

### **3 men plead guilty to killing deer at night**

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READING - The state Game Commission has announced that three York County men pled guilty to unlawfully killing a white-tailed deer at night with the use of an artificial light on Nov. 29, the night before the opening day of the regular antlered and antlerless deer season. The men shot the deer from their vehicle while spotlighting.

Fred Daniel Miller, 58, of Glen Rock pled guilty to unlawful use of lights while hunting, loaded firearms in vehicles, unlawful devices and methods (for locating the deer using a motorized vehicle) and shooting on or across highways.

Dale Leo Hess, 51, and Fred Daniel Miller, 38, both of Glen Rock, pled guilty to the charges of unlawful use of lights while hunting and unlawful devices and methods. Total fines for the three men amounted to \$4,100.

In addition, the three men were assessed a \$2,400 replacement fee for the unlawfully killed deer. The imposition of the replacement costs comes under a new restitution section of the Game and Wildlife Code approved by the board of game commissioners in April. The new replacement costs were adopted to enhance penalties associated with poaching and deter poaching activity.

All guilty pleas were accepted by District Judge Kim Leppo.

According to York County Wildlife Conservation Officer (WCO) Chad Eyler, at 6:17 p.m. Nov. 29, the three men were using their vehicle and a spotlight to search for deer in the Ridge Road area of Codorus Township. The men located a deer and shot it with a rifle from the vehicle while using the spotlight.

A witness reported the violation to the Game Commission, and Deputy WCOs Matthew Miller, George Erskine and Kevin Clouser and Eyler responded to the call. The officers conducted an investigation and interviews and gathered the appropriate evidence.

The three men were found to be in possession of the unlawfully killed deer. Officers Miller and Eyler filed the charges on the three men after the investigation was concluded.

"This is a perfect example of violators that steal game or wildlife from the legitimate, legally, licensed, lawful hunter," Eyler said. "These violations and unlawful killings occurred the night before the opening day of the regular rifle deer season in Pennsylvania and these men took an opportunity from a sportsman or sportswoman that waited until legal hunting seasons were open.

"This also shows the outstanding value of the corps of deputy WCOs that we are fortunate to have in York County and across the commonwealth. These officers give unselfishly of their time and resources for little or no pay to apprehend individuals like these three men that violate the wildlife laws and destroy our precious wildlife resources," Eyler added.

Commission helps Colorado case

HUNTINGDON - It started with a telephone call from a concerned citizen in Colorado. Then Pennsylvania Game Commission Wildlife Conservation Officers joined with the Colorado Division of Wildlife to help solve a case spanning three states and including 20 officers.

Three men from West Virginia - John Davidson, 41, of Romney; Jeremiah Tyson, 33, of Hedgesville; and David Park, 38, of Hampshire - were charged with 49 counts of crimes against wildlife in Colorado before pleading guilty to reduced charges.

The original connection to Pennsylvania focused on two sets of antlers from mule deer, a species found in western states, allegedly illegally killed in Colorado and then transported, by Davidson, to Fulton County for processing as mounted specimens.

However, in an initial search of a business in Pennsylvania on Dec. 16, Game Commission investigators seized eight sets of mule deer antlers and one set of elk antlers, all taken in Colorado and with ties to Davidson. Later, Game Commission officers returned to the location to extract tissue samples and collect hair from eight mule deer "capcs," which is the skin from the head to the shoulders of a deer.

Leading the Pennsylvania investigation, District WCO Kevin Mountz said that precise extraction of tissue was vital for correct DNA analysis.

"DNA can be used to correctly match wildlife with items left at a wildlife crime scene or match separated parts of the same animal," Mountz said. "Besides removing tissue and the related hair samples from the capcs, the antlers required core drilling to the interior of the antler beam to obtain material for the most accurate test.

Mountz was provided an airplane ticket by Colorado officials to fly out and testify on the findings. However, when the defense learned that Mountz was en route to testify in court, the information weighed heavily on Davidson's decision to plead guilty without a trial.

"Colorado takes violations against wildlife seriously," said Rich Palmer, Game Commission Bureau of Wildlife Protection director. "Davidson was convicted of willful destruction of big game, a Class 5 felony in Colorado, and sentenced to pay \$9,800 in fines and serve 30 days in jail. He currently is incarcerated."

Palmer noted that Tyson and Park each pled guilty to various misdemeanors in the case. Additionally, Davidson and Tyson face lifetime suspensions of their hunting privileges in Colorado and 32 other states as part of the Interstate Wildlife Violator Compact, of which Pennsylvania is not a member.

Park has been sentenced to a five-year license suspension. Total penalties included confiscation of about 25 sets of antlers, three big game skins and a trophy elk head, 78 packages of meat, six rifles and about \$22,000 in fines.

"These guys are the guys you go for," said Mike Swaro, district wildlife manager in Colorado. "If everybody hunted like these guys did last year, we wouldn't have a deer left in Colorado. This was the biggest poaching case in my career."

Palmer congratulated Mountz and Deputy WCOs Robert Strait and J. Mike Deluca for their excellent forensic work. Palmer also noted that gathering forensic evidence is not as cut-and-dry as TV programs would lead viewers to believe.

"Developing credible, accurate forensic conclusions to present at a trial demands that everyone up the line be incredibly precise, starting with the field collection of evidence," Palmer said.

Palmer also said that the case had a touch of irony for Pennsylvanians, as the state is not a member of the IWVC and has lower penalties than Colorado.

"Colorado places a high value on its wildlife resources," he said. "Felonies, incarceration and seizure of implements of the crime are their penalties for the serious wildlife offender, as well as appropriate revocation of hunting privileges.

"More important, 32 states that belong to the Interstate Wildlife Violators Compact will honor the Colorado revocation in their state, including Pennsylvania's neighboring states of Ohio, Maryland and West Virginia."

Palmer said this is one more example of why the Game Commission continues to support House Bill 1859, sponsored by House Game and Fisheries Committee Chairman Edward G. Staback, D-Lackawanna, which would increase fines and penalties for specific wildlife violations, as well as House Bill 1832, sponsored by Rep. Marc Gergley, D-Allegheny, which would enable Pennsylvania to join the IWVC.

"Because Pennsylvania is not a member of the Interstate Wildlife Violator's Compact, there is nothing keeping habitual, serious offenders in other states from hunting in Pennsylvania," Palmer said.