



Behind the Badge

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007

AS THE LAST HOURS of the 2008 firearms deer season were winding down I received a call from my supervisor at the time, WCO Tom Fazi (current Information and Education Supervisor for the Southwest Region.) Tom explained that a call came in about a guy hunting in a safety zone in my area. Tom was tied up with another violation on the other side of the district, so he asked me to look into it. He advised me to try to contact neighboring WCO Seth Mesoras, because he might be closer if I needed assistance. At the time Seth was a new officer that we teasingly called "007," which I will explain later.

Often, these safety zone calls turn out to be nothing when we arrive on the scene — either the hunter is gone or it turns out to be a neighbor that the caller didn't recognize who has permission, etc. But there are times they turn into great cases, so I quickly made my way to the incident.

As I pulled up the long driveway of the caller's home, I passed a truck parked partly in a field. As I continued, I saw a man to my right standing near some pine trees, rifle at the shoulder and wearing no fluorescent orange, as required by law. His location put him at 50 yards from the corner of the caller's house, well within the safety zone. As I parked my vehicle, the hunter was so focused on the deer in his scope that he did not realize I was even there. Just then my cell phone rang. It was Tom asking what I had found, and after I explained the situation to him we ended the conversation with directions from Tom to "don't be afraid to give 007 a call."

It's now important to note why we called WCO Mesoras "007." Seth, at the time, was a new officer with about eight months in the field, and was having a hard time turning up good cases. Naturally, we enjoyed teasing him about his run of bad luck and came up with the nickname 007.

With coat, gloves and my orange in place I walked along the rear of the house, still undetected by the hunter when two rifle shots rang out. I watched as the hunter dropped the firearm from his shoulder just as the front door of the home opened and one very irate woman — the homeowner and caller — began cursing the guy out. As the hunter turned around he saw me and I identified myself and ordered him to put the firearm down and stay where he was. Well, he had other ideas and the chase was on.

The tracking was helped by a fresh inch or so of snow, but also hindered by the multiple tracks already in some of the thickest cover I have ever seen. Realizing this guy obviously knew the area and his way around the terrain, I called for 007.

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Within minutes Seth was at the truck parked along the driveway, running the roads that encompassed the parcel of land, checking on me and anything else he could think of while I followed the violator's tracks in and out of the jungle of grapevines, greenbriar and mountain laurel.

For more than an hour we searched to no avail. Our man was gone, but the truck was still there. We decided to take positions where we could apprehend anyone who tried to leave the area. We had the license plate number and obtained the truck owner's name and a phone number. When we called the number, a woman advised us her boyfriend was hunting and did not have a cell phone, so we waited.

Now, at this point it was nearly three hours after the incident. Permission was granted by WCO Fazi to impound the vehicle if needed, but we decided to check around the truck one last time. On the way up the road we encountered two individuals at a storage garage with the door open. We introduced ourselves, explained why we were in the area and asked if they saw anyone. Both of these individuals met the only description I could provide — blue jeans and a carhart type jacket. They claimed to have no knowledge of whose truck was parked just above them, had no idea who would have been hunting, heard no shots and basically seemed to be telling the truth. One gentleman, the owner of the garage, stated they had just come up from his house to get something out of his garage when we showed up.

Then it happened; we got a sign. As I cleaned the snow off my glasses and looked on the ground there were the same boot tracks I had been following in the thicket. I will never forget the look on Seth's face when I looked up. It was as though we made the same discovery at the same time. While I listened to the two men talk hunting and interact with Seth, my thoughts were gathered on how to present this evidence to who now was our suspect. When the idle chit-chat stopped, I explained to the men that one of them appeared to have on boots with the same tread pattern as the fellow we were looking for. They each were advised to step to their right and whoever's track matched had some serious issues to explain. As they did, the garage owner's boot was the obvious match to what we were seeking. It was at that moment something completely unexpected happened.

"It wasn't me!" exclaimed the garage owner. "I work for the government and can't get into trouble." When asked to explain he gestured to the other man and said, "He's my brother-in-law. He walked to my house and said his feet hurt from walking, so we traded boots."

Obviously it wasn't the answer I was prepared for.

We started getting to the bottom of the case as our interview with the suspect progressed and the truth started to come out.

"My brother-in-law showed up at the house, tired, wet and cold. We sat down while he got warm and he complained about his boots hurting his feet; he asked if he could wear mine. Then he asked for a ride back to his truck, because he had hiked more than four miles," the garage owner explained. "I needed to go to the garage anyway, so I gave him a ride and then you guys showed up." We asked him where his brother-in-law's firearm was located and he said it was at his house. He continued to claim that he did not know anything about the violation and that he was only helping out his brother in-law. Next we questioned the brother-in-law. He stated it happened just like we were told, adding that he shot a deer and was sure it was down.

"Why did you run?" I asked.

"Because I don't have a license," he replied. We advised him of his Miranda rights and requested that he make a written statement, which he agreed to do and a full confession was obtained. The antlerless deer he shot was recovered and evidence obtained from the deer. We later took the deer to a processor and donated the meat to the Hunters Sharing the Harvest program.

It was now 9:30 p.m., and on my way home I called WCO Fazi with the story. I explained all the possible charges we had, including hunting in a safety zone, hunting without a

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license, unlawful taking of big game, resisting or interfering with an officer, fleeing from an officer and more.

Tom talked me through all the various charges that could be filed and asked if I had made up my mind what charges I felt would be appropriate given the circumstances.

I told him I gave everything to Seth to file, being that Tom had told me to give something to 007.

As it turned out, all charges were filed at the district judge's office by WCO Mesoras and adjudicated by guilty pleas by the defendant. He paid more than \$1,000 in fines and lost his hunting privileges for two years.

I could no longer call Seth 007, as this case elevated him beyond that nickname. We couldn't come up with a more suitable nickname, though, because it would go to his head.