

# DIRECT ACTION EVERYWHERE

Press Contact: Cassie King, [cassie@directactioneverywhere.com](mailto:cassie@directactioneverywhere.com), 510.507.8075

## Activist Sentenced to Jail for Rescuing Sick Animals from Factory Farms

*Attorneys say the case is well-positioned for an appeal that could establish new case law for animal protection*



*Defendant Wayne Hsiung being arrested at Sunrise Farms in Petaluma, CA on May 29, 2018. (Credit: Direct Action Everywhere)*

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(Credit: Direct Action Everywhere)

*November 30, 2023, Santa Rosa, CA* - Animal rights activist and attorney Wayne Hsiung was sentenced to 90 days in jail followed by 2 years of probation for his involvement in nonviolent animal rescues at two factory farms in Sonoma County: Sunrise Farms, a major egg producer, and Reichardt, California's largest duck farm. Judge Laura Passaglia also ordered that Hsiung have no contact in any form with the other named "co-conspirators" in the case, a list including many of his closest friends and one of his co-defendants in a [beagle rescue trial](#) scheduled for March.

Hsiung has been in the county jail since November 2, when he was convicted of [felony conspiracy and misdemeanor trespass charges](#) after an eight-week trial including six days of jury deliberation. Upon the verdict, Judge Passaglia ordered that Hsiung be remanded into custody without bail while awaiting sentencing, despite the nonviolent nature of his actions.

Hsiung is a co-founder of the international animal rights network [Direct Action Everywhere](#) (DxE), which is leading a campaign to enshrine the legal "[Right to Rescue](#)" sick and injured animals from commercial operations. Hsiung's conviction follows two groundbreaking acquittals in other [open rescue](#) cases. Last year, Hsiung was acquitted of felony burglary and theft in a piglet rescue case in [St. George, Utah](#), and earlier this year, he successfully led the legal defense for another DxE animal rescuer who was acquitted of theft in [Merced, California](#).

Prior to today's sentencing, several of Hsiung's family members and friends submitted [character letters](#) to the judge, including his father, sister, and cousin, his minister, law professor Justin Marceau, and poultry producer Rick Pitman. After Hsiung investigated a turkey farm owned by Pitman and rescued a sick turkey, the two men became friends. In his letter to the judge, Pitman wrote, "I was grateful that he had exposed some rough conditions so we could fix them. In fact, I don't think Wayne stole the turkey because there's a difference between stealing and rescuing, and Wayne was just trying to save the turkey's life."

Hsiung is appealing the conviction in Sonoma based on several rulings by Judge Passaglia that constitute prejudicial and reversible error. The University of Denver's Animal Activist Legal Defense Project is working on the appeal. Attorney Chris Carraway said, "I often hear courts describe trials as a search for the truth. Mr. Hsiung's trial was anything but. The press had limited access; trial participants were unconstitutionally gagged from the beginning; and the court bent over backwards to prevent the defense from detailing the chronic animal cruelty found which informed the intent behind the actions. At the end of the day, a jury still deliberated for six days – indicative of reasonable doubt itself – without the full picture of what they were truly weighing in on."

The mass open rescue at Sunrise Farms was prompted by [investigations](#) that occurred in 2016 through 2018, which found that despite [Proposition 2](#) banning intensive confinement of animals on factory farms, Sunrise was confining tens of thousands of birds in towering 15-foot tall rows of tightly packed cages, inside of which many birds were sick, dying, and dead. Investigators also found violations of California's animal cruelty statute, [Penal Code 597](#), including injured birds who were unable to access food or water.

At Reichardt Duck Farm, investigations by Mercy for Animals in [2014](#) and by DxE in [2019](#) revealed systemic violations of animal cruelty laws, including diseased ducks stuck on their backs, unable to get up, and consequently unable to reach food or water. Zoe Rosenberg, a defense witness and DxE investigator, testified in Hsiung's trial that she collected deceased ducks from the facility and sent them for necropsy tests that revealed a fatal disease was spreading in the facility, though she was prohibited by the court from telling the jury the name of the disease or describing it. Hsiung and other activists were also barred from testifying about the many times they reported criminal animal cruelty at Sunrise and Reichardt to Sonoma County authorities and how those reports were repeatedly ignored, which led them to believe direct intervention was necessary to help the animals.

By appealing the guilty verdict, Hsiung has the chance to establish case law in the appellate court. Such a precedent would not only vindicate his actions but also provide a stronger legal foundation for the defense of animals in future cases.

"We won't stop rescuing abused animals when the authorities fail them," said DxE investigator Zoe Rosenberg. "While Wayne was on trial, I continued to investigate Reichardt and documented dozens of ducks stuck on their backs unable to stand up. I rescued one duck in this condition who had bloody wounds all over his back and got him emergency medical care. His name is River and rescuing him wasn't a crime; it was a necessity."

Nearly 200 supporters attended Hsiung's sentencing hearing. One of the jurors also attended the hearing in support of a lenient sentence. Additionally, solidarity protests in support of Hsiung and the "Right to Rescue" are taking place in Mexico City, Paris, London and more than a dozen other cities across the world today.

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*Investigators with [Direct Action Everywhere \(DxE\)](#) enter farms, slaughterhouses, and other facilities to document abuses and rescue sick and injured animals. DxE's investigatory work has been featured in [The New York Times](#), [WIRED](#), and [Vox](#). DxE activists have been [subjected to FBI raids](#) and [felony prosecutions](#) for their investigative work. In 2022, DxE activists won the first-ever [acquittal](#) in an open rescue case. Visit DxE on [Facebook](#), [Instagram](#), [Twitter](#) and at [directactioneverywhere.com](#).*

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