigned to Special Prosecutor Forchione. It is widely suspected that someone within the D.A.'s office tipped off Wiles Farm regarding the pending criminal investigation.

“Sick and injured sows couldn't get up to feed and water.”

—Donald Sanders,
Ohio State University veterinarian

The following are excerpts from Prosecutor Frank Forchione's questioning of Dr. Donald Sanders, Ohio State University veterinarian – one of *several* witnesses who **observed and confirmed the animal cruelty at Wiles Farm**. Unlike the one paid “expert” presented by the defense, Dr. Sanders had first-hand knowledge of the conditions at Wiles Farm.

Prosecutor Frank Forchione (Q): Have you been paid for any of your services throughout this case?

Dr. Donald Sanders (A): No. My salary is from Ohio State University. I don't receive anything for my testimony.

Q: Once you got to Wiles Farm, tell us a little bit about what you did.

A: Basically I did an inspection of each building. I walked through to observe the hogs and the conditions they were in.

Q: While you conducted your observations, did you see anything that demonstrated animal cruelty?

A: Sows that were crippled, fractured spines, broken legs, things like that. If they couldn't be rehabilitated in a timely fashion, a decision should be made for euthanasia. And it was apparent that many of them had been there for quite some time.

Q: Anything else that you observed at the farm that day?

A: There were situations where it was obvious that the decision had been made to rehabilitate pigs that were put in separate pens, but there was no follow-through with medical care or the appropriate food that pigs needed, that kind of thing.

Q: When you spoke with Ken Wiles, did he describe what type of euthanasia was being done on that farm?

A: He acknowledged that they euthanized sows by hanging them.

Q: Doctor, I want to talk to you about euthanasia standards. Under national standards, is hanging pigs something that's recognized or deemed to be proper?

A: No, it is not.

Q: Did you give Mr. Wiles any advice when you were told that they were hanging pigs?

A: I told him hanging sows wasn't appropriate.

Q: If I understood your testimony previously, you had the opportunity to observe the hangings on the videos.

A: Yes. I did. And I considered that abhorrent.

Q: And do you believe it constitutes animal cruelty?

A: Yes. I do.



“We hang them like they do people in Utah.”

—Ken Wiles
Wiles Farm, owner

During the two-day Wiles Farm animal cruelty trial, the prosecution called upon several witnesses to testify under oath regarding the widespread and intense abuse of animals at the facility.

Defense attorneys on the other hand called only two witnesses. The first was defendant Ken Wiles. The other was Iowa veterinarian Paul Ambrecht, a paid industry apologist who was flown in to testify.

“We have been doing this for 40 years.”

—Ken Wiles



Prosecutor Frank Forchione (Q): If not for the Humane Farming Association and its undercover video – we would not have become aware of what was going on at the Wiles Farm, would we?

Defendant Ken Wiles (A): There is no abuse at the Wiles Farm.

Q: You heard the county humane officer provide testimony that there was animal cruelty regarding the starving of the animals. Did you hear that yesterday?

A: I heard that. It's wrong.

Q: That'll be for the judge to determine. You were with Dr. Sanders, and you were with Ms. Hyatt when she indicated that piglets appeared to be starving, correct?

A: I wasn't told about starving pigs the day of the raid.

Q: Well, she's saying that she walked into the sow barn, and that's where it took place. Were you with her at that time?

A: I can't tell you.

Q: She also indicated in her report and her testimony that there were problems with the animals getting fresh water. Were you aware of that when you went on the search that day?

A: No.

Q: She has testified about animal cruelty at the farm. Are you saying that she never pointed those things out as she testified here today?

A: That is correct.

Q: How far away is your veterinarian?

A: She's 200 miles away.

Q: Did you ever discuss with your veterinarian euthanasia procedures?

A: Uhhhh – no.

Q: You didn't think that was important?

A: I didn't think it was important.

Q: What's your purpose of having a veterinarian?

A: To go over production records, to do necropsies, to decide on growth promotion... to determine over-



Prosecutor Forchione confronts Ken Wiles with HFA's video documentation.

crowdedness and what all you might do to increase the speed at which the pig grows. There's just a whole bunch of stuff the veterinarian goes over.



Dr. Armbrecht — The Devil's Advocate

Wiles Farm attorneys attempted to prevent HFA's undercover video and other evidence from being admitted in court. Once HFA's evidence was admitted as being factual and accurate, however, Wiles Farm came up with another tactic. They would argue that, despite all the atrocities caught on tape, the animals never experienced pain and suffering.

Defense attorneys had to go all the way to Iowa to find a veterinarian willing to embrace and defend the horrific cruelty documented on the Wiles Farm. But they found their man, in the person of Dr. Paul Armbrecht.

Prosecutor Frank Forchione (Q): Who contacted you to become involved in this case?

Dr. Paul Armbrecht (A): Mr. Russ Buzzelli, Wiles' defense attorney.

Q: And did he ask you for an opinion?

A: Yes.

Q: Was there a fee agreement?

A: Yes. There was a fee agreement.

Q: So how much were you being paid?

A: We agreed I would be paid one hundred dollars an hour.

Q: Is there an additional fee for you to come testify as well?

A: It's on an hourly basis.

Q: Up to this point today, how much have you charged, or how much have you been paid for your testimony?

A: I'm still logging the amount of time spent on this case. I have not yet charged.

Q: Could you give us the amount of time that you've spent on this case so far?

A: I have no idea. It's logged at my office.

Q: Let me make sure I understand this. You're here testifying as an expert witness today?

A: Yes, sir.

Q: And you cannot tell the Court how much time you have spent on this case?

A: Not off the top of my head. I log it to one of my office staff, the amount of time that I've spent on the case each day.

Q: Now, coming in as an expert witness, I presume you wanted to get as much information about this case before you formed an opinion.

A: Yes, sir. That is correct.

Q: So prior to coming in to testify, I presume you spoke with defendant Joe Wiles.

A: I did not speak with Joe Wiles.

Q: I presume you spoke with defendant Dusty Stroud.

A: I did not speak with him.

Q: I presume you spoke to defendant Ken Wiles.

A: I did not speak with him.

Q: Okay, so you're giving an expert opinion on their euthanasia and other things on the Wiles Farm. But you have not spoken to any of them? Don't you agree they would be in a position to give you insight as to how things were being done?

A: I think maybe, but I was given the videos to form an opinion from.

Q: I'm just trying to understand what your opinions are based on besides the videos.

A: My opinions for this case are based on that information provided to me.

Q: Besides the videos, what other information are you basing your opinions on?

A: My experience in the pig production business.

Q: Were you on the Wiles Farm on the day of the raid?

A: No, sir.

Q: Are you aware that there was a report prepared about what was observed that day by Joyce Hyatt and Shelly Simmons from the Humane Society?

A: I did not see a report by either of those people.

Q: You mean that report was not supplied to you by defense counsel when they asked you for an opinion?

Wiles Trial: Excerpts of Armbrecht Testimony (continued)

A: I don't recall that report.

Q: Were you aware that there was a search of the farm?

A: Yes, sir.

Q: As an expert witness, did you attempt to contact any of the people who conducted the search that day?

A: No, sir.

Q: Would you agree that the individuals who were at that search would be able to provide better testimony than you would regarding what was observed at the Wiles Farm on that day?

A: On that day, yes, sir.

Q: Are you aware that Dr. Sanders from Ohio State University also prepared a report in this case?

A: Yes, sir.

Q: Did you contact Dr. Sanders?

A: No.

Q: So you're coming here as an expert witness. But, you haven't spoken to any of the defendants, you haven't spoken to anybody from the Humane Society, you haven't spoken to Dr. Sanders, and you haven't spoken to anybody who was there during the search of Wiles Farm. Is that a fair assessment sir?

A: That's correct.

Q: I'm going to ask you to look at this video. Does that pig appear to be suffering?

A: I don't know whether it's suffering or not.

Q: Well, you're here testifying as an expert. You see that pig being hanged and struggling. Is that pig suffering?

A: I can't determine if that was suffering because we just can't tell very easily on that definition.

Q: Is hanging a proper method of providing euthanasia?

A: Yes, sir.

Q: Was that animal suffering?

A: I don't think it was.

Q: You don't think that what we just watched was animal suffering?

A: No, sir.

Q: By the way, do you agree with the National Pork

standards [regarding euthanasia, which do not include strangulation by hanging]?

A: They are options.

Q: Do you follow them?

A: Yes. But they aren't the only options.

Q: My question to you is do you follow these options?

A: Yes, sir.

Q: When you looked at these standards, which you indicated that you follow, one of the things that they look at is the minimization of pain to the animal. Correct?

A: Yes.

Q: That [hanging] that you just saw, do you think that that's the best method to minimize the pain for that animal?

A: In this case it very well might be.

Q: Yes or no, that's all I'm asking you. There wasn't a better way than that?

A: I don't know what the status of the animal was prior to it [being hanged].

Q: Then how can you give an expert opinion? I heard you on direct examination say that this is a proper way to provide euthanasia.

A: I did, in a general sense.

Q: Have you ever before seen anybody chain the neck of a pig and get the forklift in this type of manner?

A: Yes.

Q: When was that?

A: Several months ago.

Q: Is this something that you encouraged them to do?

A: No, sir.

Q: Did the pig struggle like it did here?

A: Yes, sir.

Q: I want to take you to Ken Wiles' statement to the sheriff's department. Top of page five, "What about a plan concerning euthanasia?" What was his response?

A: "We hang our sows like they do people in Utah."

Q: Now, does that sound proper to you?

A: It is a method that if it accomplishes it in a short time, the answer is yes.



Slow death by hanging. Accepted and defended by Dr. Paul Armbrecht.

Q: Are you aware that Wiles had a veterinarian that is in another state?

A: Yes.

Q: Did you talk to that veterinarian?

A: Yes.

Q: Did you discuss euthanasia with that veterinarian?

A: No.

Q: Did you review any of the veterinary records?

A: No, sir.

Q: Did you review *any* records at all prior to coming in here and giving expert testimony?

A: No, sir.

Q: Dr. Sanders testified that there were too many sows that were laying in filth and excrement.

A: What I saw in those videos was not anything out of the ordinary that I see everyday.

Q: Dr. Sanders testified yesterday that he saw over 40 sows with broken backs, vertebrae and problems like that. When farmers see those types of things, do they have the duty to take some action?

A: Yes. If that's the case.

Q: By the way, have you ever been to the farm?

A: No.

Q: You're an expert and you've never been to the farm?

A: Not that specific farm.

Q: Well, that's the farm in question today! But you've never seen it?

A: No, sir.



“I’d much rather be doing something else.”

—Judge Stuart Miller,
at preliminary hearing

Like other Wayne County officials, Judge Miller never wanted there to be a Wiles Farm trial in the first place. And, once the trial began, he did everything in his power to circumvent the plain language and intent of Ohio state law.

In order to give himself *something* upon which to base his pre-determined verdicts, Judge Miller solicited a few additional statements from Paul Armbrecht. Other than Ken Wiles, Armbrecht was the *only* person to testify that there was no animal cruelty at Wiles Farm.

Judge Stuart Miller: The pig that was just shown being hanged, having that animal dragged the distance that it was, and then having that animal pushed off a four-foot ledge before it was picked up by its neck with a chain. Is that cruelty?

Armbrecht: I don't think it's cruelty.

Judge Miller: There was testimony by the individual who raised the animal – one of the defendants – that it took four to five minutes for that hanging animal to die. Is that cruelty to an animal?

Armbrecht: No. Even with the other method I described, it takes three to ten minutes.

Judge Miller: An animal is allowed to lie there, and after two days, it dies... Is that cruelty?

Armbrecht: No.

Judge Miller: Thank you.

To be continued: Although the criminal trial is over, there is now civil litigation regarding Wiles Farm. HFA is also pressing for sanctions against Dr. Armbrrecht and for the removal of Judge Miller from the bench. We thank all of our supporters for continuing to allow HFA to hold Wiles Farm and its defenders accountable!



“Using asphyxia via strangulation . . . that’s not torture.”

—Paul Armbrrecht,
“expert” witness