

R. Lynn Carlson: Bill would undermine Utah's jury system

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Last October, I was humbled to serve on a jury along with eight of my peers in a criminal trial in St. George that lasted four days. We were tasked with deciding whether to convict two individuals of felony burglary and theft for the removal of two sick, dying piglets from a Utah factory farm owned by Smithfield Foods.

We took our solemn responsibility as jurors seriously and, after several hours of lengthy, emotional and difficult deliberations, we reached a "not guilty" verdict. Utah legislators unhappy with our decision are now trying to rewrite Utah's theft statute. This is an improper knee-jerk reaction which undermines the legitimacy of our criminal justice and jury system.

The trial was unusual. By the state's own admission, the theft — which occurred more than five years earlier — involved, at most, \$84,000 worth of property. The defendants entered barns with only the intent to document conditions. Video footage of their actions was shared with The New York Times to shine a light on corporate practices that many would find troubling.

In court, the defendants openly admitted their actions. But it was our job to evaluate and decide if laws had been broken. After reviewing all the evidence, we decided they had not.

Some of my golfing buddies have been confused by our verdict, and I imagine some legislators are, too. But no one who now plays the role of "armchair quarterback" saw what we did at trial.

Although video footage was not allowed to be shown to the jury, enough evidence was presented to lead us to reasonably doubt whether two sick and dying piglets had "value" to Smithfield, a necessary element for a theft conviction. The state introduced Smithfield representatives who asserted they did, but the plain evidence of these piglets' medical condition seemed to contradict this testimony.

The defendants introduced credible expert testimony from a veterinarian who testified under oath that the piglets would not have

survived had they been left in Smithfield's care. The prosecutors had the burden of proving crimes beyond a reasonable doubt. They failed to do so, and we were unanimous in reaching this decision.

Rather than admit their case was inadequate, prosecutors are now spitefully pointing the finger at the jury and trying to rewriting laws to make it easier for them in the future.

Sadly, our legislators appear to be responding to these demands. HB 114, sponsored by Rep. Carl Albrecht, would rewrite Utah's criminal theft statute to prohibit a defendant from introducing evidence to a jury that an allegedly removed animal was sick or dying.

Albrecht and prosecutors have defended the need for this bill by publicly insulting the jurors for simply performing our constitutional duty with appropriate care and discretion. The state is not entitled to convictions.

It must prove its case at a fair trial and persuade a jury. It failed to do so. The very reason our system has juries is to make judgement calls that at times are unpopular.

I am shocked to see legislators fast-tracking a bill to usurp the proper role a jury plays in our constitutional system because they dislike a verdict in one particular case. Juries should be well-informed and have all relevant facts presented to them for evaluation. Defendants should have the right to present reasonable defenses to their alleged crimes.

This bill is a reckless and impulsive reaction by politicians who are clearly re-writing the law to appease Smithfield and the powerful agriculture lobby in Utah. The people of Utah should speak up against HB 114 and protect the integrity of our criminal justice system.

R. Lynn Carlson is a structural engineer who owned his own firm in Bountiful for 27 years and now lives in St. George.