



You Can't Call It Back

Behind the Badge

By D.J. David, Adams County WCO

I'M A LUCKY WCO to have spent 12 years without having to investigate a shooting fatality (knock on wood), but I have investigated a lot of close calls and other instances of careless gun handling that resulted in property damage and human injury. Especially because none ended in ultimate tragedy, some make for what I consider interesting examples of what does but shouldn't happen. Sharing these accounts may entertain but, more importantly, help prevent repeat performances.

Back when I was the WCO for Delaware County, a densely populated area near Philadelphia, there were many deer hunters who tried to hunt small acreages in between buildings and developments, with shotguns due to being a Special Regulations Area. One such tract had a house whose owner contacted me after discovering it had been hit with buckshot.

When I arrived, he showed me a first floor backyard window penetrated by a 00 buckshot pellet, which was found on the floor of the laundry room inside. Surrounding the window in a wide pattern were holes in the wooden siding caused by several more pellets, imbedded about half an inch. Walking straight out through the backyard in freshly fallen snow, I eventually saw a set of boot prints that I followed back to a corner of a woods line 200 yards from the house. There I found some spent 12-gauge 00 buckshot shell cases on the ground. The most amazing thing to me about this case was how much power a shotgun load like that can have at 200 yards. I continued to follow the footprints through the woods into an adjoining property, which ended at a greenhouse whose owner I knew. I asked him who had been hunting on his property recently, and all he could remember was a small white box truck used to haul bakery products had been parked there. I asked him to call me if he saw it again.

A couple days later I got the call while eating lunch nearby. I dropped my sandwich and rushed to the property, where the box truck was parked next to the greenhouse. Inside the greenhouse was a hunter decked in fluorescent orange, with a shotgun, having just come back from a quick hunt. I secured his shotgun and asked him to show me his boot. I recognized the relatively distinct tread of the sole as matching the prints I found earlier in the week. He then agreed to show me where he had shot at and missed a deer several days earlier, and he led me right to where the shell cases had been found. He then showed me

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where the deer had been, which was right in between the damaged house and his shooting location. He was charged with and convicted of shooting through a Safety Zone and damaging property, along with restitution to the victim to repair the damage done to his house.

Not all such cases are that easy to solve; but most require some good fortune and just plain old fashioned detective work. Another case in Delaware County also had a buckshot pellet smashing the window of a house in a relatively new development, but this time it was an upper story bathroom window. Unlike the other incident, the family was home when this occurred, and the man of the house confronted a hunter literally in his backyard, almost immediately after he shot. Understandably upset, the homeowner shouted some things at the hunter, who shouted back that he can hunt there as he always had in the past (presumably before there were houses there). When I spoke to the victim later, all he could remember about the hunter was that he was wearing a fleecy-looking camouflage orange vest.

The next day I parked almost a mile from the victim's house, and walked the area that had a good bit of woods and fields between the public roads and housing developments. Within a short time I spotted a hunter, and he was wearing a fleece camouflage-orange vest. I approached him casually, did a routine field check and noticed he was using 000 buckshot shotshells, which are not at all common and was the same type that went through the window.

I told him there had been reports of a nearby homeowner harassing hunters, and asked if he had come across anything like that. He took the bait right away and went on to enthusiastically explain how just the day before a man was yelling obscenities at him while in the area. I asked him to tell me where this had occurred, and he oriented me to the appropriate direction and accurately described the victim's house and property. He even recited some of the word exchange between the two men. I had him come back to my vehicle, where he willingly filled out a witness statement form, describing his encounter. After collecting the statement form, the look on his face was priceless when I told him what had happened and what was then going to happen to him at that point, which, along with game law violations, was a criminal charge of recklessly endangering other persons.

After transferring to Adams County, I was for the first time dealing with hunters who used high-powered rifles. I learned over the years here that most instances of buildings being shot go unreported, at least to the Game Commission. This is a rural area where many folks are not all that alarmed when their barns, garages or sheds are struck, but somewhat more concerned when their houses are. Still, many were reported, as in the case of a junior hunter shooting at a deer running across a field, where the bullet struck a plastic cooler sitting on a porch next to the front door of a home. The bullet was inside the cooler.

Another junior hunter was in a thick patch of woods with some adult relatives and friends when he took a quick shot at a deer and hit a house that he couldn't see through the vegetation, although some of the hunting party had been within the Safety Zone of the house at the time. The bullet penetrated a bedroom, ricocheted off two of the walls, and landed right on top of a pillow on the bed.

In another incident, a young man who had been convicted on three occasions in a 4-year period for unlawfully killing deer, hit a house more than a half mile away as he was shooting at a deer running across a field. The bullet went through one bedroom on the upper story, traveled across the hallway, and penetrated into the next bedroom and struck just inches over the top of a pillow on a bed belonging to a young girl. Thankfully, she wasn't sleeping at the time. The bullet was found on the floor of her bedroom, after it had bounced off the wall on the opposite side of the house from where it had entered.

Many other similar cases went unsolved, as with a case where the bullet went in near one corner of a house and exited out an adjacent side. The bullet was never recovered. A minivan was struck parked next to someone's house, but no suspects could be located. Another house was shot on a Sunday in the middle of summer, and although it may not

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have been a hunting situation, it may have been a landowner shooting nuisance groundhogs, or someone illegally hunting on a Sunday.

Most of the cases that went unsolved didn't come to my attention right away, which supports a general investigative truth in almost any type of crime in that the longer it goes unreported, the harder it is to solve.

I am fortunate to be able to claim that I have been able to solve most of the incidents reported.

Some cases are exceptionally satisfying when solved, and some can throw you a difficult curveball. Some are both, as in the case of a home where a woman was standing inside her living room, holding her baby, when a bullet whizzed by only a couple feet away from them. It came through the back glass patio door and imbedded inside the wall stud on the opposite side of the room.

Three hunters were in the area at the time, all of whom were interviewed later that day. One turned out to have been standing within the Safety Zone of the house in plain view at the time of the incident, and he admitted to shooting at a deer at that same time. The caliber of the bullet in the wall matched the caliber of his rifle, and the bullet path seemed to match perfectly with his location. I was convinced he was the culprit, even though he insisted that he shot in a different direction (they all seem to say that).

I seized his gun for a ballistics analysis, and about a year later the results came back — negative. Puzzled but determined, I visited one of the other hunters who were on the property that day, a guy who at the time indicated that he was far on the other side of an island of trees and brush from the hunter in the Safety Zone, and had claimed he hadn't shot at anything.

When he answered the door more than a year later, he immediately projected a defeated demeanor, and said that he had been waiting for my visit for a very long time. He then confessed to shooting into the trees and brush at a deer, and said he would take responsibility for the house shooting. The surprise in this turn of events was not only the realization that this man shot the house, but his bullet would have had to pass within inches of my original suspect, who was essentially standing in its path.

Other than buildings, sometimes domestic animals or other people are shot. In one case, a man shot the dog belonging to the people on whose land they allowed him to hunt. During a night hunt, he thought it was a coyote. In another, two groups totaling five hunters unleashed a barrage of bullets at a herd of deer running across a large field, one of them sailing across the field, right past a barn and into a horse standing in a pasture, killing it within minutes. The barn turned out to have multiple bullet holes in it, perhaps some if not all from years past.

Of the only two occasions when I had to investigate people being shot by other hunters, both of the victims, also hunters, were shot by members of the same hunting party. Fortunately, both of them survived.

Over the years I also assisted state or local police departments investigate shootings that turned out to be target shooters accidentally striking houses, and on one occasion, the window of a tractor as it was being driven by a farmer through a field.

Looking back on all of the actual hunting incidents in which it was determined what exactly had occurred, all except for the dog shooting incident had a commonality — they all involved deer drives and/or shooting at running deer. In the majority of cases, the person responsible for the shooting had no idea what he had done. There is one thing that all accidental shootings have in common for sure, and that is that once fired, you can't call a bullet back.