



May 18, 2017

The Honorable Steven Kaderly  
Prosecuting Attorney  
Barton County

Via e-mail: [steven.kaderly@prosecutors.mo.gov](mailto:steven.kaderly@prosecutors.mo.gov)

Dear Mr. Kaderly,

I hope this letter finds you well. I would like to request that your office investigate and, as appropriate, file criminal charges against Golden City Meats and its worker responsible for firing four .22-caliber semiautomatic shots into a cow's head. This caused the animal to thrash about after the three failed shots on May 1, 2017, at the Golden City slaughterhouse located at 400 Vine St., as documented in the attached report by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS).

According to the report, on the day in question, federal officials documented the following:

[A]n establishment employee went outside the slaughter floor to stun the next beef in line. The CSI heard a rifle shot, and saw the same employee hurriedly return inside and then exit into the knocking area. The CSI could hear the animal thrashing, and then heard three more rifle shots as the employee attempted to render the animal unconscious. . . . [T]he CSI reviewed the video of the knocking area . . . . On the first shot, the animal went down but tried to right itself, raising its head and attempting to level its shoulders. . . . [T]he animal appeared alert and turned its head toward the operator. The operator fired the second shot, but the animal continued to thrash with its head raised. The third shot also had no effect. The fourth shot was effective in rendering the animal unconscious. A .22 caliber semi-automatic rifle was used as the stunning device. . . . [T]he CSI observed what appeared to be four knock holes in the skull. Two entered from a frontal position, and two from the top. After splitting the head, it appeared one shot was left of the brain center, two shots were fired at the top of the head but did not fully penetrate the skull, and one shot was well-placed and entered the brain.<sup>1</sup>

Such conduct appears to violate § 578.012, RSMo, which states: "A person commits the offense of animal abuse if he or she: (1) Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the

<sup>1</sup>Notice of Suspension, *FSIS District 35 Manager Robert Q. Bane, Humane Handling Enforcement Action Against Est. M8725 – Golden City Meats, LLC* (May 2, 2017), <https://www.fsis.usda.gov/wps/wcm/connect/263265f5-4a14-4e9b-9308-033fd2d685e1/M8725-Suspension-050217.pdf?MOD=AJPERES>.

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provisions of sections 578.005 to 578.023 and 273.030; (2) Purposely or intentionally causes injury or suffering to an animal . . . ." "Animal" is defined as "every living vertebrate except a human being."<sup>2</sup> Specifically, the worker apparently consciously engaged in taking the first shot to the cow's head—and also in prematurely leaving the knock box without verifying that the cow was unconscious—thereby causing injury and likely prolonged suffering. This conduct is not exempt from the animal-abuse statute, which, with respect to "farm animals," exempts only "normal or accepted practices of animal husbandry."<sup>3</sup> Multiple stunning attempts on one animal is not an accepted practice, as FSIS's action demonstrates. At the very least, this conduct appears to violate § 578.009, RSMo, which states: "A person commits the offense of animal neglect if he or she: (1) Has custody or ownership of an animal and fails to provide adequate care . . . ." "Adequate care" is defined as "normal and prudent attention to the needs of an animal . . . ."<sup>4</sup> Importantly, FSIS action does not preempt criminal liability under state law for slaughterhouse workers who perpetrate acts of cruelty to animals.<sup>5</sup>

We respectfully request that your office investigate Golden City Meats as well as the worker responsible for this conduct and file charges against all appropriate parties. Please let us know what we might do to assist. Thank you for your consideration and for the difficult work that you do.

Sincerely,



Melissa Mary Wilson, Esq.  
Policy Associate

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<sup>2</sup>MO. REV. STAT. § 578.005.

<sup>3</sup>MO. REV. STAT. § 578.007.

<sup>4</sup>MO. REV. STAT. § 578.005.

<sup>5</sup>*See Nat'l Meat Assoc. v. Harris*, 132 S. Ct. 965, 974 n.10 (2012) (" . . . States may exact civil or criminal penalties for animal cruelty or other conduct that also violates the FMIA. *See* [21 U.S.C.] §678; *cf. Bates v. Dow Agrosciences, LLC*, 544 U. S. 431, 447 (2005) (holding that a preemption clause barring state laws 'in addition to or different' from a federal Act does not interfere with an 'equivalent' state provision). Although the FMIA [Federal Meat Inspection Act] preempts much state law involving slaughterhouses, it thus leaves some room for the States to regulate.").