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Operator of Miami illegal slaughterhouse to challenge animal-cruelty law.

Defense in criminal case: state statute 'vague' about killing livestock Prosecutors, investigator say operation was filthy and cruel Operation catered to community appetite for whole roasted pig

CRIME MARCH 6, 2016 4:28 PM DAVID OVALLE dovalle@miamiherald.com



Nobody arrests the chef who drops a live lobster into boiling water.

That's the defense being floated by a slaughterhouse operator accused of starving, beating, stabbing and even boiling alive pigs destined for Miami dinner tables.

Saying Florida's animal-cruelty law is vague and unconstitutional, Gregorio Santa Ana is now asking a Miami-Dade judge to dismiss the charges. The request is setting up a unusual legal battle in a city where puerco is prized, particularly around the holidays when many Hispanic families enjoy pigs roasted whole.

“The simple fact is that slaughterhouses are designed to kill, slaughter and inflict pain upon animals to be prepared for food for humans,” defense lawyer Robert Barrar wrote in his request. “Society has recognized this fact.”

The judge will rule on the request later this month.

For Miami-Dade prosecutors, the request is hogwash — the unlicensed operation run by Santa Ana operated far outside the rules of modern slaughterhouses regulated by state and federal law.

“He had an illegal set of filthy shanty shacks and a hodgepodge of ramshackle buildings that were used to illegally mutilate animals for human consumption in conditions that harken to the filth and disease lamented by Upton Sinclair in his influential book, *The Jungle*,” prosecutor Warren Eth wrote in his response.

The investigation was spearheaded by South Florida’s Animal Recovery Mission, a private group that targets illegal slaughterhouses, horse-butcher operations and other animal abuses.

Founder Richard Couto says the group has shut down dozens of animal-abusing outfits across Florida. His undercover investigators — working with Miami-Dade police and county officials — often focus on properties in a ramshackle and isolated swath of rural farms northwest of Hialeah Gardens.

No slaughter operation, even those overseen by the USDA, is pleasant. But licenses require humane stunning before slaughter and an array of health and handling standards.

In recent years, Animal Recovery Mission investigators, posing as customers over months, have secretly filmed a slew of seemingly cruel acts toward livestock — leading to several arrests for felony animal cruelty.

The prosecutions have not always been smooth.

In the 2011 case of Rudesino “Rudy” Acosta, who faced up to 85 years in prison in the slaughterhouse case, his defense team attacked Couto’s tactics and credibility, as well as the conduct of prosecutors in the case.

The state ultimately agreed to allow Acosta to accept no prison time but complete 10 years of probation. The conviction will not show on his record.

Still, Acosta’s defense lawyer notes, the slaughterhouse cases are tough because Florida’s animal-abuse law does not require “specific intent” to commit cruelty, even toward livestock.

“These cases elicit a strong emotional response which immediately puts a strain on the presumption of innocence,” said Jude Faccidomo. “And with the absence in the law of specific intent, otherwise good people are being subjected to serious risk at trial.”

Just in January, in another highly publicized case, a slaughterhouse operator named Raul “Freaky” Fernandez pleaded guilty and was sentenced to 18 months in prison.

But two other men arrested in the same case plan to push their cases to trial. Lawyers plan to argue law enforcement is only targeting Cubans and Hispanics, who have a rich history of raising pigs for slaughter, particularly for the Christmas holidays.

“Are the police going to Home Depot for selling rat poison to kill rodents?” said lawyer George Pallas, who represents Yonisley Garcia. “And what about Winn Dixie importing steaks from Canada, Mexico and Argentina? We don’t know how those animals are killed.”

As for Santa Ana, 70, he first came under Animal Recovery Mission scrutiny during Christmas time in 2014.

That’s when Couto and undercover investigators began visiting the rural property known as “Coco Farm” on the 11800 block of Northwest 41st Street. Investigators say Santa Ana ran the slaughterhouse in appalling fashion. Couto called him “the grandfather of the illegal slaughterhouse industry.”

“The way they were treating animals, we’d haven’t seen in awhile,” Couto said. “Animals were being fed intestines of newly slaughtered animals. There was no clean water. In the back, there was hundreds of animal carcasses. The whole place was a toxic wasteland.”

He added: “The way the animals were being killed was extremely violent. Goats’ heads were being twisted off. They were going up to pigs and stabbing them in the heart and neck.”

On one occasion, two of Santa Ana’s workers put a stabbed pig in a vat of boiling water while it “clearly still showed signs of life,” according to an arrest warrant.

Santa Ana and another man, Ruben Rodriguez, 68, were charged with an array of felonies related to animal cruelty.

Before the case goes to trial, Santa Ana’s defense lawyer is mounting a barrage of legal challenges.

Among the claims: Animal Recovery Mission illegally audio- and video-taped the defendants, Florida law doesn't trump federal law governing slaughterhouses and the so-called "waterboarding" of the pigs, while graphic, broke no law.

"If former President Bush through his White House counsel can sanction the waterboarding of humans, and not consider this to be inhumane treatment, how can one be prosecuted for the waterboarding of an animal at a slaughterhouse?" lawyer Barrar wrote.

The request prompted sharp responses from the state attorney's office, which noted the employees had no expectation of privacy from filming in the crowded "bazaar like atmosphere."

And the illegal business boasted no humane treatment of the livestock, prosecutor Eth wrote.

"It was no more a legitimate 'slaughterhouse' than a hospital gurney placed in a filthy garage with an IV pole and a crash cart is an 'emergency room,'" he wrote.

Miami-Dade Circuit Judge Daryl Trawick will rule on the motions on March 15.