

House Bill 369
February 3, 2011
Presented by Jim Kropp
House Judiciary Committee

Mr. Chairman and committee members, I am Jim Kropp, Chief of Law Enforcement of Montana Department of Fish, Wildlife & Parks (FWP). I am here in opposition of House Bill 369.

HB369 effectively unravels 122 years of conservation efforts on behalf of Montana Game Wardens, FWP and Montana's conservation community. The bill, as it currently stands, poses to effectively remove some of the most basic and important lawful law enforcement tools from wardens in their work to protect Montana's wild resources. It minimizes wardens' role as sworn law enforcement officers and, for all intents and purposes, relegates their role to that of being little more than wildlife hosts.

Montana Game Wardens are sworn peace officers of the state of Montana. They receive the same training alongside other state, county and municipal officers, and are required to attain and maintain the same law enforcement, legal and physical knowledge and skills as all other sworn officers in the state. They are subject to the same regulations, laws and codes of conduct of other sworn officers in the state.

Game Wardens work with the Special Prosecutor in the Office of the Attorney General in the investigation of major, complex and serious commercial wildlife crimes. Montana's world class resources often are not only a point of pride but, at the same time, the target of those who wish to steal those resources for their own selfish, personal gain and aggrandizement.

More often than not, local deputies are involved in the execution of search warrants by wardens. Local law enforcement is regularly appraised of the enforcement efforts of wardens and often, such work is coordinated, both for officer safety as well as in reciprocation for support in other areas.

We do not embark upon investigations lightly. As I have mentioned, these investigations involve oversight by the Attorney General's Office. They are not initiated without thorough, forethought and consideration of laws and constitutional veracity. Search warrants are generally signed and approved by District Court judges. These investigations and prosecutions are lawful actions that are based on the tenants of law, due process and in full consideration of the rights of those accused.

Taking fundamental lawful procedures from warden's authority will only serve to enhance the abilities of those determined to break the law and steal wild resources from the people of the state. To allow evidence, such as an allegedly unlawfully taken deer or elk, to remain in the possession of a person accused of a wildlife violation is akin to permitting someone accused of stealing a car to keep it and use it until the case is adjudicated. It is not only poor practice,

leaving a wide open gap for evidence tampering but strikes to the heart of the lawful criminal justice process. We cannot support that. To remove negligence as a basis for violation of wildlife law gives carte blanche to those who claim simple ignorance of the law or their situation as a legitimate excuse to break the law. We cannot support that.

HB369 takes a substantial investigative tool from FWP, namely covert operations. That tool is one that operates under the strictest legal constraints of any law enforcement activities. It has been and continues to be an important tool in fighting the unlawful commercialization of Montana's world-class wildlife resources.

Perhaps our objections to HB369 can be articulated in the words of recently retired Montana Supreme Court Justice William Lephart who stated, "... If we in effect legally blindfold wardens so that they cannot look into an open live well or the bed of a pick-up truck at a game check point, we will have created a poacher's haven where Montana's treasured wildlife will eventually go the way of the ill-fated dodo bird." He also stated that "...game wardens are acting not only as law enforcement officers, but as public trustees protecting and conserving Montana's wildlife and habitat for all of its citizens." Thank you.

Montana Standard

Posted: Monday, January 3, 2011 11:06 pm

11 convicted of illegally hunting in Phillips County

Wildlife officials say a multiyear investigation into the illegal killing of elk in north-central Montana's Phillips County has led to the convictions of 11 hunters from several states.

Montana Fish, Wildlife and Parks criminal investigator Lennie Buhmann says \$37,300 in fines and restitution has been collected in the case, which involves defendants from Columbus and Shepherd, Mont., and South Dakota, Utah and Arizona.

Buhmann says the case involved a group that hunted in south Phillips County from 2000 to 2009, killing elk without licenses and valid permits while loaning licenses to those in the hunting party who did not have them.

In all, 11 illegally killed bull elk were recovered. A cow elk also was illegally killed but was not recovered.

Eight of the defendants lost a total 22 years of hunting, fishing and trapping privileges in 36 states.



Montana Fish, Wildlife & Parks

NEWS

Region 4, Great Falls

1/25/2011

Red Lodge Man Sentenced for Illegal Outfitting

Contact: Bruce Auchly

(406) 454-5840

A Red Lodge man was sentenced to 36 days in jail Tuesday and fined \$12,730 in Cascade County Justice Court for illegal outfitting on the Missouri River.

John Kebble, 48, was convicted of 38 counts of illegal outfitting last July after a four-day jury trial. Fish, Wildlife and Parks game wardens brought the charges following numerous tips about Kebble outfitting without a license in 2005 and 2006 on the blue ribbon trout section of the Missouri River downstream of Holter Dam.

The Board of Outfitters had revoked Kebble's outfitting license in 2004 for a felony conviction of possessing dangerous drugs.

Cascade County Justice of the Peace Kathleen Jensen handed down the sentence after listening to recommendations by the state prosecutor Barb Harris and Kebble's attorney, Jack Morris of Whitehall.

Kebble was sentenced to 48 days in jail but given credit for 12 days served for an unrelated offense.

Morris was able to obtain a stay of sentence for his client because he filed an intent to appeal. Kebble, who currently works as an electrician in Texas, was released on his own recognizance.



Montana Fish, Wildlife & Parks

NEWS

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FOR IMMEDIATE RELEASE

December 30, 2010

Elk Poaching Case Nets Nearly \$40,000 in Fines & Restitution from Hunters

(PHOTO OUTLINE: XXXXXXXXXXXX (photo courtesy Montana FWP))

GLASGOW, Mont. – A multi-year investigation into the illegal killing of elk in southern Phillips County has resulted in criminal convictions for 11 resident and nonresident hunters.

According to **Montana Fish, Wildlife & Parks (FWP) Criminal Investigator Lennie Buhmann**, a total of \$38,835 in fines and restitution has been collected in the case, which involves defendants from Columbus and Shepherd, Mont., and South Dakota, Utah and Arizona.

Eight of the 11 defendants also lost a total 22 years of hunting, fishing and trapping privileges in the 36 states involved in the Interstate Wildlife Violators Compact.

"The case involved a group of hunters from the Billings area, South Dakota, Utah and Arizona who hunted south Phillips County from 2000 to 2009, killing elk without licenses and valid permits while loaning licenses to those in the hunting party who did not have them," Buhmann said. "When the hunters were confronted about their violations, most of them were honest and owned up to what they had been doing for almost a decade."

The three-year-long investigation resulted in two search warrants being served on a hunting camp/lodge in southern Phillips County and a residence in Yellowstone County. Defendant interviews were conducted by the FWP Region 6 Enforcement team and officers from the South Dakota Department of Game, Fish & Parks.

"Without the help of the officers in South Dakota, successful prosecution of this case would not have been possible," Buhmann said. In all, 12 unlawfully killed bull elk were recovered. Two of the bulls were trophy class, which resulted in \$8,000 in restitution being charged for each. Another animal, a cow elk, was also unlawfully killed but was not recovered.

The defendants, who were primarily prosecuted in Phillips County Justice Court, include:

- Donald Ray Keever, 54, of Shepherd, Mont. Charged with four misdemeanor counts of possessing unlawfully killed bull elk and two counts of loaning an elk license to another



Montana Fish, Wildlife & Parks

NEWS

Region 4, Great Falls
Contact: Bruce Auchly

9/3/2010
(406) 454-5840

LEWISTOWN MAN SENTENCED FOR POACHING

A Lewistown man will spend 30 days in the Fergus County jail, pay \$4,535 in fines and court costs and lose his hunting, fishing and trapping privileges for 10 years after pleading guilty to two felonies and a misdemeanor for poaching.

Craig Henry Metcalf Jr., 24, pleaded guilty to felony possession of six deer, felony sale of a black bear and mule deer buck and misdemeanor waste of a white-tail fawn.

The jail time, which can be served on weekends, was for the misdemeanor waste of game charge. For each felony, Metcalf was given a suspended sentence of 42 months with the Department of Corrections.

Metcalf had been charged with two felonies and 18 misdemeanors for poaching activities last October that included seven deer, two antelope, one black bear and one wild turkey.

On Oct. 27 and 28, Metcalf was observed around the Lewistown area, shooting animals illegally, wasting game and hunting without a license.

Over the two-day period, a Fish, Wildlife and Parks Region 4 investigation determined that Metcalf conducted illegal activities from the Moccasin Mountains north of town to the state fish hatchery south of Lewistown.

Sentencing took place July 12 in Fergus County District Court.



Montana Fish, Wildlife & Parks

Region 4, Great Falls

7/2/2010

GREAT FALLS MAN FINED, JAILED FOR POACHING

Contact: Bruce Auchly

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A Great Falls man, who pleaded guilty to five counts of poaching, was sentenced to 80 days in jail, fined \$4,575, ordered to pay \$300 restitution and forfeited his hunting and fishing privileges for 10 years.

Sidney Gamble Jr., 59, was sentenced June 23 by Cascade County Justice of the Peace Kathleen Jensen after he pleaded guilty to hunting without a license, unlawful possession of a deer, and three counts of failure to validate a tag. A waste of game charge was dropped.

The actions took place over the course of the 2009 hunting season, says Fish, Wildlife and Parks game warden Bryan Golie.

Acting on a tip about illegal hunting activity near the old Dearborn Inn in rural Cascade County, Golie and two other game wardens interviewed Gamble who admitted to several offenses including shooting from the road, trespassing, improperly validating tags and waste of game.

Gamble has been in trouble before for poaching.

In November 2008, he was charged with an over limit of mule deer bucks and possession of unlawfully killed wildlife. For those offenses he was given a one year suspended sentence and fined \$1,035.

Wash. man sentenced in poaching case

by PERRY BACKUS - Ravalli Republic | Posted: Friday, April 30, 2010 12:00 am

A second Washington State man will spend time in jail and live out his life as a felon for his role in a 2003 poaching case in the Bitterroot Valley.

Brent Mercado, 24, was sentenced to 30 days in jail and a three-year suspended sentence to the Montana Department of Corrections Thursday in Ravalli County District Judge James Haynes' court.

Mercado and Alan T. Sweet, 46, pleaded guilty earlier this year to felony and misdemeanor poaching charges that occurred during a drive through Montana in 2003 that the men later called their "big hunting trip."

The men were charged in 2007 after Sweet's ex-wife contacted Washington authorities to report the men had hunted illegally in Montana. She offered authorities photos of Sweet holding a young bighorn sheep's head and other evidence.

The bighorn sheep was shot south of Darby just off the highway using a spotlight.

Court records said the men also shot a mule deer in Ravalli County and an antelope in Beaverhead County while on their trip. Neither one had a Montana hunting license.

Both blamed the other for pulling the trigger.

Haynes sentenced Sweet earlier this month to 90 days in jail and a five-year suspended DOC commitment.

The judge allowed Mercado two weeks to consider withdrawing his guilty pleas after Haynes said he would likely reject a plea bargain agreement that recommended a deferred sentence.

On Thursday, Ravalli County Chief Deputy Attorney Geoff Mahar offered a second plea agreement that included a recommendation for a suspended sentence, jail time and lifetime loss of hunting and fishing privileges.

Mahar asked the judge to take into consideration the fact Mercado stepped forward and offered investigators information about the case.

"In cases where you have two or three co-actors, somebody is going to get a better deal," Mahar said.

Mercado's lawyer, Nick Miller, said his client was 18 years old at the time and had no criminal record back then.

"He was young ... and less than half the age of Mr. Sweet," Miller said.

Acknowledging that both men continue to disagree on who pulled the trigger, Miller said his client's statements have remained consistent throughout the investigation, while Sweet's have not.

"Mr. Mercado has taken responsibility for this thing that happened quite a while ago," Miller said.

In the years following the 2003 "big hunting trip," Haynes said Mercado was arrested on a variety of charges including assault, minor in possession of alcohol, domestic violence, bail jumping and additional counts of unlawful hunting of big game.

At this point, Haynes said it didn't matter who pulled the trigger back in 2003.

"I don't know or care who initiated the attacks on these animals," he said.

Ultimately, both men were responsible for driving through Montana and shooting at any big game they saw, the judge said.

On top of the jail and DOC commitment, the judge ordered Mercado to pay the state \$2,000 in restitution for the bighorn sheep. He also fined the man \$2,000 and suspended half of that.

Haynes stripped both men of their hunting and fishing privileges for life. Neither will be allowed to even accompany anyone participating in those pursuits.

At the end of the hearing, Mercado was led out of the courtroom to join Sweet in the Ravalli County Detention Center.

Montana Fish, Wildlife and Parks Investigator J.D. Douglas said a case as old as this is never easy.

"We really appreciated the cooperation we received from the Washington authorities and the Ravalli County Attorney's Office," Douglas said. "We couldn't have made this case without their help."

The Wild Sheep Foundation added \$1,000 to the reward offered in the case.

Log on to RavalliRepublic.com to comment on this and other stories.

Editor Perry Backus can be reached at 363-3300 or editor@ravallirepublic.com.

4/30/201 Email from J.D. Douglas:

Both of these guys also lost their driver's licenses for 12 mos as a result of 61-5-205 (motor vehicle used in commission of any felony). Keep that in mind as a motor vehicle is used in any case. We argued they used the vehicle to hunt from and they used it to transport the sheep. So for pretty much any felony of ours, we can get their d/l during the penalty phase.

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Online Photos Lead to Poaching Convictions

Newshound with J.R. Absher

WILDEST NEWS SOURCE IN THE OUTDOORS



May 13, 2010

Online Photos Lead to Poaching Convictions - 9

by J. R. ABSHER



Here at the Outdoor Life Newshound, we've written it before we'll probably (unfortunately) write it again: Poachers and game-law violators are not the sharpest tools in the shed.

Our most recent example of this premise is Paul Harvey III of Grants Pass, Ore., who was sentenced late in April after pleading guilty to felony unlawful possession of game animals and misdemeanor unlawful alteration of a hunting license.

An anonymous tip originally led authorities with Montana Fish, Wildlife and Parks to a Website where Harvey posted photographs of himself and his father posing with rifles and numerous dead deer. By tracing a license plate number on an ATV in one of the photos, **Warden Brian Sommers** was able to identify Harvey's father, Paul, Jr. and his home near Trout Creek, Mont.

Further investigative work revealed that while the younger Harvey had purchased Montana deer and elk licenses in the late 1980s, from 1996 through 2007 he continued hunting without licenses—taking seven deer and two elk illegally.

Evidence in the case was obtained by searches conducted by Warden Sommers, the U.S. Fish and Wildlife Service and the Oregon State Police at the homes in Trout Creek and Grants Pass in 2008.

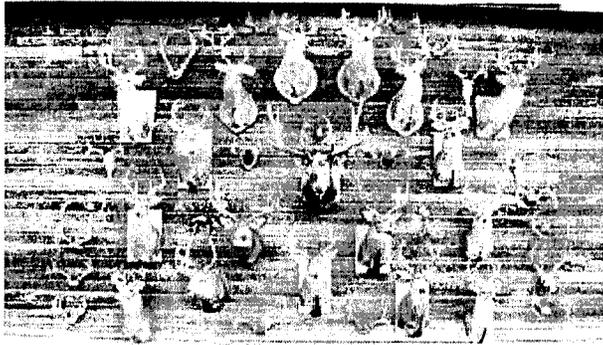
The Kalispell Daily Interlake newspaper reported this week that Paul Harvey III, his father Paul Harvey Jr., and his stepmother, Rita Harvey pleaded guilty in Sanders County court proceedings last December and January.

The younger Harvey was fined \$50, ordered to pay \$10,000 restitution and lost his hunting privileges for five years. Paul Harvey Jr. pleaded guilty to felony unlawful possession of game animals by accountability, and a misdemeanor charge of unlawful alteration or use of a license. He was ordered to pay \$5,000 in restitution and lost his hunting, fishing and trapping privileges for five years.

So, not only does the case further prove that poachers aren't rocket scientists, there's also that adage about the apple not falling far from the tree...



SACO RANCH FAMILY TO BE SENTENCED IN SCAM



Montana Department of Fish, Wildlife and Parks

The Montana Department of Fish, Wildlife and Parks displays illegally killed mounts from the Bergtoll-Bazile hunting case.

A long-running scheme to profit from poaching caught up with a Saco-area ranch family, whose members face sentencing in federal court in Billings on Wednesday.

State and federal officials called the case a flagrant violation of hunting regulations and a large-scale theft of the state's wildlife.

A federal prosecutor is recommending probation for Leo O. Bergtoll, 74, and his wife, Anna Lou L. Bergtoll, 68, and prison time for their son, Darrel L. Bergtoll, 44, in addition to hefty fines. The prosecutor also is calling for some unusual community service.

Defense attorneys say probation and a fine, not prison, are appropriate because the Bergtolls are good community citizens. Senior U.S. District Judge Jack Shanstrom is presiding.

A fourth co-defendant, Anthony J. Bazile, 61, of Louisiana, who was the Bergtolls' client wrangler, pleaded guilty to a felony and is to be sentenced in September.

Mike Herman, warden captain of the state Department of Fish, Wildlife and Parks in Glasgow and lead state investigator, called the case "the largest illegal commercial operation" involving the landowner sponsor program in the department's history.

"Greed for the almighty dollar got the best of the Bergtolls and Bazile, and the common sportsman and Montana residents suffered the consequences," Herman said in court records.

The Bergtolls and Bazile stole hunting opportunities from legally licensed hunters, Herman said. The Bergtolls and their Frenchman Valley Ranch are worth millions, Herman said, "and Leo, Anna Lou and Darrel think about how to sell Montana wildlife resources."

The Bergtolls pleaded guilty in February to violating the Lacey Act, which regulates the interstate sale, transportation and purchase of wildlife. Leo Bergtoll admitted to a felony conspiracy count while Anna Lou Bergtoll and Darrel Bergtoll each admitted to a misdemeanor violation.

The Bergtolls worked with Bazile, a longtime associate, to recruit hunters in Southern states and run an outfitting business on their cattle ranch north of Saco. Most of the hunting occurred near the Frenchman Reservoir, which is about halfway between Highway 2 and the Canadian border.

Special Assistant U.S. Attorney Robert Anderson, of Missoula, said Bazile charged \$800 a person to apply for a Montana landowner-sponsored buck deer license. He also told the clients there was a \$1,200 fee to be paid at the ranch.

Bazile would send the client's name and \$300 application fee to Anna Lou Bergtoll and pocket the rest. Anna Lou Bergtoll would submit the client's name for the license drawing. Darrel Bergtoll, who owns a separate parcel nearby, also would submit clients' names from Bazile for licenses on his property, even though clients hunted on his parents' ranch.

If clients failed to draw a license, Bazile encouraged them to come to Montana anyway and assured them that they would get licenses. Meanwhile, the Bergtolls sold their own resident licenses and their employees' resident licenses to generate more money and to provide more illegal licenses. Few hunters left empty-handed, the prosecutor said, because the fields near hunting blinds used by the clients were baited to bring in game, and the hunters were told to shoot any animal they wanted. The illegal operation ran from 1999 until 2003. The state began investigating after receiving tips from hunters, sportsmen and other landowners in the area.

The Bergtolls collected at least \$249,600 over the five years, Herman said. Bazile collected more than \$183,000 from clients and kept about \$119,000 as profit.

Depending on how the sentencing guidelines are determined, the Bergtolls could face more than a year in prison. The prosecutor, however, is requesting probation or a few months in prison, because the Bergtolls cooperated.

Anderson recommended 40 months of probation for Leo and Anna Lou Bergtoll and for each to pay a \$40,000 fine. He recommended four months in prison and a \$40,000 fine for Darrel Bergtoll. Anderson further recommended that the Bergtolls each perform community service by providing outfitting services on their ranch for three years to participants in the Wounded Warrior Project, an organization that helps severely injured veterans.

In addition, Anderson wants the Bergtolls to enroll their property in the state's Block Management Program without financial reimbursement for 10 years. The program allows the state to lease private lands for public hunting.

Anderson also asked the Bergtolls buy a full-page newspaper ad in which they would describe their criminal conduct. The goal is to deter others and to dispel any perception that the Bergtolls acted unintentionally or from a misunderstanding, Anderson said.

Letters of community support sent to the court on behalf of the Bergtolls indicate a "misguided sense" that the family was caught up in a complicated licensing system they didn't understand or may have accidentally violated, Anderson said.

Darrel Bergtoll's attorney, Mike Moses of Billings, filed 81 letters of support from family members, including Anna Lou Bergtoll, ranchers, friends, business owners, attorneys and law enforcement officers. The letters urge leniency and describe Darrel Bergtoll as a hard-working family man and an asset to the community.

Valley County Sheriff Glen Meier sent a letter saying Darrel Bergtoll was his friend and a good person who could move on from his problems.

Moses recommended probation and a \$3,000 fine, saying Darrel Bergtoll had a minimal role in the operation. Prison would create an "enormous hardship" for his family and jeopardize the family's ranch, he said.

Billings attorney Cammi Woodward, who represents Leo and Anna Lou Bergtoll, recommended probation and an unspecified fine but objected to enrolling the Bergtoll's ranch in the block management program because of previous bad experiences. Woodward called the prosecutors' request to require the couple to publish a full-page newspaper ad as "beyond the pale."

Contact Clair Johnson at cjohnson@billingsgazette.com or 657-1282.

Posted in [Montana](#) on Monday, August 17, 2009 11:45 pm | Tags: [Saco Ranch](#), [Anna Lou L. Bergtoll](#), [Darrel L. Bergtoll](#)

Moose, calf poaching outrages Whitehall residents

■ **State officials offering \$1,000 for information leading to conviction in case**

By **NICK GEVOCK**
The Montana Standard

WHITEHALL (LEE)—John Spaulding had seen the orphaned calf moose nibbling on willow in the same spot along the Jefferson River nearly every day since October, when its mother had been killed by a poacher.

"This calf was right there within 100 yards of where it had been since its mother was killed," he said Wednesday. "We always slowed down just to look at it, when

it ate it was down on its knees."

But the calf suffered the same fate as the cow when a poacher shot it from the road around 5 p.m. Dec. 8 and left it to die.

The poaching, which is under investigation by Montana Department of Fish, Wildlife and Parks investigator Chad Murphy, has people who had seen the calf over the past two months livid.

"People in this community are outraged," Murphy said. "A lot of people who drove that road saw that calf every single day."

The cow had been killed by a poacher on Oct. 16 about 200 yards off of Kountz Road, near the state fishing access site roughly

3 miles southeast of Whitehall, and was discovered the next day. Murphy said the calf looked healthy and was likely to survive the winter, so he decided there was no reason to move it.

A nearby resident heard a shot and then the sound of a vehicle racing off right around 5 p.m. on Dec. 8. The calf was found dead the next day, apparently shot from the road.

The killing of the calf was a blatant poaching, Murphy said.

"There was no sign of attempting to save the meat," he said. "The animals were shot and they drove

off and abandoned them in the field."

State officials are offering a \$1,000 for anyone with information that leads to a conviction of either wildlife crime, and the Jefferson Valley Sportsman's Association has pitched in \$100 for a reward.

Anyone with information about the poachings can call 1-800-TIP-MONT (1-800-847-6668) or contact Murphy at 287-5597. Callers can remain anonymous or confidential,

Reporter Nick Gevock can be reached via email at nick.gevock@mtstandard.com

GREATFALLTRIBUNE.COM

THURSDAY, JULY 9, 2009

Glasgow youths sentenced for poaching

From Tribune reports

GLASGOW — A Valley County justice of the peace sentenced two Glasgow youths for killing and abandoning five pronghorn antelope south of town last month.

According to Montana Fish, Wildlife & Parks, Sawyer J. Hillman, 16, and Dillon T. Pankratz, 13, were driving around shooting gophers just outside Glasgow during the middle of the day on June 7 when they encountered the antelope on private land and started shooting.

The teens shot and killed two bucks and three does. Each of the does had nursing fawns. All of the animals were left in fields.

Warden Sgt. Shane Reno

and Glasgow-based Warden Ron Howell used information from area landowners to track down the boys for questioning. The youths were charged after confessing to the illegal acts.

Both Hillman and Pankratz were sentenced last week on five misdemeanor counts each of hunting during a closed season and five misdemeanor counts each of waste and abandon of a game animal.

Justice of the Peace Linda Hartsock ordered each of the boys to serve 24 months of juvenile probation, perform 100 hours of community service, pay \$500 in restitution and \$350 in surcharges, and complete a remedial hunter education program. In addition, both Hillman and Pankratz lost their hunting and fishing privi-

leges for 24 months.

"We're investigating these types of cases almost constantly all along the Hi-Line from Havre to Glasgow," Howell said. "These big game animals belong to the public, and we set seasons and quotas to manage and protect them. Taking them out of season and leaving them to rot is a slap in the face to law-abiding hunters, as well as to all of our citizens."

Howell asked that landowners and others keep an eye out for unusual activity and suspicious people acting strangely in outlying areas.

"We can use all the help we can get to bring more of these poachers to justice," he said. "Please call us if you see something that doesn't look right."

23 Lobbyist pleads guilty of poaching

By JENNIFER MCKEE
Gazette State Bureau

HELENA — A former employee of both U.S. Sen. Conrad Burns, R-Mont., and indicted lobbyist Jack Abramoff has pleaded guilty to poaching and trespassing in Stillwater County.

Shawn Vasell, 33, of Arlington, Va., pleaded guilty to one count of hunting without a license and a second count of hunting on private property without landowner consent, according to documents filed Nov. 3 in Stillwater County Justice Court.

Vasell agreed to a plea agreement that allowed him to avoid jail time.

He was charged with four violations of Montana big-game laws. Prosecutors dropped two counts.

Vasell cannot hunt, fish or trap in Montana for two years. He was fined \$670 and had to pay \$500 restitution for the value of the mule deer buck he shot.

The charges date back to an outing Nov. 26, 2004, in which Vasell poached a buck on private land without permission.

The trip was the subject of a lengthy essay and photo display on the now-defunct personal Web site of Billings resident J.R. Reger.

The Web site showed pictures of Vasell posing with the buck, holding up its head with a hunting rifle leaned against the animal's body.

Vasell worked with Abramoff at the Washington, D.C., lobbying firm of Greenberg Traurig until 2002, when he quit to be Burns' statewide director in Billings. After a year with Burns, Vasell went back to lobbying with Abramoff.

He now lobbies for Hewlett Packard in Washington, according to documents filed with the U.S. Senate.

The Justice Department is investigating whether Abramoff used money and favors to win undue influence with lawmakers. Burns is one of four lawmakers linked to the investigation, the Washington Post and Wall Street Journal have reported, citing anonymous sources.

Poaching sentence given

GREAT FALLS (AP) - A Montana landowner who helped arrange an illegal hunt for a Pennsylvania man and his teenage son has been sentenced to probation and ordered to pay a fine for violating federal wildlife rules.

U.S. Magistrate Carolyn S. Ostby ordered Lin Torgerson, 30, of Etheridge, to pay \$2,500 in fines, plus restitution of \$500 after his guilty plea to a federal charge of violating the Lacey Act, which governs the interstate transportation of wildlife. Ostby also put Torgerson on two years probation.

Prosecutors said Torgerson helped secure nonresident deer hunting licenses in 2000 for the Pennsylvania man and his 13-year-old son. In addition, the Pennsylvania man had paid another landowner about \$2,000 to hunt on that man's property.

The man and his son each killed a whitetail deer, then returned to the landowner's property and — illegally using two-way radios to coordinate their hunt — the father killed another deer, even though he did not have another tag.

Prosecutors said Torgerson was present at the time all three deer were killed and later arranged to have the animals mounted and shipped to Penn.

Bitterroot poaching family sentenced

by *JOHN CRAMER - Ravalli Republic - July 9, 2009*

State wildlife authorities and Ravalli County prosecutors closed the case on the major players in a long-running family poaching ring in the Bitterroot Valley on Wednesday.

In the end, the convictions will tap the pocketbooks of the Roberts family for nearly \$13,000 and keep them away from Montana's big game for more than three decades.

Two brothers - Shon Roberts of Umatilla County in Oregon and David Roberts of Missoula - pled guilty to multiple counts of illegally killing big game over the past decade.

Their parents, John and Gail Roberts of Conner, and a family friend, Jayson Lucy of Arlee, were convicted in May as part of the same case.

The only participant in the poaching ring still being sought is a teenage boy who had a lesser role.

Prosecutors and Montana Fish, Wildlife and Parks investigators said the Roberts family killed at least 31 elk and white-tail and mule deer from 1997 to 2007 on national forest land and private land in the Dickson Creek drainage near Conner.

Authorities said the number of poached animals likely was far higher, but that they have only been able to document 31.

According to court records, the elder Roberts bought in-state hunting licenses and gave them to their sons, who lived in Oregon at the time, so they could avoid paying the higher non-resident license fees. Besides the license and tag violations, the Roberts killed game out of season.

"This case is as serious as it gets," said **FWP Criminal Investigator J.D. Douglas**. "The parents were assisting others from out of state and essentially destroying Montana's resources. The whole family was involved. They treated this area like their own personal poaching grounds, but they've shown no remorse."

Shon Roberts was originally charged with one felony and four misdemeanors, but under a plea agreement he pled guilty to four misdemeanors and no contest to one misdemeanor, including hunting without a license, hunting out of season and unlawful possession of a game animal.

Ravalli District Court Judge Jeffrey Langton sentenced Shon Roberts to 30 months of probation, ordered him to pay \$3,675 in restitution, fees and court costs, revoked his hunting and trapping privileges for 13 years and confiscated the weapons and animals poached in the case.

David Roberts was originally charged with multiple felonies and misdemeanors, but under a plea agreement he pled guilty to one felony for unlawful taking of wildlife.

Langton gave him a deferred sentence of six years of probation and ordered him to pay \$7,700 in restitution, fees and court costs, revoked his hunting and trapping privileges for 18 years and fishing privileges for three years and confiscated the weapons and animals poached in the case.

The deferred sentence means his record will be cleared if he completes the conditions of his sentence.

Langton also ordered David Roberts to turn himself in to Oregon authorities within a year on an arrest warrant for assault.

In May, John Roberts was found guilty in a bench trial in Ravalli County Justice Court of one count of illegally loaning his hunting license. He was fined \$1,035 and had his hunting privileges revoked for a year.

Later that month, Gail Roberts pled guilty to the same charge was fined \$335 and had her hunting license revoked for a year.

Lucy pled guilty to unlawfully killing a game animal, unlawfully possessing a game animal and hunting over bait. He was ordered to pay \$2,500 in fines, restitution and court costs and had his hunting privileges revoked for two years.

The case started in 2006 when FWP staffers found discrepancies during a routine review of licensing purchases. A confidential informant provided the FWP with further details in 2008.

Roberts, **FWP Game Warden Lou Royce** and Oregon authorities served search warrants on the homes of Shon Roberts, Dave Roberts, John and Gail Roberts and Lucy in 2008.

They found antlers from some of the poached animals, photographs and other evidence, although the meat had apparently all been eaten.

Log on to RavalliRepublic.com to comment on this and other stories.

Reporter John Cramer can be reached at 363-3300 or jcramer@ravallirepublic.com.

Man sentenced in wildlife case
by PERRY BACKUS - Ravalli Republic
June 10, 2009

A Hamilton man pleaded guilty Monday to two counts of misdemeanor obstruction of a peace officer during an investigation in a wildlife case that dates back to 2005.

Ravalli County Justice Robin Clute sentenced Doug Walker, 65, to fines of \$335 and 90 days in jail for each count.

Clute suspended the jail time on conditions. She placed Walker on one year probation and deferred imposition of sentence. If Walker doesn't break any law between now and then, the charges will be withdrawn from his record.

Clute also pulled Walker's hunting privileges for a year.

Walker was originally charged with felony possession of unlawfully taken wildlife in a case that began after state wardens spotted a photograph of a trophy mule deer buck posted in Minnesota hunting magazine, said J.D. Douglas, a Montana Fish, Wildlife and Parks regional investigator.

The photograph was submitted by Walker's nephew, Dennis Torkelson, of Hawley, Minn.

When wardens confronted the two men about the photograph, they originally said the deer was shot in the Big Hole. Douglas said an analysis of plant composition and the condition of the animal showed that wasn't possible.

"We'll probably never know exactly where the deer was taken, but we know it was taken in the Bitterroot," Douglas said.

Mule deer hunters in the Bitterroot are required to obtain a special permit. Torkelson didn't have one.

Torkelson pleaded guilty in March 2008 to illegally taking a trophy mule deer buck and was fined \$335 and ordered to pay \$4,000 in restitution. He lost his hunting privileges for two years.

"I've got to hand it to (Ravalli County prosecutor) Bill Fullbright for sticking with this one," Douglas said. "It was a difficult case. Mr. Walker hired three different attorneys to fight it. Without the work that he did, we would not have made this case."

Prolific poacher gets fines, jail time

By EVE BYRON - *Independent Record* - 04/16/09

BOULDER — Shawn Lar must pay about \$15,000 in fines and restitution and will spend 30 days in jail for long-term, widespread criminal activities involving 41 poached big game animals during a 14-year period in Montana and Alaska.

Lar, 42, illegally shot trophy caribou in Alaska, a trophy class eight-point bull elk in the Mussellshell area, and trophy class mule and white-tailed deer; and helped his sons illegally shoot black bear, bobcats and mountain lions in Lincoln and elsewhere in Montana, according to testimony presented Wednesday in Jefferson County District Court in Boulder.

He also apparently provided or swapped hunting trips with non-residents from as far away as Australia and Florida, allowing them to illegally use resident tags and using his taxidermy service to mount the animals. In addition, Lar figured out a way to remove permanent tags from some of animal hides and reuse them on poached game in his taxidermy business.

He pleaded guilty to two felonies in connection with the incidents, and four misdemeanors. In addition to the fines, restitution and jail time, Lar lost his right to go hunting, fishing or trapping, or even to accompany anyone doing those activities, for the rest of his life in Montana and 30 other states.

“The scope of activity here is almost breathtaking,” Judge Loren Tucker said. “In addition to the crimes you have admitted to here, you were involved in a variety of unlawful takings which are remarkable for their variety and their number. Unlawful outfitting, unlawful hunting, providing false information. You wasted animals, you improperly misused tags, and it looks like there are some violations of the federal Lacey Act. You profited in economic terms for your activities.

“And the astounding factor, which is consistent rather than surprising, is it appears you were a self-aggrandizing man, touting yourself in *Pope and Young*, *Boone and Crockett*, the newspaper and magazines.”

His sentencing Wednesday was the latest in a string of cases connected to the investigation, which began with a telephone tip to law enforcement officials two years ago (see story on 10A). So far, 17 men from six states and Australia have pleaded guilty and were ordered to pay fines and restitution totaling more than \$57,000.

Lar sat in the defendant's chair next to his attorney, Dave McLean, with his head bowed as the judge listed the illegal activities. McLean said while he couldn't understand Lar's actions, he hoped Tucker would look beyond the crime and recognize that Lar also was a 19-year, trusted employee at Blue Cross and Blue Shield whose bosses wrote letters of recommendation for him; a father of three boys who has been married for 22 years; and a volunteer at many nonprofit organizations, including the Jefferson City fire department and Habitat for Humanity.

McLean added that other than traffic tickets, Lar has no criminal history and the public humiliation has hurt him irreparably. He also noted that Lar aided wildlife officials by asking other people who were involved in his illegal activities to admit their guilt.

“I can’t offer an explanation or justification other than the guy spiraled out of control on one issue — hunting — in his life,” McLean said. “I truly believe there isn’t a punishment equal to what this has done to Mr. Lar emotionally and at times physically, recognizing what the man of the house has done to his family and his wife in particular.”

However, Barbara Harris with the Montana Attorney General’s Office noted that Lar had stolen from the state as well as from other hunters over a lengthy period of time, illegally taking what honest hunters can only dream of and removing that forever.

Chad Murphy, the lead investigator in the case for Montana Fish, Wildlife and Parks, added that a lawful, ethical hunter typically doesn’t kill this many animals in a lifetime, especially those of trophy caliber like these. He also was upset that Lar was teaching the illegal activities to his children and others.

“He’s been hunting all his life. He knows the rules and regulations,” Murphy said. “I didn’t find where any mistakes were made. This was pre-planned. He knew exactly what he was doing.”

The first felony count involved 13 deer and two elk taken between 1994 and 1999. According to court documents, Lar sometimes shot mule and white-tailed antlered bucks, as well as bull elk, but either didn’t tag them or used someone else’s tags on some of the animals. The second felony came from a hunting trip to Alaska in 1998, in which Lar shot a small caribou and used his father’s tag on it, then shot a second caribou, used his tag on it, and entered it in the Boone and Crockett scorebook.

The misdemeanor counts involved illegal taking of bobcats and mountain lions, usually out of season, and of violating taxidermist record-keeping laws.

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Montana Fish, Wildlife & Parks

Region 4, Great Falls

4/13/2009

FIVE MEN SENTENCED IN ANTELOPE POACHING CASE

Contact: Bruce Auchly

(406) 454-5840

Four Minnesota men and a Stanford man had to pay \$8,540 in fines, restitution and court costs and each man forfeited his privileges to hunt and trap in Montana for two years for illegally killing antelope.

“This is an important case because this was premeditated, organized and an abuse of our natural resources,” said Tom Flowers, Fish, Wildlife and Parks regional investigator.

From 2005 to 2007, the group would receive antelope licenses good in one district, then hunt illegally in another district, Flowers said. The men were originally charged with poaching 17 antelope. They pleaded guilty to killing seven animals illegally.

An investigation led to the Stanford area where FWP Game Warden Bob Hammer, with the assistance of the Judith Basin county attorney’s office, was able to get the men to plead guilty. Justice of the Peace Larry Carver sentenced the men in March.

“The non-residents would typically apply for and receive the majority of their antelope permits in FWP’s Region 5 (south central Montana) where their chance of a successful drawing was high,” Flowers said. “Then they hunted in Region 4 (north central Montana) with the benefit and knowledge of a local resident.”

The illegal activity was discovered when the Minnesota men were stopped at the Canada-North Dakota border, returning from a separate waterfowl hunting trip. A search of the vehicle revealed a camera with pictures of harvested antelope that didn't appear to be properly tagged. When questioned the men said the antelope were killed in Montana.

Michael L. Bossen, age unknown, Stanford pleaded guilty to taking an antelope in the wrong district and unlawful possession of an antelope.

Adrian Marsden Jr., 62, Bayport, Minn., pleaded guilty to taking an antelope in the wrong district and unlawful possession of an antelope.

Thomas M. Sanders, 51, St. Paul, Minn., pleaded guilty to taking an antelope in the wrong district and unlawful possession of an antelope.

Edward J. Dobbs, 44, St. Paul, Minn, pleaded guilty to taking an antelope in the wrong district by accountability and unlawful possession of an antelope by accountability.

John E. Lockner, 44, Woodbury, Minn., pleaded guilty to taking an antelope in the wrong district, two counts of unlawful possession of an antelope, two counts of taking an antelope in the wrong district by accountability and unlawful possession of an antelope by accountability.

The accountability charges are from Dobbs and Lockner taking responsibility for their teenage sons' actions.

From: Payne, Gerri
Sent: Monday, March 02, 2009 4:43 PM
To: FWP #Enf HQ Div
Subject: FWP R4 news: Four Browning men sentenced
Region 4, Great Falls

3/2/2009

FOUR BROWNING MEN SENTENCED FOR POACHING

Contact: Bruce Auchly

(406) 454-5840

Four Browning men were each fined \$1,020 in Teton County court recently for trespass, hunting without a license and illegal possession of unlawfully taken wildlife.

In addition, Gregory A. LaPlant, 20; Devin T. Gray, 19; Sudena F. LaPlant, 20; and Jordan L. LaPlant, 18; had their hunting, fishing and trapping privileges revoked for 10 years by Justice of the Peace Pete Howard, who also ordered the men to forfeit their firearms, ammunition and hunting equipment used in the crime.

Howard handed down the sentence Jan. 14.

The case began late afternoon Nov. 15, 2008, on a ranch a couple of miles southeast of Dupuyer, just inside the Teton County line. A ranch hand saw a pickup off-road in a field, says Kqyn Kuka, Fish, Wildlife and Parks game warden.

The ranch hand stopped the truck to talk. When he noticed three dead deer in the back, the truck took off, Kuka says.

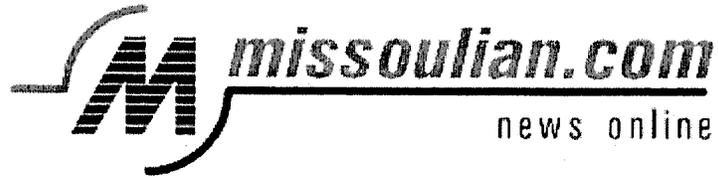
The witness called the Pondera County Sheriff and a chase quickly ensued. Reaching speeds of 80 miles an hour, the truck headed north through Dupuyer, across Birch Creek, and through Heart Butte until it ran off the road and hit a fence, Kuka says.

The four men in the truck fled the scene, Kuka says, but were soon captured.

In the back of the truck was a 4-by-5 mule deer buck, a 4-by-5 white-tailed buck, a headless mule deer buck and a 3-by-4 mule deer head. Inside the truck were three rifles and ammunition.

Kuka said four law enforcement agencies eventually became involved because the crime occurred in Teton County but the chase crossed into Pondera County and ended on the Blackfeet Reservation.

“Besides FWP, we had help from the Pondera County Sheriff, the federal Bureau of Indian Affairs, and the Blackfeet Fish and Wildlife Department,” Kuka says.



Poacher pleads guilty to illegally hunting deer

By TRISTAN SCOTT of the Missoulian - 10/23/08

A 22-year-old West Riverside man with a history of wildlife violations pleaded guilty Wednesday to three more offenses in Missoula County Justice Court.

Colby R. Jones first lost his hunting privileges in 2005, when he was convicted of unlawful possession of a big-game animal - a deer. He then continued to hunt illegally, and played a role in the 2006 killing of a bighorn sheep near Bonner. That sheep was left to rot, and was one of several bighorns killed by a poaching ring in the area, according to game wardens with Montana Fish, Wildlife and Parks.

During an investigation into the poaching ring, game wardens discovered that Jones had killed two more deer during the 2006-07 hunting season and tagged the animals with other people's licenses - one from his father and the other from his girlfriend. He was subsequently convicted of unlawful possession of game animals and illegally transferring licenses. At sentencing, Jones was fined \$1,340, lost his privileges for five years and was ordered to complete five days of work release.

But last year, game wardens again caught Jones illegally taking a deer, a whitetail doe, and charged him with a third count of hunting without a license, a second count of hunting with revoked privileges, a third count of unlawful possession of a game animal, and a third count of transferring licenses.

Jones' father, William, also has been cited for transferring his license on numerous occasions.

On Wednesday, Jones appeared before Justice of the Peace Karen Orzech wearing a black hooded sweatshirt that read "It's All About The Rack. Size Does Matter." The hearing was originally scheduled as a sentencing, but because a plea agreement calls for 30 days in jail, defense attorney Myshell Uhl asked Orzech to delay imposition of sentence until January, so that Jones can continue to work a seasonal job and support his girlfriend.

Jones will next appear in Justice Court on Jan. 8. The plea bargain also calls for a 10-year suspension of Jones' hunting and fishing privileges. If Orzech adheres to the agreement, Jones would also be prohibited from accompanying other hunters during the 10 years.

Under the agreement, the hunting without a license charge will be dropped.

Matt Stonesifer, a game warden with FWP who has been investigating Jones, said the case is unusual in that Jones has routinely violated court-ordered restrictions on hunting.

"It stands out in that he has repeatedly thumbed his nose at the court," Stonesifer said. "When his privileges are suspended, that is the order of the judge. And to see someone repeatedly hunt, and in this case poach, while his privileges are suspended, it is unusual."



Story available at <http://billingsgazette.net/articles/2008/07/01/news/local/45-poachers.txt>

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Poachers pay hefty price in having charges dismissed

By **CLAIR JOHNSON**
Of The Gazette Staff

Two Minnesota men involved in poaching a deer then lying about it found themselves looking down the barrel of a federal felony indictment for trying to obstruct justice.

The charges got dismissed when the men agreed to admit they lied, to pay a stiff fine and to accept a worldwide hunting ban for three years.

The case, said Assistant U.S. Attorney Eric Wolff, serves as an "object lesson for hunters (or anyone, for that matter) on how not to behave in the judicial system."

At Wolff's request, Senior U.S. District Judge Jack Shanstrom recently dismissed without prejudice charges of conspiracy to obstruct justice against Daniel L. Dirksen, 35, of Montevideo, Minn., and Bryce Orwick, 43, of Clara City, Minn. "Without prejudice" means that the charges could be refiled.

The prosecutor and Dirksen and Orwick reached agreements in which the men admitted they committed federal felonies to avoid misdemeanors and agreed to apologize to the court and the grand jury for lying.

Both paid \$5,000 fines and \$250 restitution to the state. And both are banned from hunting or fishing anywhere in the world for three years. Orwick also admitted that his decisions were "stupid," the prosecutor said in court records.

The agreements will "serve the ends of justice," and the sanctions are "just punishment," Wolff said.

Billings attorneys Jay Lansing, who represented Dirksen, and Vern Woodward, who represented Orwick, declined to comment.

The case should have been resolved as a misdemeanor with a \$775 ticket from the U.S. Fish and Wildlife Service for violating the Lacey Act, Wolff said. The act regulates the interstate transportation, sale and purchase of wildlife. But the hunters began lying - to investigators, to a judge in a hearing to suppress evidence and to the grand jury.

By the time Dirksen and Orwick pleaded not guilty in May to the conspiracy indictment, they were facing up to five years in prison and a \$250,000 fine if convicted. They also faced losing the right to have firearms and to vote.

"I think these guys just believed they could get away with it," said Ron Armstrong, a law enforcement agent with FWS in the Billings. "Every step, they thought they were winning and they thought they would ride the wave out."

Dirksen and Orwick tried to keep their stories straight but they didn't add up, he said. "It fell apart in the end, which it typically does."

Hunters often don't realize the potential penalties when they take game illegally, Armstrong said.

"And that frustrates them. It's a few fish. It's a deer. They're, like, you've got to be kidding me," he said. "They are serious offenses. There are felonies involved here."

Dirksen and Orwick got a big break with the dismissal of charges, Armstrong said. "I think it's a just sentence."

But, Armstrong added, he finds it unbelievable the extent to which some will go to avoid taking responsibility. He commended the state wardens and federal prosecutor for sticking with the case. "Obviously, we're not going to give up," he said.

The case began in November 2004 when Orwick and Dirksen were bird hunting with Nils Sikveland of Richey, Wolff said in his motion to dismiss the charges. But on Nov. 21, 2004, Dirksen shot and killed a whitetail buck without a license. Sikveland gave Dirksen his resident license, which he bought that day. A general nonresident deer license currently costs \$343.

The next day, Dirksen and Orwick were driving back to Minnesota with the deer and drove past a well-marked hunter check station at Wibaux. The wardens went after the men and made them return. As the wardens checked the deer, they became suspicious of Sikveland's resident tag and interviewed everyone separately.

Dirksen and Sikveland, by telephone, insisted that Sikveland shot the deer, but their stories weren't adding up. Orwick and another Minnesota hunter in the group admitted the truth - that Dirksen shot the deer, Wolff said.

Dirksen got a ticket for the illegal deer and posted a \$1,345 bond, while Orwick got a ticket for ignoring the check station and posted an \$85 bond. The Wibaux County attorney eventually had the charges against Dirksen dismissed after Dirksen refused a plea agreement. The county attorney thought it unlikely that he would get Dirksen's Minnesota friends to testify against him, Wolff said.

The case took a federal turn when the Minnesotans tried to take the deer out of state. Dirksen and Sikveland both were charged in 2006 with misdemeanor conspiracy to transport illegally taken wildlife and attempt to transport illegally taken wildlife.

During a hearing to suppress evidence, prosecutors subpoenaed Orwick, who had told the wardens that Dirksen shot the deer. Orwick instead testified under oath that the wardens had pressured him to lie and that it was Sikveland who had killed the deer. Faced with Orwick's conflicting statements and testimony, the government had the charges dismissed.

"The case was, at that at point, a mess," Wolff said.

The investigation continued, this time by a grand jury. The grand jury subpoenaed Dirksen, who was the apparent victim of false statements to law enforcement. Dirksen insisted under oath that he did not illegally kill the deer and that Orwick had told the truth at the suppression hearing.

The grand jury concluded that Dirksen had lied.

Based on Dirksen's testimony and other evidence, the grand jury indicted Dirksen and Orwick for felony conspiracy to obstruct justice. Sikveland was not re-charged.

Poacher can't hunt for 20 years

By ANGELA BRANDT - *Independent Record* - 02/28/08

A Lincoln man, who state investigators say violated just about every wildlife law there is, will not be allowed to hunt for 20 years after being sentenced in District Court Wednesday on two felony charges.

Jeff Jorgensen, 36, will pay \$17,000 in restitution to Montana Fish, Wildlife and Parks for unlawful possession of a game animal and unlawful sale of a game animal, both by common scheme.

Jorgensen also received five-year suspended sentences to the Department of Corrections for each charge to run concurrently.

After a game warden served a search warrant at Jorgensen's home in May, they found evidence of about 11 years of violations. Journals, photographs, hunting licenses, antlers and hides told the tales of the animals — including 14 deer, five bears and a mountain lion — and how they were illegally hunted. Jorgensen was subsequently arrested in July.

Montana Fish, Wildlife and Parks Regional Investigator Chad Murphy testified that Jorgensen had hunted during closed season, including hunting at night and using bait.

"Most hunters don't kill that many animals legally in a lifetime," he added.

Jorgensen would falsify paperwork to put the animals' kill date earlier in the year, when that game's season was still open, in addition to making phony kill sites, Murphy said. He also would shoot animals in his yard, which is an archery-only area.

Court documents said Jorgensen used a motion camera to catch animals at his baited sites.

State Probation and Parole Officer Cathy Murphy, who conducted the pre-sentence investigation, recommended Jorgensen receive a five-year suspended sentence for each felony and 30 days in jail along with 20 years of suspended hunting, fishing and trapping rights.

Jorgensen, who had no previous felony charges, pleaded with Judge Thomas Honzel to allow him to hunt with his children.

"That's where our life is, is hunting and fishing," he said. "I chose the wrong way in the past. It's not going to happen again."

Honzel said Jorgensen can take his children fishing but cannot fish himself. He's not allowed to accompany anyone who is hunting, trapping or fishing himself.

"There's no reason for you not to know that most of what went on over this long period of time was illegal," Honzel said. "You went a long period of time when you decided these laws did not apply to you. They do apply to you."

Over the years, Jorgensen also allowed out-of-state acquaintances to illegally hunt on his land and claimed animals that other hunters killed, Murphy said.

"It's almost like he had to keep up with his hunting buddies for bragging rights," he added.

An investigation of additional suspects, both local and out-of-state, is ongoing, Murphy said.

Jorgensen also received six-month suspended jail sentences on misdemeanor charges of unlawful possession of a raptor for having a road-kill great horned owl mounted, illegal possession of a game animal by common scheme, hunting game animals by the aid of salt or bait, unsworn falsification to authorities and unlawful possession of a game animal.

Reporter Angela Brandt: 447-4078 or angela.brandt@helenair.com

Two plead guilty in poaching cases

2/11/08 Ravalli Republic, Hamilton

by JOEL GALLOB - Ravalli Republic

Two men, Jason Goligoski and Fred Beringer, pleaded guilty to game law violations last week before Ravalli County District Court Judge Jeffrey Langton. Each case involved the illegal possession of a buck mule deer. The two cases were connected to each other and to that of Kurt Norman, a Hamilton man who recently pleaded not guilty to a much larger number of alleged game violations.

Goligoski is from Hamilton; Beringer from Victor.

Goligoski and Beringer were both originally charged with one felony each, unlawful possession of a game animal, which carries a maximum penalty of five years and \$50,000. As part of a plea agreement in each case, each man pleaded guilty to a lesser charge, misdemeanor hunting without a license. The maximum for that is six months and \$1,000.

Both men, in their respective statements to the court explaining why they were pleading guilty, said they had been hunting in a hunting district in Ravalli County district 270 without a permit. The charging papers in both cases note that because of the high quality of the game in district 270 it is a "highly regulated district," with stricter regulations than less heavily regulated game districts.

Goligoski pleaded guilty to hunting without a license on May 8, 2007. According to court papers, the dimensions of the animal were such as to make it a trophy animal.

Goligoski received a deferral of sentence for six months, with conditions. One was that his licenses to hunt, fish and trap be revoked for 24 months. Another was that he is to pay up to \$8,000 in restitution to the state for loss of the game. The judge gave him five months to do so, and noted that "the amount could be decreased by (events in) the case of State v. Kurt Norman." That case overlaps with Goligoski's case, and if Norman is found guilty, he and Goligoski could be required to share that restitution obligation.

According to papers filed in the Goligoski case, game wardens interviewed Norman and Goligoski and through the interviews confirmed the kill by Goligoski while Norman was with Goligoski.

In the other case Wednesday, Fred Beringer pleaded guilty to hunting without a license on July 26, 2007.

This case was also tied into the one involving Kurt Norman. According to court papers, Norman told law enforcement about a buck mule deer that had been shot by Beringer, and photographed by Norman.

Beringer did not receive a deferral of sentence. He agreed to pay a fine of \$8,000 (distinct from the \$8,000 restitution Goligoski and possibly Norman will pay.) The court also imposed a fine of \$575, and a 24-month loss of hunting, fishing and trapping privileges.

Beringer said he would pay it that day.

The case that tied these two together was that of Kurt Norman. It went before the court Jan. 16. He was charged with three counts of game and wildlife law violations, each involving a variety of animals he is alleged to have killed or possessed unlawfully.

The animals involved in the allegations in that case include, in the first charge, two buck mule deer, an antelope and a bull elk. In the second charge, the animals cited were a cow elk and two buck mule deer. In the third charge, the animals specified were an antelope, a bull elk and a buck mule deer.

Norman faces a maximum total prison sentence of 15 years and fines up to \$150,000.

In all three cases, the charges were brought by Barbara C. Harris, an Assistant Attorney General with the Montana Attorney General's office. However, Ravalli County Attorney George Corn represented the state in the Norman case.

Reporter Joel Gallob can be reached at jgallob@ravallirepublic.com or at 363-3300.



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Gazette Opinion: Resident hunters, state agencies work to protect wildlife

Montana and Wyoming big game is being sold by the points on its antlers. It's dollars on the hoof and the envy of hunters across the nation.

Think of it as the dark side of successful wildlife management and the sacrifices made by the resident hunters of the two states.

More than 100 years ago, these resident hunters saw big-game numbers dwindling. Hunters backed legislation, regulations and seasons that put restrictions on themselves and their hunting. They came up with dollars to improve habitat, fund wildlife agencies and expand big-game herds. They limited themselves and sacrificed then, so we could enjoy a better wildlife world today.

Now, with bountiful deer, elk and antelope populations to enjoy along with good numbers of bighorn sheep, mountain goats and moose, Montana and Wyoming hunters should be reaping the benefits of their efforts.

Instead, the hunters face situations similar to the one involved in the sting operation in Montana's Sweet Grass County last week. Montana Fish, Wildlife and Parks wardens busted an out-of-state outfitter and groups of hunters from Georgia, accusing them of illegally taking game from the state.

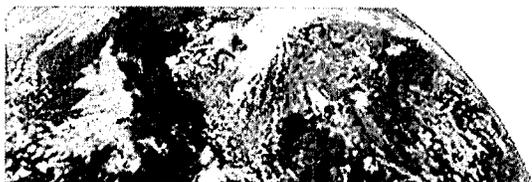
They had amassed a laundry list of trophy whitetails and mule deer along with a couple of big bull elk that had been taken without proper licenses. The charges are already substantial. Wardens say the list may grow.

It would be nice if this kind of situation were unique. But believe this, there's no lack of people across the country with an eye to cash in on the wildlife wealth of Montana and Wyoming - some legally, some ethically, some not.

Reaping private profits off public big game to the detriment of the hunters who live here is a sad commentary on the state of the hunting world of Montana and Wyoming. Doing it illegally is even worse.

The game wardens of Montana Fish, Wildlife and Parks and Wyoming Game and Fish deserve a pat on the back for their efforts in cracking down on those who take public wildlife for little more than its antlers or horns for their own private profits. Bust the bad guys. Go after them with great zeal.

Over the past 100 years, the resident hunters of Montana and Wyoming have shaped and nurtured today's wealth of public wildlife. We who hunt and live here deserve to enjoy that wildlife wealth and offer a unified mandate to the game wardens to protect it on our behalf.



Top Story

The Power of Two Becomes One.
LAMBROS REAL ESTATE ERA
Equal Housing Opportunity

Game over: Poacher gets probation for 15 years of killing
By JOHN CRAMER of the Missoulian



Serial poacher Philip Mark Payton, surrounded by some of the illegally killed animals he harvested in Montana over 15 years, demonstrates from the witness stand Wednesday morning in Missoula District Court how he killed one of three moose. Photo by MICHAEL GALLACHER/Missoulian

One of Montana's most notorious poachers, Philip Mark Payton, once hunted moose and other trophy animals with impunity, but these days the only creature he says he's after is the mouse in his house.

Two years after he was charged, Payton's victims - or rather their skulls, antlers and hides - stared at him mutely from the jury box Wednesday, providing a poignant backdrop in the sentencing of one of the worst cases of illegal killing of big game in decades in the Big Sky state.

Prosecutors sought a lengthy prison term for Payton, who violated virtually every hunting law on the books, but he instead received a large fine and probation and had his hunting, fishing and trapping privileges revoked for life.

Officials with the Montana Department of Fish, Wildlife and Parks, who investigated the case, said although Payton won't be behind bars, his sentence nonetheless illustrates their crackdown on poaching and sends a message that poachers aren't welcome in one of the premier hunting states in the nation.

During a daylong proceeding in Missoula District Court, two starkly

different pictures emerged of Payton, who was convicted of a slew of felonies and misdemeanors for killing moose, elk, deer, antelope, mountain goats and black bear.

Authorities portrayed him as an arrogant, ruthless killer of wildlife, a Texan who came to Montana and left a trail of carnage strewn across the landscape for 15 years, taking the biggest and the best trophy animals and leaving their populations poorer for it.

They said he obsessively chronicled his work in videotape, photos and paperwork, and tried to cover up his crimes by tampering with evidence and witnesses.

Investigators eventually followed that trail of blood and self-incrimination to his doorstep, where his home was packed with mounted heads, horns and hides of illegally taken animals.

A different picture of Payton emerged from the defendant, his attorney, wife and boss, who portrayed him as a gentle, honest family man whose only weapon today is a mouse trap.

They said he was driven not by greed but by a compulsion for which he's now receiving counseling, that he didn't deserve a prison term for a serious mistake for which he has taken responsibility.

He admitted killing the 30 animals he was charged with, but denied investigators' claim of brutality toward his victims.

"I'm a good, responsible hunter," said Payton, who said he has gotten rid of his rifles, horses and other hunting equipment, "but I don't want anything to do with hunting anymore."

In the end, Judge John Larson rejected the prosecution's request for a prison term and sentenced Payton to 20 years of probation, including five years of intensive supervision and 1,000 hours of community service.

Payton also must pay \$52,744 in fines, restitution and court costs. He also was permanently banned from hunting, fishing and trapping or accompanying anyone in those pursuits in Montana, a prohibition that extends to 25 other states because Montana is part of an interstate wildlife compact.

Payton, 58, who recently moved from Seeley Lake to Corvallis, was sentenced more than three years after FWP started its investigation.

A jury convicted Payton earlier this year of four misdemeanor counts and he later pleaded guilty to seven felonies and four more misdemeanors, all involving illegal outfitting, tampering with witnesses and evidence, license violations and other crimes.

"He took a game animal in every unlawful way he could - at night, over baits, from roads, over limits, using other people's tags, closed seasons, you name it," said J.D. Douglas, the FWP's lead criminal investigator in the case.

Payton also involved his family and friends in his poaching. Nine have pleaded guilty and received suspended prison sentences, temporary loss of hunting privileges and fines, restitutions and courts costs totaling more than \$23,000. One suspect, Dean Hansen, a veterinarian in Frisco, Texas, remains at large.

Testifying at Payton's sentencing, Douglas said the case was unique because of the number of animals, the variety of violations, the long time frame over which they occurred, the number of people involved and the wide range of locations across the state.

The case also was unusual because Payton chronicled his bloodwork with videotape, photos and notes, and later used those materials to try to mislead investigators by attributing the kills to family, friends and fictitious hunting partners.

Douglas said Payton ignored not only the law but hunting ethics and common decency by letting some of the animals suffer before he killed them.

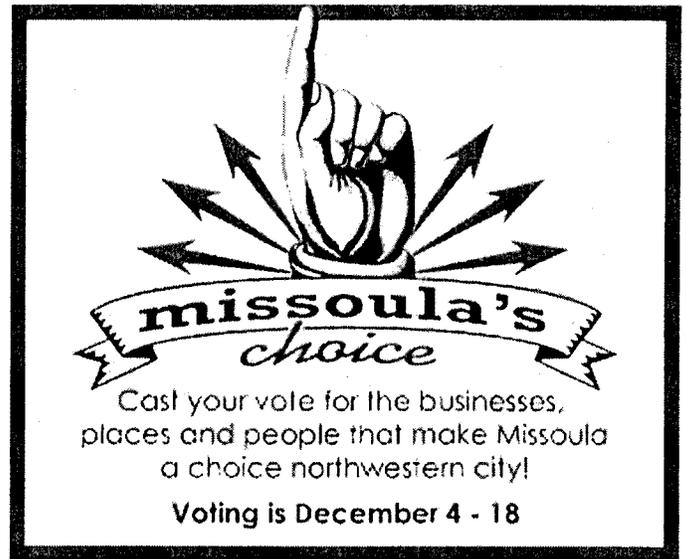
Prosecutors and wardens said Payton's case was worse than the poaching case of Dean and Renita Ruth, a Seeley Lake couple who were sentenced to prison in 2004.

In total, investigators documented 86 animals that Payton and others killed illegally, including 68 killed by Payton since 1990. The five-year statute of limitation had expired on many of the violations by the time investigators arrested Payton in 2005, so he was charged with only 30 violations.

Randy Arnold, one of two FWP game wardens who went undercover to pose as scofflaw hunters, testified that Payton bragged about being an illegal outfitter and that they paid him \$4,500 for his services.

Payton, who also was convicted of illegally killing an elk in 1987 in Montana, has consistently downplayed his poaching spree and never taken full responsibility for his actions, said Barbara Harris, the prosecuting attorney.

Payton disputed that during his testimony, saying he had repeatedly apologized and accepted responsibility for poaching the 30



animals, although he still denies he was an outfitter.

In 2004, the last year before investigators caught up with him, Payton illegally shot three bull moose after waiting 25 years for a moose license.

"Well, there's no one around ... and nobody will ever know the difference," he said, recalling what he thought when he poached the first one. "I was just obsessed with hunting. I just couldn't control myself."

Payton said he shouldn't go to prison, in part because he needs mental health counseling for an obsession with hunting and medical treatment for prostate cancer.

He said going to prison would prevent him from paying restitution ordered by the court. He said he recently started work as a vacuum cleaner salesman and that he formerly sold insurance and river rafts.

He said he hasn't hunted in nearly three years and no longer wants anything to do with hunting.

"I've started a whole different way of life" with a new wife, new job and new home," he said, tearfully at times.

During testimony about Payton's character and his ability to pay restitution, Harris, the prosecutor, said he was involved in a financial securities scam three years ago and that he had signed a consent agreement with state auditors in which he surrendered his insurance license. Payton said he had "never stolen a dime" and gave up his license without admitting guilt.

Dale Burke, one of four members of the Ravalli County Fish and Wildlife Association who were in court for the sentencing, expressed disgust when Payton apologized to his "fellow hunters" for his crimes.

"We hunters aren't 'fellows' of poachers and other criminals," Burke said. "He should have gotten the maximum time in prison."

Reporter John Cramer can be reached at 523-5259 or at johncramer@missoulian.com.

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Story available at

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Outfitter gets fine, probation on wildlife charges

By The Associated Press

BILLINGS - An outfitter from Terry was given five years' probation and ordered to pay a \$10,000 fine and restitution of \$5,750.

Robert Dolatta, 55, admitted conspiring with six co-conspirators, to illegally kill and transport eleven mule deer bucks from October 1999 until November 2003 in Prairie County.

The co-conspirators all shot mule deer bucks without first getting the required Montana licenses; and Dolatta helped illegally transport the bucks to New York.

Dolatta's clients pleaded guilty to Montana charges of taking game illegally, and cooperated in the federal case against Dolatta.

Dolatta was sentenced Thursday in U.S. District Court in Billings.

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Friday, August 10, 2007

FROM THE ARCHIVES

Convicted poacher gets deferred sentence
by JOEL GALLOB - Ravalli Republic

Brian Keith Curtis was sentenced Thursday on four charges related to poaching wildlife

Ravalli District Court Judge James Haynes followed the plea agreement and suspended the plea agreement the original seven charges in the case were reduced to four.

Curtis pleaded guilty to possession of unlawfully taken wildlife, a felony. On that felony sentence included three days of jail time; a fine of \$2,500; revocation of Curtis' huntin privileges for 10 years; and restitution to the state of \$8,000 for one illegally taken mu \$500 for a second mule deer also illegally taken. The bigger of the two animals was an the smaller a five- and six-point deer.

The other three charges were misdemeanors: hunting during closed season, waste of c without the landowner's permission.

The court provided a six-month suspended sentence for each of the three misdemeanor charges, again, following the terms of the plea agreement.

That agreement "took quite a while to negotiate," prosecutor Bill Fulbright told the court.

"There was some give and take on both sides," he said.

Fulbright added that he had talked about the case with Montana Fish, Wildlife and Parks officials and they agreed with the terms specified in the plea agreement.

Curtis, 43, had no significant prior criminal record except for one disorderly conduct, his attorney noted in support of the plea agreement. He also has "ties to the valley," and works as a sawyer, so he should be able to earn the money to pay the fine and restitution fees provided for in the plea agreement, Dustin Chouinard said.

The attorney asked for the three days in jail to be served on weekends but Haynes dec

"Weekend sentencing would not seem to accomplish the purpose of punishment," Hayr 30 days would be more warranted, but the plea agreement was for three days."

"People here who hunt know the rules, and you seem to have disregarded them," the j went on land, out of season, and twice shot two different trophy mule deer, and had ai

There were also probationary conditions in the plea bargain that prohibit Curtis from di and taverns. Chouinard said that while he was bound to support the plea agreement te involved in the crimes.

Fulbright explained that those conditions matter to the probation office, which treats si



Shoshone News Press

Erin Rodrigue was arrested on federal firearms violations after appearing in the Mineral County Courthouse for hunting violations.

*By Nick Ianniello
Mineral
Independent*

Officials surprise
convicted
poacher with
arrest for alleged
firearms
violations

A Louisiana
man's
appearance in
court
Wednesday was
followed by an
unpleasant
surprise. Erin
Rodrigue, 38,
was arrested on
federal charges
of criminal
possession of a
weapon after his
appearance in
district court.

Rodrigue was in
court to prove
he had finally paid a \$16,000 fine for hunting violations. Rodrigue's wife paid the fines for him and his prison sentence was suspended. Judge Douglas Harkin also stipulated that Rodrigue was no longer allowed to hunt or accompany others on hunting trips.

After Rodrigue left the courtroom, authorities arrested him on criminal weapons possession charges that Rodrigue did not know he was facing.

"This has been a long time coming," said Mineral County Sheriff Hugh Hopwood.

Rodrigue was picked up by federal authorities and transported to Missoula Wednesday afternoon.



Hopwood said that while they could have arrested Rodrigue on these charges a long time ago, they waited for him to appear in court to arrest him to avoid having to extradite him from Louisiana.

"We played this card pretty close to the vest," Hopwood said. The sheriff said Rodrigue had a violent criminal history that included armed robbery among other convictions. He said that federal authorities found out about Rodrigue's weapons possession because of his hunting violations arrest.

"With someone that's just this flagrant about violating the law, you never know what they're going to do," Hopwood said. Due to his prior criminal record, Rodrigue was not supposed to be in possession of any firearms, he added.

"We're not just talking a hunting rifle or a pistol," Hopwood said. "We're talking approximately 16 or 17 weapons or firearms, as well as reloading equipment."

Hopwood said that Rodrigue made his wife buy the weapons for him to get around the required background checks. Since she cooperated with authorities, Rodrigue's wife is not being charged for purchasing the weapons, Hopwood said.

"He's been getting away with things for years and it finally caught up to him," Hopwood said.

Hopwood said that if convicted, Rodrigue faces up to five years in federal prison, with little likelihood of parole.

In January 2007, Rodrigue was arrested on 21 different hunting charges while living near St. Regis. He was charged with unlawfully possessing six or more white-tailed deer, hunting during a closed season, hunting with artificial light, using bait while hunting, over the limit of killing deer, waste of game, and failure to tag a game animal.

Rodrigue had 10 untagged deer hanging in a horse trailer at his residence on Dec. 18, 2006, according to a report by Montana Fish, Wildlife and Parks Warden Sgt. Joe Jaquith. The report said Rodrigue removed six of these deer and placed them in a culvert on 7 Mile Road. When he was arrested, Rodrigue had the head and antlers of three white-tailed deer, the head and antlers of two elk and the meat of a cow elk.

"This is the kind of guy that gives hunters a bad name," Hopwood said.

Rodrigue had a plea agreement that required him to pay the \$16,000 in fines once he sold his property on Tamarack Creek. However, when he appeared in court at the end of October, Rodrigue did not have the money to pay his fines, despite having sold his house.

Mineral County Attorney M. Shaun Donovan told Harkin he had documentation that Rodrigue received \$40,000 for the sale of his property. Donovan added that there was documentation that Rodrigue had transferred all of these funds to his wife, who then transferred \$32,000 back to him.

"The bottom line here is where is the \$16,000?" Harkin asked.

Michael Bailey, Rodrigue's attorney, said he did not want the court to believe that Rodrigue had done something fraudulent and that Rodrigue was capable of paying the fines in short order.

"I want the money and I want it now. You had a way to get it and it was a good way to get it, but it slipped out of your hands," Harkin said.

Harkin sentenced Rodrigue to spend 14 days in the Mineral County Jail immediately after the hearing.

"He can get started on his jail time now and maybe he can think about where the money went," Harkin said.

Hadley sentenced to 10 years for poaching

by KRISTIN KNIGHT - Ravalli Republic

Justin Dean Hadley, 25, was sentenced to 10 years in prison Wednesday for a host of poaching-related crimes.

He received five years for each felony and was ordered to pay \$3,325 in restitution on top of \$16,000 from previous charges.

Earlier this year, Hadley pleaded no contest to charges of poaching a moose, a big horn sheep, a deer and a turkey in the Bitterroot National Forest and two counts of felony possession of wildlife, illegally shooting from the roadway, abandoning a big game animal, obstructing a peace officer, two counts of hunting without a license and two counts of waste of a game animal, according to Montana Fish, Wildlife and Parks Game Warden J.D. Douglas. Hadley also was on probation when he committed the felonies and faced escape charges in Powell County.

The Ravalli County Fish and Wildlife Association, the Foundation for North American Wild Sheep and Montana Fish, Wildlife and Parks offered a \$2,500 reward for any clues that would lead law enforcement to the poacher.

The next day, because of a tip called in by a reader, Hadley was arrested following a manhunt by law enforcement officials.

“His arrest wouldn't have been possible without the interagency cooperation of the Ravalli County Sheriff's Office, the Hamilton Police Department and the Forest Service,” said Douglas. “We had 20 cops out there, a police dog, the whole works.”

Law enforcement officials started an investigation of Hadley after he shot and killed a big horn sheep near the Broad Axe restaurant up East Fork Road. After searching Hadley's girlfriend's home, law enforcement officers found a white-tail deer in the freezer and a freshly killed turkey. A videotape also was found, showing footage of Hadley cutting up an illegally killed moose for bear bait.

In June 2006, Hadley's girlfriend, Bonnie Morris, 36, pleaded not guilty to two counts of felony obstruction of justice, felony tampering with physical evidence and one misdemeanor count of criminal possession of drug paraphernalia. She will face five misdemeanor poaching charges separate from the felony charges. Her charges are tied to the May 20 shooting of a big horn sheep near Sula and the subsequent finding of several illegally obtained game animals in her home.

Reporter Kristin Knight can be reached at 363-3300 or kknight@ravallirepublic.com

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Poaching suspect sentenced on federal charges

By JIM MANN

The Daily Inter Lake

A Plains man who was charged earlier this week with poaching offenses was sentenced Thursday in Missoula on previous federal firearms charges.

Jerry Marjerrison, 54, was sentenced by U.S. District Judge Donald Molloy to six months in prison, followed by a five-month home arrest with electronic monitoring. He also was fined \$300 and must forfeit all his firearms.

The sentence resulted from Marjerrison being a felon in possession of firearms.

On Sept. 13, 1983, Marjerrison was convicted on a federal felony wildlife charge.

In 2004, state investigators began an undercover investigation into allegations that Marjerrison was involved in illegal outfitting. During the investigation, the agents determined that Marjerrison had a Winchester .22 magnum rifle in the back of his pickup while guiding undercover agents on hunts.

The press release states that on Sept. 28, 2004, the agents witnessed Marjerrison shoot a squirrel out of a tree in his yard using the same rifle.

When his home was searched on Jan. 28, 2005, a Ruger .270 rifle was seized along with the Winchester rifle. Those guns led to the felon-in-possession charges to which Marjerrison pleaded guilty in July this year.

In separate legal action that resulted from the same investigation, Marjerrison pleaded innocent on Tuesday to 16 misdemeanor state wildlife charges and one felony charge in Sanders County District Court.

Most of the charges leveled against Marjerrison allege that he was outfitting without a license on multiple occasions from 2001 through 2005.