

## 2009 Sheridan Region Notable Cases

### Alan Osterland – Dayton Game Warden

Predicated on a report from a taxidermist, an interstate game tag affidavit was found indicating a Sheridan woman had killed a buck mule deer in 2008. The deer head had been taken to a Sheridan area taxidermist by Sheridan resident Trevor Martin. Martin then had stated on the affidavit that he wanted the deer to be shipped to Daniel Buholtz in McKinney Texas. Suspecting that the deer had been killed by Buholtz, Wardens Osterland and Scigliano interviewed Amanda Bach of Sheridan. After a short interview during June of 2009, Bach confessed that she had purchased her hunting license and then had given it to Martin and Buholtz. Bach also stated that Martin and Bach had solicited the license from her.

Warden Osterland interviewed Daniel Buholtz in Cody Wyoming. Buholtz had recently moved to Cody from Texas. During the interview, Buholtz admitted to killing the mule deer buck east of Sheridan. Buholtz also stated that he worked with Trevor Martin. While still living in Texas, Buholtz accepted an invitation from Martin to come hunting in Wyoming. Buholtz flew into Sheridan in October of 2008 and met with Martin. After spending several days in the area, Buholtz obtained the license from Bach. Martin then took Buholtz to a ranch east of Sheridan where the mule deer buck was killed. Buholtz used a rifle borrowed from Martin to kill the deer. After the deer was killed, Buholtz and Martin tagged the animal with the license obtained from Bach. The two men then took the deer to the taxidermist to be mounted. According to Buholtz, the deer was taken to the taxidermist the day after it was killed.

Some interesting twists to the case were discovered after reviewing the affidavit. The deer was taken to the taxidermist on October 21<sup>st</sup>, 2008. The license obtained from Bach had been purchased by Bach on the 20<sup>th</sup> of October. The season for the hunt area where the deer was confirmed killed was open from October 1, 2008 to October 14, 2008. During the interviews, the two men's memory was foggy as to the exact date the deer was killed.

Buholtz was charged with taking a deer without a license and transfer of license. Buholtz was sentenced in Sheridan county court with fines totaling \$1,560 and restitution to the Wyoming Game and Fish Department of \$2,500. Buholtz also lost his privileges to hunt in the 32 non-resident violator compact states until September 14, 2011. Martin was charged with accessory to take a deer without a license and false statement on a game tag affidavit. Martin was sentenced on March 18, 2010 and was fined \$1,030, ordered to pay \$2,000 in restitution and lost his license privileges for two years. Amanda Bach was charged with transfer of license and fined \$410.

On October 15, 2009, Warden Osterland received a stop poaching report of a possible transfer of license case. The RP advised that a local man had killed a large bull elk and then had allowed his father to tag the elk. The RP further advised that the reason he was calling was because of the citation they had received the previous year from Warden Osterland regarding transfer of license. The RP advised that the swapping of licenses needed to stop. However, the RP was not willing to give a statement, which made the case difficult.

On October 16, 2009, Warden Osterland went to the cabin in the Little Horn Canyon where the hunters were staying. Larry Richards was contacted as he was leaving the field from a morning of hunting elk. During the contact, Warden Osterland was able to verify the large bull elk was killed and tagged with Gary Richards's license. Gary Richards and his son Larry both advised that the elder Richards had killed the elk the previous day.

On November 2<sup>nd</sup>, Warden Osterland interviewed Larry Richards at his residence. Richards confessed to killing the elk that his father Gary Richards had tagged. Subsequent investigation found that Larry Richards had taken two elk to a taxidermist, filling out interstate game tag affidavits for both. Warden Osterland also discovered another elk brought in by the hunting party that had been killed by Lee Foran. Ultimately, Warden Osterland was able to receive confessions from Larry Richards and Lee Foran. Foran had killed two elk during the season and Larry Richards had used his license to tag the extra bull killed by Foran. All elk were seized. Larry Richards was cited for failing to tag an elk, attempt to take over limit of elk and false statement on a game tag affidavit. Richards was also issued written warnings for transfer of license and false statement on a game tag affidavit. Larry Richards was fined \$1,070 and lost his hunting privileges for one year. Lee Foran was cited for taking an over limit of elk and was fined \$410. Gary Richards was issued a written warning for transfer of license.



Larry Richard's elk

Ranchester resident Frank Fauth has a history of game and fish violations dating back to February 26, 1980. Fauth has logged 10 violations in Wyoming and his colorful past in Wyoming includes spotlighting, false oath, tagging violations, over limit of game birds and numerous trespass charges.

On October 16, 2009, Fauth was hunting with some friends in Wyoming near the Montana state line. After watching a herd of elk, just out of reach on the neighbors land, Fauth convinced his friend to shoot a five point bull. The three men then quartered the elk and drug it back onto the Butler Ranch, where they had permission to hunt. The trespassing trio did little to conceal their tracks in the snow and the two rifle shots alerted the outfitter who was operating on the X – X ranch. The outfitter confronted Fauth about the trespass and Fauth stated that the elk jumped the fence after being shot. Before the outfitter could contact the game warden, Fauth called Warden Alan Osterland and told him his tale of the elk jumping the fence. Fauth further stated to Warden Osterland, that Fauth was not even present during the event.

After finally receiving the trespass complaint call, Officer Osterland responded to the X – X ranch to investigate. The snow cover told the story of how the elk never even came close to the Butler ranch fence and certainly the elk was not on the Butler ranch when shot. During interviews, Fauth's two friends told the whole story, which implicated Fauth fully.

The shooter was charged with trespass and his friend was charged with accessory to trespass for helping with the elk. Fauth was charged with accessory to trespass to hunt elk and was issued a must appear citation. Fauth immediately hired an attorney. The state requested the maximum penalty for Fauth. However, through plea negotiations, Fauth was ordered to pay a fine of \$430.00 and his hunting privileges were suspended from February 11, 2010 to February 10, 2012.

## **Bruce Scigliano – Sheridan Game Warden**

In early 2008, Sheridan warden Bruce Scigliano received information regarding a man who had possibly killed a large deer north of Leiter without a license. Because of the nature of the information, it was decided to wait to see if the head was taken to a taxidermist. In early 2009, Clerical Specialist Stephanie Bomar discovered what appeared to be a suspicious interstate game tag affidavit from a local taxidermy shop involving a buck mule deer. The affidavit indicated that the buck had been killed by a Sheridan woman in 2007. Research by Bomar revealed that this woman had not purchased hunting licenses in the past. The head was to be received by the same man whom Scigliano suspected of killing a deer without a license. Bomar promptly passed on the information.

Armed with this information, Scigliano and Dayton warden Alan Osterland interviewed the man, who admitted to killing the large 10 X8 mule deer using the woman's license. The man later pled guilty to the charge of taking an antlered deer without a license and received a \$5,000 fine and five years revocation. He also pled guilty to making a false statement to obtain a game tag and received an additional fine of \$410 and three years revocation for a total of eight years suspended privileges. The woman pled guilty to the charge of transfer of license and was fined \$230.

*Patience pays off as a 2007 violation is solved in 2009:*



Scigliano investigated six cases of wanton destruction in 2009. In one case, individual (s) shot a mule deer from the road and left the carcass as a rancher watched the scene unfold. The rancher, however, was unable to get to the scene in time to obtain a license plate number as the vehicle sped away. Investigation continues on this case.

*A local rancher watched as this buck was shot and left:*



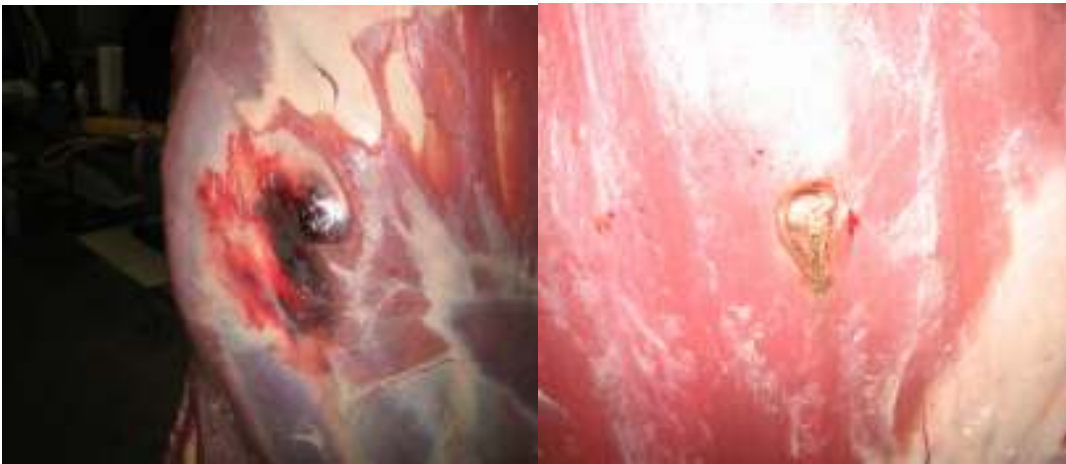
**Jim Seeman – Buffalo Game Warden**

Three “out of season” cases were made in 2009, including this exceptional buck killed by a Story resident. After shooting the deer on his 35 acres, he then bragged to a friend about it. An anonymous call was made to the Stop Poaching number. After surveillance of the suspect’s property and a short “window of opportunity” Buffalo Game Warden Jim Seeman entered the property and was able to find the deer where it had been left to rot, although hidden under a brush pile. With help from the Sheridan Region Investigator, and two interviews, the suspect finally admitted to killing the deer.



Wasted Story mule deer

An additional case of “out of season” was made with help from Ten Sleep Game Warden Tom Desomber. Buffalo Game Warden Jim Seeman received a tip that a bull elk may have been shot with a rifle during the “archery only” season in elk area 45 east of Ten Sleep. After recovering evidence from the elk carcass, Wardens Seeman and Desomber interviewed the suspected hunter who was still at his camp.



The hunter initially denied that he shot the elk with a rifle, and insisted that the evidence recovered from the carcass was due to the fact that he “finished” the elk off with a rifle, after first shooting it with archery equipment. Warden Seeman continued to confront the hunter with the wound evidence which eventually led the Rock Springs hunter to admit to shooting the bull with the rifle first, then pushing an arrow through the chest of the dead animal. The hunter was fined over \$6,000.00 and lost his hunting privileges for 6 years.

The owner of a Buffalo meat processing plant had not been issued 2008 Interstate Game Tags by the Department after failing to return unsold tags and money from sold tags from the 2007 season. Still in business in 2008, although without game tags, Buffalo Warden Jim Seeman observed many non-resident vehicles and hunters stopping at the locker plant throughout the 2008 hunting season. Suspecting that the locker plant was shipping at least some of the processed meat, Seeman finally got an opportunity to search the facilities records when the owner went out of business in August of 2009. The ensuing investigation led to 28 charges of shipping processed game meat from the state without first obtaining an Interstate Game Tag and an affidavit.

During this same investigation, Seeman also discovered and unraveled a case of an outfitter transferring a client’s antelope license to one of his employees. While making telephone calls to suspected recipients of processed game meat shipments, officer Seeman was surprised when one subject told him that he never made it out to Wyoming to hunt due to medical reasons. The subject’s hunting license was used on a buck antelope that was brought into the locker plant. Seeman asked the non-resident hunter if he gave his license to someone before he came to Wyoming to hunt. The hunter admitted that he had never received his Wyoming hunting license and remembered that the outfitter had it. His license, along with his hunting partner’s, had been mailed directly to the non-resident outfitter after being applied for through the on-line “Outfitter Portal.” When the non-resident hunter did not come to Wyoming to hunt in September of 2008, the outfitter decided to use his client’s license anyway. Both the outfitter and his employee were charged for their crimes with a total of over \$4,000.00 in fines and restitution.

## **Travis Crane – Kaycee Game Warden**

Warden Crane observed a large mule deer buck frequenting a sagebrush draw near Highway 59 north of Gillette. Crane spent one evening watching the deer until dark which proved very productive as the deer was poached just at dark. With the help of Wildlife Investigator Scott Adell, and after an extensive investigation stretching from Gillette WY, to Rapid City SD, the fines and restitution netted over \$12,000 and 6 years of hunting privileges.



In a case from Gillette, Warden Crane interviewed two suspects that had shot a golden eagle south of Gillette with a .223 caliber rifle. Using the background of a photo taken by the suspects where the eagle was shot, Crane found the remains of the eagle, which was left at the scene. Crane provided the evidence and two written statements to the US Fish and Wildlife Service who prosecuted the case in June of 2009. One subject was fined \$6,000 of which \$2,000 was to be paid to the Wildlife Heritage Foundation, \$2,000 to the Wyoming Wildlife Protectors Association, and \$2,000 to Wyoming Raptor Rehabilitation



## **James Hobbs - Sheridan Game Warden**

A large false oath case that Warden Hobbs investigated involved a man from Illinois that had moved from Wyoming at least six years ago. The man had married and had moved to live with his wife, but had kept a home and some property in Arvada. Over a six year period, he had either applied for or received a total of 14 resident licenses. Two of the licenses included elk Area 2 Type 1 licenses for the Fortification, which is a highly sought after area. Warden Hobbs cited the individual on five counts of false oath and the individual was found guilty and ordered to pay \$4,170 in fines and he lost his privileges to hunt and fish for six years.

During elk season in October of 2009, Game Warden James Hobbs received a report of two dead elk on the end of Skull Ridge in hunt area 38, northwest of Dayton. Upon investigation, Warden Hobbs discovered that only one of the elk had been field dressed and removed from the field. Quick work and cool temperatures allowed Warden Hobbs to salvage the elk. With the help of Warden Alan Osterland and Special Investigator Scott Adell, a suspect from Wisconsin was identified. The hunter had already left the area and had returned home.

The suspect was interviewed a week later by a Wisconsin Game Warden and he admitted to accidentally shooting the extra elk thinking it was the same one, but then had panicked and abandoned it. The suspect had a friend who was hunting with him. The principal suspect was issued two citations, one for over limit of elk and another for abandoning a big game animal. The friend was issued a citation for accessory after the fact on the abandonment charge.

In order to pack out the elk the pair had driven an ATV past a road closed sign, so they also received a citation from the Forest Service. The friend was fined \$410 for the accessory charge and the principal was ordered to pay \$2,820 in fines and restitution and also lost his privileges to hunt for one year.



In November of 2009, Game Warden James Hobbs received a stop poaching report indicating that two individuals had illegally killed a deer without a license. A couple of days later another report came in that involved the same two individuals but also included the address of one of them. That day Warden Hobbs and Game Warden Alan Osterland interviewed the suspect and seized a mule deer buck head and cape that did not have a license associated with it. It was claimed to have been taken near Cody where there was still an open season. The report indicated that it had been taken near Sheridan. After interviews with the other suspect and several subsequent interviews with the suspect and others, the suspect who shot the deer admitted to killing it with a crossbow after the season closed just outside of Sheridan. The other suspect was found to be in violation of purchasing resident licenses over the past three years without

ever establishing his residency in Wyoming. Because of the complexity of the case Warden Osterland took the residency issues and opened a separate case and Warden Hobbs dealt with the deer out of season. The suspect who shot the deer was cited for taking a deer out of season and the other suspect was cited as an accessory after the fact. Warden Osterland issued five false oath citations to the other suspect as well. As a total, both were ordered to pay just over \$7,000 in fines and restitution and they lost their privileges to hunt and fish for a total of nine years.



## **Troy Achterhof - North Gillette Warden District**

While working the Elk Creek Walk-In - Area, North Gillette Game Warden Troy Achterhof received information about a vehicle and three individuals who had just shot and left a doe mule deer on a near-by state section. Warden Achterhof was able to stop the vehicle and interview the occupants. The driver admitted to shooting and leaving the deer. Achterhof followed the hunters back to the kill site and found a freshly shot doe mule deer. Blood and tracks indicated the deer had fallen where shot. It was visible from the road and had one bullet hole through the vitals. The suspect was cited and found guilty of Wanton Destruction of big game.

A case of shooting a deer from a public road and failing to tag a big game animal was made on a ranch north of Spotted Horse. North Gillette Game Warden Troy Achterhof received a call about a hunter that wanted some information about trespass consequences. He was especially interested to know the fine amount associated with a hunting trespass citation. Achterhof contacted the hunter and through a quick phone interview, determined that several violations had likely occurred. An interview and landowner statements along with evidence at the site of kill revealed the following: The suspect and his father were deer hunting north of Spotted Horse when they sighted a buck mule deer in some brush on private land. The suspect shot the deer from the road and never did legally tag the buck. The ranch owner had confronted the hunters in the field and indicated that Game and Fish would be contacted regarding the trespass. The hunters asked if this could be taken care of without Game and Fish involvement. The hunter who killed the buck begged the landowner not to call Game and Fish and said he would pay \$1,500 for the hunt. He also voluntarily gave the rancher his gun and drivers license information as collateral. No threats of extortion had taken place so the suspect was charged and found guilty of shoot from the road and failing to tag. The trespass violation was not addressed criminally.



An extreme case of trespass occurred at the popular Fortification Elk Area in 2009. A husband and wife had chained up their 1 ton pickup to gain access illegally to a ranch on the north side of the popular landlocked BLM Wilderness Study Area. A rancher who allows access to this BLM land for elk hunters and North Gillette Warden Achterhof located the hunters driving all over the ridge tops as they 'hunted' for elk. Upon contacting the party, it was discovered that the wife had shot a 6x6 bull elk the night before. They had gutted and left it so they could try to fill the husband's tag the following morning. The hunters were escorted out of the area and cited for trespass and their elk was seized.

Achterhof and the landowner went back and quartered the elk but had to chain up in order to get back out due to the thawing that had taken place during the morning. Both parties were found guilty of hunter trespass and fined \$780 each. They also each lost their hunting privileges for one year. This trespass and resource damage potentially could have jeopardized landowner cooperation to this premium landlocked public area. Quick action and stiff penalties appear to have preserved landowner cooperation for elk access to Fortification Elk Area 2.



## **Irah Leonetti - South Gillette Game Warden**

While patrolling Keyhole Reservoir in July 2009, Warden Irah Leonetti observed a boat pulling two tubes at a high rate of speed near Bearclaw Point. The operator of the boat was operating his boat very close to the shoreline and as he rounded the point, he nearly collided with a man fishing from another boat. He then steered his boat between the fishermen and Leonetti's patrol boat, narrowly avoiding a collision with Leonetti. Leonetti stopped the boat a short time later and contacted the very intoxicated driver. The boat contained three other adults and two infants. Two other adults were riding the tubes that the boat had been pulling.

Leonetti conducted standardized field sobriety tests (SFST) and noticed that the man seemed to be very practiced at the tests. Leonetti asked the man if he had performed SFSTs in the past and he claimed that he had not. Leonetti arrested the man and he was transported to the Keyhole State Park HQ for a breath test. While the state park ranger was conducting the test, Leonetti attempted to get the man's name from him. The man gave Leonetti a false name and quickly realized his mistake when Leonetti pointed out that his name was tattooed on his stomach. The breath test showed a B.A.C. of .199 just a few minutes after his arrest. The man then admitted that he was a heavy drinker and that he had been arrested for D.U.I several times.

When Leonetti returned to speak with the boat's owner and to explain what had happened. The owner stated, "If I had known he was THAT drunk I wouldn't have let him drive with my kids in the boat." Leonetti reminded the owner of the boat that he should not let anyone who had been drinking operate his boat. The man was sentenced to several days in jail and \$530 in fines.

Warden Leonetti received a stop poaching report of a Gillette man that had killed an elk out of season. Leonetti knew the suspect and that the season was open where the elk had been killed. Leonetti had a hunch that something wasn't right about the elk and after observing the elk hanging behind the man's house he stopped in to check the bull. The bull had been tagged and the tag was visibly attached to the head when Leonetti arrived. Leonetti then interviewed the man and he explained that his 14 year old son had killed the elk the night before on the family ranch. Leonetti asked to look at the main body of the license and learned that the license had been purchased the same evening, several hours after the elk was killed. The man was cited for acting as an accessory to taking an elk without a license and he paid \$600 and has to make an appearance before the outfitter board.

In another case, Leonetti completed and outfitting without a license investigation in that took over a year to resolve. Leonetti began the investigation in 2008 when an interstate game tag issue led Leonetti to a nonresident taxidermist in Ohio. Leonetti discovered that the man had also been guiding his friends on a ranch south of Gillette for many years. Leonetti worked with the outfitter board in 2008 and the man was instructed to obtain an outfitter license for 2009.

In September 2009, Leonetti conducted surveillance of the ranch and found the man outfitting again. Leonetti followed the man and one of his guides to his hotel in Gillette and then contacted the ranch to obtain the hunter list. Leonetti interviewed the man and asked for his outfitter license. The man denied outfitting and maintained that he was just helping his friends hunt in Wyoming. Leonetti charged the man with outfitting without a license and told him to cease his Wyoming hunts.

Subsequent investigation revealed that the man had recruited hunters and corresponded with them on letters listing the man as an outfitter. Leonetti obtained records that showed that each of the 47 hunters had made three payments to the outfitter for a Wyoming antelope or deer hunt.

Leonetti also learned that the man had taken the deposits from each hunter to an Ohio bank and obtained money orders in each of their names to pay the landowner for a trespass fee in an effort to conceal his outfitting business from the ranch. After he was charged, the man began sending letters to his hunters indicating that the ranch had sold him out and that he was in jail. These letters were sent to each hunter in an effort to save face for the outfitter. The man sent his bond payment to Campbell County Circuit Court on the court date and we thought all was well. The court advised later that the man's check had bounced and that a warrant was issued for his arrest. The man later posted the \$780 bond when he learned of the warrant.

### **John Davis – Moorcroft Game Warden**

While patrolling along the Cabin Creek road, Moorcroft game warden John Davis observed a pickup stopping at every group of deer while the occupants glassed them. After following the vehicle for several miles, Davis picked a safe location on a hill and stopped it. As Warden Davis was citing the driver who admitted that he had never taken a hunter education course, Davis observed a second pickup carrying five hunters traveling along a fence about a half mile away. There was a herd of deer on a hay field right beside the fence. After finishing his business with the vehicle he had stopped, Davis watched as the deer started jumping the fence in front of the pickup as they tried to escape to a timbered hill.

As Davis continued to watch, the pickup stopped and two hunters in the leaned across the cab and started shooting at the deer. The pickup advanced on the deer two times with shooting at each stop before the deer made it to the cover of the trees. Warden Davis contacted the hunters and discovered that one of the shooters had already filled his license and was "helping" his friend who couldn't see through his scope. The Michigan hunters were cited for shooting from a vehicle and attempting to take an over- limit of deer.

In another case, as Warden Davis was patrolling a popular parcel of public land after the deer season had closed, he observed a pickup as it was being driven slowly along a county road. Shortly after the vehicle went around a corner out of his sight, Davis heard a gunshot. Warden Davis then drove up the road and saw the driver putting a rifle back in the pickup. The driver admitted to having missed a mule deer buck and then asked Officer Davis if he was still on public land. Davis informed the man that he was still on public land, but the deer season had been closed for two weeks. The man was cited for hunting in a closed area and was fined \$780. Davis also issued the man a written warning for failing to wear fluorescent orange while hunting big game.