

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1805**

State of Minnesota,
Respondent,

vs.

Jenna Marie Bourgeois,
Appellant.

**Filed November 24, 2025
Affirmed
Bond, Judge**

St. Louis County District Court
File No. 69VI-CR-22-617

Keith Ellison, Attorney General, St. Paul, Minnesota; and

Kimberly J. Maki, St. Louis County Attorney, Aaron Welch, Assistant County Attorney,
Virginia, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Kathryn J. Lockwood, Assistant
Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Bond, Presiding Judge; Ross, Judge; and Larkin, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

In this direct appeal from the judgment of conviction for animal mistreatment, appellant argues that (1) federal organic farming regulations preempt state law and preclude his prosecution; (2) the evidence is insufficient to prove that he knowingly deprived his animals of necessary food, water, or shelter; and (3) the animal mistreatment

statute is unconstitutionally vague as applied to him. Appellant raises additional issues in a pro se supplemental brief. We affirm.

FACTS

On May 31, 2022, a caller reported to police that multiple goats and chickens were surrounded by water on a property owned by appellant Jenna Marie Bourgeois in rural St. Louis County. An investigator with the St. Louis County Sheriff's Office went to the property, which was on the edge of the Sax-Zim Bog, a wetland and bird watching area. The investigator, who was trained on animal-welfare matters, observed mesh fencing creating a "makeshift yard in [a] ditch." Chickens, both alive and dead, were "tangled" "everywhere in the fencing." A "chicken tractor," which is a mobile chicken enclosure with no flooring so that chickens have access to the ground, was "full of water" and contained a number of dead chickens and others that were missing feathers. The investigator also observed a metal stock tank containing many decomposing birds and a dead bird that was "pushed into the ground" and rotted beyond identification. The investigator estimated that the birds had been dead for "more than a couple of days."

In another enclosure, three goats were standing on a piece of thin plywood surrounded by standing water. The goats did not have any clean water to drink. The goats were coughing and the investigator determined they were ill.

Respondent State of Minnesota charged Bourgeois with six counts of depriving animals under his charge or control of necessary food, water, or shelter in violation of Minn. Stat. § 343.21, subd. 2 (2020) (animal mistreatment statute). Bourgeois moved to dismiss the charges on the grounds that the animal mistreatment statute was

unconstitutionally vague and was preempted by federal organic farming regulations. The district court denied Bourgeois's motion to dismiss and a single count proceeded to a jury trial. At trial, the investigator testified consistently with the above facts and the jury saw photos of Bourgeois's property taken by the investigator on May 31.

Bourgeois testified on his own behalf and explained that he purchased the property in October 2021 and began farming it in March 2022. Because the property is surrounded by elevated roads with no drainage ditches, the farm sits in a man-made bowl that collects water during every rainfall. Bourgeois testified that he began to construct a driveway and drainage ditch but, in May 2022, the Minnesota Department of Natural Resources (DNR) issued a cease-and-desist order because Bourgeois was excavating wetlands in violation of state wetland conservation laws. Bourgeois kept chickens in partially covered stock tanks and a mobile enclosure that was exposed to the ground, while the goats were provided a lean-to that was not intended to protect them from the elements. Bourgeois did not always fully cover the animals' enclosures when it rained. Bourgeois testified that he provided food, water, and shelter to the animals in accordance with federal organic farming standards. As to the events giving rise to the charge, Bourgeois testified that he fed and provided fresh water to the animals on a daily basis. Bourgeois maintained that the area received nearly five inches of rain on May 30. He acknowledged that, on May 31, a "significant" number of chickens had died, and he speculated that the chickens' deaths were caused by pecking, genetic disease, or avian flu. Bourgeois denied that any birds had been dead on May 30, asserted that the investigator "blatantly lied" during her testimony, and maintained that heavy rain interrupted ongoing improvements to the farm.

The jury found Bourgeois guilty. The district court denied Bourgeois's motion for judgment of acquittal and sentenced him to 90 days in jail, execution stayed for one year.

Bourgeois appeals.

DECISION

I. Federal law does not preempt state law and preclude prosecution of Bourgeois for animal mistreatment under Minn. Stat. § 343.21, subd. 2.

Bourgeois first argues that federal law preempts the state's animal mistreatment statute, precluding his prosecution. Whether federal law preempts state law is a legal question we review de novo. *State v. Sherbrooke*, 633 N.W.2d 856, 861 (Minn. App. 2001).

The preemption doctrine is rooted in the Supremacy Clause of the United States Constitution, which provides that the laws of the United States “shall be the supreme Law of the Land; . . . any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.” U.S. Const. art. VI, cl. 2. Federal regulations, as well as federal statutes, may give rise to preemption. *Hillsborough County Florida v. Automated Medical Lab.*, 471 U.S. 707, 713 (1985). “Congressional purpose is the ultimate touchstone of the preemption inquiry.” *Gretsch v. Vantium Cap., Inc.*, 846 N.W.2d 424, 432-33 (Minn. 2014). We presume that Congress “did not intend to displace state law,” and the defendant bears the burden of overcoming this presumption and demonstrating preemption. *Brandt v. Marshall Animal Clinic*, 540 N.W.2d 870, 874 (Minn. App. 1995), *rev. denied* (Minn. Feb. 9, 1996).

Federal preemption can occur in three different ways: (1) field preemption, (2) express preemption, and (3) conflict preemption. *Gretsch*, 846 N.W.2d at 433.

Bourgeois’s argument rests on conflict preemption.¹ That a state law “touches” on some aspect of a federally regulated industry “does not necessarily mean that it is preempted by federal law.” *Sherbrooke*, 633 N.W.2d at 862. Instead, under conflict preemption, federal law preempts state law when it is “impossible” for a person to comply with both the state and federal requirements or when the state law “stands as an obstacle” to the objective of Congress. *Gretsch*, 846 N.W.2d at 433.

Bourgeois argues that the animal mistreatment statute is in direct conflict with the federal organic farming standards. Organic farming in the United States is regulated under the Organic Foods Production Act of 1990, 7 U.S.C. §§ 6501-6524 (2018) (OFPA). The purpose of the OFPA is to “establish national standards governing the marketing” of organically produced agricultural products and to “assure consumers that organically produced products meet a consistent standard.” 7 U.S.C. § 6501. Pursuant to the OFPA, the United States Department of Agriculture promulgated regulations, known as the National Organic Program (NOP), 7 C.F.R. § 205 (2024). Bourgeois contends that it is impossible to comply with both the animal mistreatment statute and 7 C.F.R. § 205.239(a)(1), which requires producers of organic livestock operations to “establish and maintain year-round livestock living conditions” that “accommodate the wellbeing and natural behavior of animals.” In particular, Bourgeois argues that the animal mistreatment statute is preempted by federal regulation because he was complying with the requirement

¹ While his brief alludes to field-preemption argument, Bourgeois clarified at oral argument that he is only arguing conflict preemption.

that animals must have “[y]ear-round access” to “the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight.” 7 C.F.R. § 205.239(a)(1).

We discern no reason why it is “impossible” to comply with Minnesota’s animal mistreatment statute and the provision of the federal organic farming standards Bourgeois identifies. *Gretsch*, 846 N.W.2d at 433. Under Minn. Stat. § 343.21, subd. 2, “[n]o person shall deprive any animal over which the person has charge or control of necessary food, water, or shelter.” Under the federal organic farming standard Bourgeois relies on, animals must have access to “the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight.” 7 C.F.R. § 205.239(a)(1). The same subsection within the NOP provides that “[t]he producer of an organic livestock operation may provide temporary confinement or shelter for an animal because of . . . [i]nclement weather.” 7 C.F.R. § 205.239(b)(1). It also requires that livestock have “[a]ppropriate clean, dry bedding.” 7 C.F.R. § 205.239(a)(3). Thus, a person can both provide an animal with necessary food, water, and shelter as required by Minn. Stat. § 343.21, subd. 2, and ensure the animal has access to “the outdoors, shade, shelter, exercise areas, fresh air, clean water for drinking, and direct sunlight” as required by 7 C.F.R. § 205.239(a)(1).

Because it is not impossible to comply with both state law and federal organic farming regulations, Bourgeois has not met his burden of demonstrating that federal law preempts state law and precludes his prosecution under the animal mistreatment statute. *Gretsch*, 846 N.W.2d at 433.

II. The state provided sufficient evidence to prove beyond a reasonable doubt that Bourgeois knowingly deprived his animals of necessary food, water, or shelter.

Bourgeois argues that the evidence is insufficient to prove that he knowingly deprived his animals of necessary food, water, or shelter. Due process requires the state to prove every element of a charged crime beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 364 (1970); *State v. Merrill*, 428 N.W.2d 361, 366 (Minn. 1988); see U.S. Const. amend. XIV; Minn. Const. art. I, § 7. To convict Bourgeois of animal mistreatment, the state was required to prove that he knowingly deprived an animal over which he had charge or control of necessary food, water, or shelter. Minn. Stat. § 343.21, subd. 2. To “[k]now requires only that the actor believes that the specified fact exists.” Minn. Stat. § 609.02, subd. 9(2) (2020).

In determining whether the evidence is sufficient to support a conviction, we “carefully examine the record to determine whether the facts and the legitimate inferences drawn from them would permit the jury to reasonably conclude that the defendant was guilty beyond a reasonable doubt of the offense of which he was convicted.” *State v. Griffin*, 887 N.W.2d 257, 263 (Minn. 2016) (quotation omitted). We view the evidence in the light most favorable to the verdict and assume the fact-finder believed the state’s witnesses and disbelieved contrary evidence. *Id.*

Generally, a criminal defendant’s state of mind is inferred through circumstantial evidence. *State v. Bahtuoh*, 840 N.W.2d 804, 809 (Minn. 2013). Under the circumstantial-evidence standard of review, we first identify the circumstances proved, “defer[ring] to the [fact-finder’s] acceptance of the proof of [the] circumstances and rejection of evidence in the record that conflicted with the circumstances proved by the State.” *State v. Silvernail*,

831 N.W.2d 594, 598-99 (Minn. 2013) (quotation omitted). This means that “we consider only those circumstances that are consistent with the verdict.” *Id.* at 599.

Next, we determine whether the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis except that of guilt, giving “no deference to the jury’s choice between reasonable inferences.” *State v. Harris*, 895 N.W.2d 592, 601 (Minn. 2017). When evaluating the inferences that may be drawn from the circumstances proved, “[w]e review the circumstantial evidence not as isolated facts, but as a whole.” *State v. Sterling*, 834 N.W.2d 162, 175 (Minn. 2013). “The circumstantial evidence standard does not allow us to ‘analyze and parse each fact’ in a ‘piecemeal’ fashion to conclude that a hypothesis is reasonable.” *State v. Colgrove*, 996 N.W.2d 145, 150 (Minn. 2023) (quoting *State v. Cox*, 884 N.W.2d 400, 415 (Minn. 2016)). “Circumstantial evidence must form a complete chain that, in view of the evidence as a whole, leads so directly to the guilt of the defendant as to exclude beyond a reasonable doubt any reasonable inference other than guilt.” *State v. Al-Naseer*, 788 N.W.2d 469, 473 (Minn. 2010) (quotation omitted). A reviewing court will not overturn a conviction on the basis of conjecture or speculation. *Id.* at 480.

Viewing the evidence in the light most favorable to the verdict, the circumstances proved are that, on May 31, multiple dead chickens were “tangled” in the fencing of an animal enclosure on Bourgeois’s property. Dead chickens were also in the “chicken tractor” enclosure, which was full of water. A metal stock tank contained decomposing birds and there was a dead bird “pushed into the ground” that was rotted beyond identification. The birds had been dead for “more than a couple of days.” Coughing and

ill goats without access to clean drinking water were standing on a piece of thin plywood surrounded by standing water in another enclosure.

The property was next to a bog that was almost always wet, and Bourgeois knew the property did not drain well after rainfall. Bourgeois kept his chickens in partially covered stock tanks and a mobile enclosure that was exposed to the ground, while the goats were provided a lean-to that was not intended to protect them from the elements. Bourgeois did not always fully cover the enclosures when it rained. Bourgeois testified that he followed federal organic regulations as he understood them.²

We next examine whether the reasonable inferences drawn from the circumstances proved are consistent with guilt and inconsistent with any rational hypothesis of innocence. *Harris*, 895 N.W.2d at 601. We conclude that the circumstances proved as to the nature of the animals' structures, the dead and decomposing animals, and Bourgeois's knowledge about the rainy conditions and the farm's drainage issues support a reasonable inference that Bourgeois knowingly deprived the animals of food, water, or shelter.

² At trial, Bourgeois broadly testified that he was following federal organic farming regulations set out in 7 C.F.R. § 205. The state did not rebut this testimony at trial and, on appeal, agrees that it is a circumstance proved that Bourgeois was complying with federal organic farming standards. On this record, it is difficult to determine the extent to which the jury credited Bourgeois's testimony that his farm complied with federal organic farming regulations. *See State v. Gilleylen*, 993 N.W.2d 266, 275 (Minn. 2023) (stating that the jury is "free to accept part and reject part" of a witness's testimony). We therefore consider Bourgeois's testimony regarding his organic farming practices a circumstance proved only to the extent that it does not conflict with the jury's verdict that Bourgeois deprived his animals of food, water, or shelter. *See State v. Hawes*, 801 N.W.2d 659, 670-71 (Minn. 2011) (rejecting the part of a defendant's testimony that conflicted with the state's evidence supporting the verdict); *see also Colgrove*, 996 N.W.2d at 150 (holding that we must disregard those circumstances that are inconsistent with the jury's verdict).

We further conclude that the circumstances proved are inconsistent with any rational hypothesis of innocence. Bourgeois argues that, because no animals were dead on May 30, there is a reasonable inference that “the poor conditions on his farm on May 31, 2022, were caused by a severe weather event (a.k.a. “act of God”) on May 30, 2022.”³ But Bourgeois’s testimony that there were no dead birds on May 30 conflicts with the investigator’s testimony that some of the birds had been dead for at least a couple of days. *Al-Naseer*, 788 N.W.2d at 473 (explaining that, “[i]n identifying the circumstances proved, we ‘defer . . . to the jury’s . . . rejection of evidence in the record that conflicted with the circumstances proved by the State’ (quotation omitted)). Because “we are bound to disregard evidence that is inconsistent with the jury’s verdict when identifying the circumstances proved,” it is not a circumstance proved that no birds were dead before the rainfall on May 30. *State v. Allwine*, 963 N.W.2d 178, 187 (Minn. 2021).

Moreover, in determining the reasonableness of inferences, we must consider the circumstances proved, not in isolation, but as a whole. *Colgrove*, 996 N.W.2d at 150; *Sterling*, 834 N.W.2d at 175. While it is a circumstance proved that it rained on May 30, other circumstances proved establish that multiple dead animals were tangled in fencing and stacked on top of one another in animal enclosures that did not provide shelter from

³ In a footnote, Bourgeois asserts that the district court erred by denying his request to instruct the jury on the definition of “an act of God” and to admit the National Weather Service forecast report. These arguments are forfeited because, while he asserts that these errors impacted the verdict, Bourgeois does not provide any argument or authority explaining why the district court’s rulings were error. *See State v. Bursch*, 905 N.W.2d 884, 889 (Minn. App. 2017) (“Arguments are forfeited if they are presented in a summary and conclusory form, do not cite to applicable law, and fail to analyze the law when claiming that errors of law occurred.”).

rising rainwater. Some animals had been dead for more than a couple of days and were badly decomposed. Viewed as a whole, the circumstances proved are inconsistent with any rational inference other than that Bourgeois knowingly deprived his animals of necessary food, water, or shelter.

Because the circumstances proved are consistent with a finding of guilt and inconsistent with any rational hypothesis of innocence, we conclude that sufficient evidence supports the jury's determination that Bourgeois violated the animal-mistreatment statute by knowingly depriving his animals of the necessary food, water, or shelter.

III. The animal mistreatment statute is not unconstitutionally vague as applied to Bourgeois.

Bourgeois argues that his conviction must be reversed because Minn. Stat. § 343.21, subd. 2, is unconstitutionally vague as applied to him. Appellate courts review the constitutionality of a statute de novo. *State v. Bussmann*, 741 N.W.2d 79, 82 (Minn. 2007). “Minnesota statutes are presumed to be constitutional and [a court’s] power to declare a statute unconstitutional should be exercised with extreme caution and only when absolutely necessary.” *Id.* (quotation omitted). The party challenging a statute’s constitutionality must establish “beyond a reasonable doubt, that the statute violates a provision of the constitution.” *State v. Grossman*, 636 N.W.2d 545, 548 (Minn. 2001).

Due process requires that criminal statutes be written “with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). Thus, a statute may be void for vagueness “if the description of the

forbidden conduct is vague” or “if its wording leaves doubt as to which persons fall within the scope of the law.” *State v. Merrill*, 450 N.W.2d 318, 322 (Minn. 1990). In other words, the statute must “define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited.” *Id.* (quotation omitted).

Bourgeois argues that Minn. Stat. § 343.21, subd. 2, is unconstitutionally vague as applied to him because he was complying with federal organic farming requirements. Bourgeois asserts that, “[w]hile the district court correctly determined that a person of ordinary intelligence would understand that leaving animals in elements that do not allow them to retreat from weather conditions or have dry shelter would violate the statute,” a person of ordinary intelligence would also believe that they would have time to repair the shelter and food and water containers damaged by a severe weather event before running afoul of the statute.

We reject Bourgeois’s void-for-vagueness argument. When, as here, no fundamental rights are implicated, the alleged vagueness of the criminal statute “must be judged in light of the conduct that is charged to be violative of the statute.” *City of Mankato v. Fetchenhier*, 363 N.W.2d 76, 78 (Minn. App. 1985) (quoting *Kolender*, 461 U.S. at 369 (White, J., dissenting)). Bourgeois must show that the statute “lacks specificity as to his own behavior and not as to some hypothetical situation.” *City of Edina v. Dreher*, 454 N.W.2d 621, 622 (Minn. App. 1990) (quotation omitted), *rev. denied* (Minn. June 15, 1990). As we have explained, the charged conduct involved maintaining conditions on the farm that led to multiple dead chickens being “tangled” in the fencing of an animal enclosure, a dead bird “pushed into the ground” and rotted beyond identification,

decomposing birds in a metal stock tank, birds that had been dead for more than a couple of days, and coughing, ill goats standing on thin plywood surrounded by water. A person of ordinary intelligence would understand that these conditions are prohibited by Minn. Stat. § 343.21, subd. 2, because they deprived the animals of necessary food, water, or shelter. While Bourgeois maintains that “with the exception of the extreme weather event on the night of May 30, 2022, [he] did provide the necessary food, water, and shelter to his animals,” the state alleged—and, considering the verdict, the jury clearly found—that the birds had been dead for more than a couple of days.

We conclude that Bourgeois has failed to meet his heavy burden of demonstrating that Minn. Stat. § 343.21, subd. 2, is unconstitutionally vague as applied to him.

IV. Bourgeois is not entitled to relief on the arguments raised in his pro se brief.

In a pro se supplemental brief, Bourgeois argues that the investigator’s testimony was incomplete and misleading and the photographic evidence was false. To the extent that these arguments challenge the sufficiency of the evidence supporting the jury’s guilty verdict, we are required to view the evidence in a light most favorable to the verdict, assume that the jury believed the state’s witnesses and disbelieved contrary evidence, defer to the jury’s credibility determinations, and not reweigh the evidence. *Harris*, 895 N.W.2d at 600-01; *State v. Franks*, 765 N.W.2d 68, 72-73 (Minn. 2009). For the reasons we have discussed, the evidence was sufficient to permit the jury, acting with due regard for the presumption of innocence and requisite burden of proof, to reasonably conclude that Bourgeois was guilty of animal mistreatment.

Bourgeois next contends that (1) law enforcement failed to follow avian flu protocol, (2) the state withheld evidence, (3) the district court erroneously stated that the road was a public right-of-way, (4) the prosecutor hypnotized and tampered with the jury, and (5) the county engaged in a pattern of deception regarding the farm. Bourgeois additionally makes several assertions about the agriculture exemptions, wetland designations, the county's flood-control measures, and the farm's location.

While “some accommodations may be made for pro se litigants, this court has repeatedly emphasized that pro se litigants are generally held to the same standards as attorneys and must comply with court rules.” *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). “Claims in a pro se supplemental brief that are unsupported by either arguments or citation to legal authority are forfeited.” *State v. Montano*, 956 N.W.2d 643, 650 (Minn. 2021) (quotation omitted). “Such arguments will not [be] considered unless prejudicial error is obvious on mere inspection.” *Id.* at 650-51. We have reviewed Bourgeois's remaining claims of error and conclude that they are forfeited because they are unsupported by either legal arguments or citation to legal authority and because prejudicial error is not obvious on mere inspection. *See id.*⁴ We therefore do not address them.

Affirmed.

⁴ Additionally, many of Bourgeois's arguments refer to facts that are outside of the record on appeal. The record on appeal consists of “[t]he documents filed in the [district] court, the exhibits, and the transcript of the proceedings, if any.” Minn. R. Civ. App. P. 110.01. Appellate courts do not consider any factual assertions that are beyond the record. *See Plowman v. Copeland, Buhl & Co.*, 261 N.W.2d 581, 583 (Minn. 1977) (stating that “[i]t is well settled that an appellate court may not base its decision on matters outside the record on appeal”).