

## Strike 3...The Story of Wyoming's First Felony Wildlife Conviction



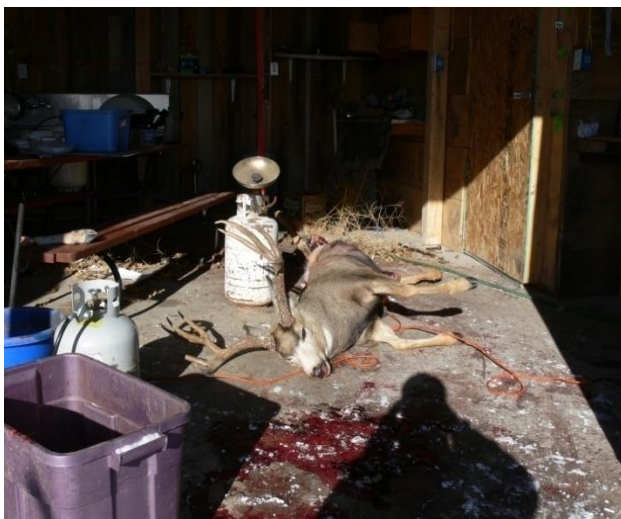
On November 15, 2011, Worland game warden Matt Lentsch received a report from the Worland Police Sergeant Brad Horath regarding a picture he had seen of Worland teen Colton Lapp posing with a large mule deer buck. Horath recognized the buck as one that had been frequenting the area around the police shooting range earlier that summer. As it turned out, the deer Horath was referring to had been photographed by many residents throughout the summer.



Upon evaluation of the photographs, due to the unique antlers, it was determined the deer Lapp had shot and the deer from the shooting range were the same deer. The area the deer had been seen in was a limited quota area, and Lapp had a general license. Also, at the time the deer was taken, all of the general deer areas around Worland were closed.

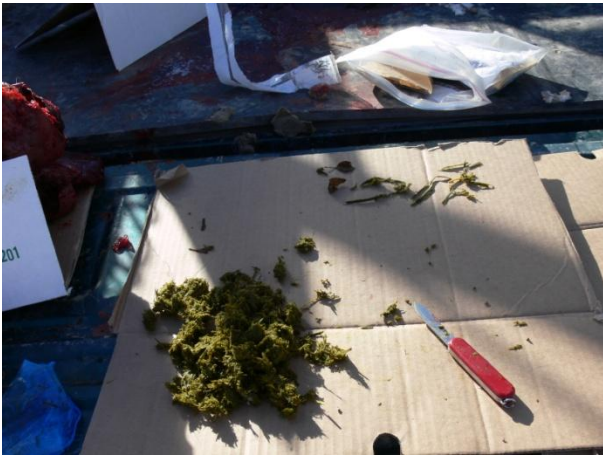
A team of game wardens, an investigator, a biologist, and the regional wildlife supervisor conducted interviews of all people suspected of having knowledge of the deer at the same time. During the interviews, it was discovered that Lapp was with his cousin when the buck was taken. An interview with the cousin was conducted. With the evidence in front of him, and some stern instruction from his father, Lapp's cousin stated the deer was killed south of Worland in a closed area on November 6. With this information, Lapp was again interviewed and he confessed to killing the buck in a closed area south of Worland. He also stated the body of the deer was at his residence and the head was at his boss's shop in Hyattville.

Greybull Game Warden Bill Robertson retrieved the head, which later officially scored 205 <sup>6/8</sup> Boone and Crocket points. A search warrant was obtained for Lapp's residence, but Colton's father agreed to let the wardens search the property. When opening the shed door to retrieve the carcass, another freshly killed, large mule deer buck was found lying on the floor. Lapp stated his friend Shenae Blakemore killed the deer near Sundance the day before (Sundance was the only area in the state still open for buck mule deer hunting).



The second deer had been field dressed in the shed and the entrails were in a plastic tub nearby. The hind quarters had also been skinned. With the temperature well below zero, it seemed strange to Lentsch that they were able to skin the deer after it supposedly took a 5+ hour ride in the back of an uncovered pickup. Blakemore and her boyfriend Cody Gilligan were both interviewed, claiming she shot the buck near Sundance, but neither could say where. Their story was they left Worland around noon, drove nearly 250 miles, shot a "once in a lifetime buck" in an area they had never hunted before, then drove the 250 miles back to Worland in a blizzard - all in just 10 hours.

Needless to say, this did not sound very plausible to the wardens. Lentsch returned to the Lapp residence later where he asked for the tub of entrails. Colton's father told him he could "have the guts." Upon inspection of the stomach contents, Lentsch found green barley and narrow-



leaf cottonwood leaves. He also obtained a warrant for the phone records for all three individuals. Text messages revealed Blakemore was in the Burlington area the night before and that she also shot another buck but failed to find it.

With his extensive knowledge of the area, Lentsch knew the combination of narrow-leaf cottonwood and green barley was very uncommon for that time of year. He began searching the area near Burlington to find where the deer might have been killed. At 1:00 p.m., he found a green barley field with nearly 100 deer in it. Examination of the leaves from the site matched the deer's stomach contents. That was the only green barley field he was able to locate near narrow-leaf cottonwoods. While driving through the town of Otto that

day, he also noticed a large ice statue that had formed when a waterline broke in the subzero temperatures. He compared this to a picture from Lapp's phone dated November 21, 2010. This proved that Lapp had been in the Otto/Burlington area on November 21<sup>st</sup>, the day Blakemore killed the buck.

Previous interviews indicated Gilligan and Blakemore had gotten gas in Worland prior to going hunting. Warden Lentsch was able to get a copy of the surveillance tape from the station and the owner stated he had seen Lapp with the pair when they bought gas that day. Additionally, all three had purchased bird hunting licenses together at 11 o'clock that morning at local convenience store.

In March 2011, Colton Lapp pled guilty to the charge of the knowingly illegal take of an antlered deer under Wyoming Statue 23-3-102(d). He was sentenced to a fine of \$5,040, ordered to pay \$4,000 in restitution to the State of Wyoming, was placed on probation for 6 months and lost his hunting privileges for 5 years. He was then charged with entering an illegally taken buck into a wildlife competition for money and received a fine of \$520, lost his hunting privileges for an additional 3 years, received 180 days of suspended jail time and was placed on 6 months of probation consecutive to the probation for killing the buck. For his part in Blakemore's deer, Lapp was charged under Wyoming Statute 23-3-102(d) as an accessory to the knowingly illegal take of an antlered deer. On December 19, 2011, Lapp pled guilty fined \$5040, lost his hunting privileges for 2 years, sentenced to 180 days of suspended jail time, and placed on probation for six months.

Cody Gilligan was also charged as an accessory and pled guilty in January 6, 2012. He was also fined \$5,040, was sentenced to 180 days of suspended jail time, placed on probation for 6 months, and lost his hunting privileges for 2 years.

On January 23, 2012, Shenae Blakemore agreed to a plea agreement in which she was given deferred prosecution. She was ordered to pay \$3,000 in restitution for the deer and placed on 2 years of probation.

On December 29, 2011, Lentsch received a Stop Poaching Report of a headless buck mule deer east of Thermopolis. It was already after dark, so Lentsch contacted the reporting party the next day. At the scene, Lentsch observed an adult buck mule deer with its head removed. It appeared the head was cut off with a hacking type implement. Tracks in the snow indicated that 2 persons unloaded the deer carcass and drug it off a steep embankment next to the road. Lentsch also observed faint tire tracks in a section of road free of snow. The tire tracks indicated the vehicle had aggressive lug tires that were probably worn. Lentsch had no clear suspects at the time.



Just prior to midnight on December 30, 2011, Worland Police Sgt. Brad Horath contacted Lentsch at his residence. Horath informed Lentsch that Worland police officers had just concluded a contact with Colton Lapp. During the contact, the officers noticed Lapp had several firearms and deer hair and blood in his pickup. Suspecting something was wrong, Horath collected a blood swab sample which he gave to Lentsch. Lentsch knew that Lapp's probation not only specified his hunting privileges were suspended, but also stated he was not allowed to be in possession of any weapons to take wildlife. Lentsch advised Horath that he wished to contact Lapp again. Minutes later, Worland police officers contacted Lapp. Lentsch went to the scene and seized Lapp's truck containing the firearms and blood. The truck was towed to a secure storage area pending Lentsch obtaining a search warrant.



On December 31, 2011, Lentsch and Warden Bill Robertson conducted a search of Lapp's truck, finding that the tires matched the tracks observed at the scene. The wardens collected many blood and hair samples from the bed of the truck that were sent to the Wyoming Game and Fish Department's Forensics Lab along with meat samples of the headless buck. A few weeks later, the lab made a positive DNA match between the blood samples and the headless buck. The lab also determined a second buck mule deer had been in the back of Lapp's truck. Wardens also seized multiple firearms and hunting gear, all of which was in violation of his probation. Weeks later, Lapp's suspended jail time was revoked for possessing firearms and he was incarcerated at the Big Horn County jail.

On January 3, 2012, Lentsch conducted a more thorough necropsy of the headless buck with the assistance of Cody Region Supervisor Alan Osterland and Warden Supervisor Scott Werbelow. Lentsch located a .30 caliber bullet from the rumen of the headless deer carcass. The bullet matched a .300 Winchester Short Magnum rifle seized from Lapp's truck.

Lentsch obtained a search warrant for the contents of Lapp's cell phone, revealing Lapp had texted a Thermopolis cell number multiple times after his truck was seized on December 30, 2011. The text said, "call me we have problems." The cell number was traced to Gene Wehrman of Thermopolis. Lentsch and Werbelow conducted several interviews with Wehrman, learning that Lapp illegally shot multiple bucks between Dec. 21 (just two days after being sentenced in Park Co for the Blakemore buck) and December 28, 2011. Lapp was also interviewed multiple times by Werbelow wherein it was determined Lapp illegally killed four buck mule deer and shot at, but missed, a fifth. Lapp shot the first buck east of Thermopolis on December 21, 2011 and initially left the carcass. He returned on December 28, 2011 and retrieved the head with Wehrman. Lapp shot the second buck on December 24, 2011 off the Black Mountain Road. Colton never retrieved the head or carcass and this buck was found by Lentsch and Werbelow. On December 28, 2011, Lapp and Wehrman went out in the Legacy Reserve oil field where Lapp shot a buck mule deer. Lapp cut the head off with a hatchet, threw the head in the back of his



truck, and left the carcass to rot. The pair drove down the road where Lapp shot multiple times at a buck deer but missed. The two then drove down the road and Lapp shot a third buck. The buck ran down a hill and died next to the road. Lapp and Wehrman were concerned that someone would see the deer, so they loaded it in their truck and drove several miles where the two men dumped it off a steep embankment on the side of the road. Lapp hacked the head off with hatchet, and put the head in the back of his truck. This was the deer that started the investigation.

In July 2011, the Wyoming State Legislature passed a law stipulating that the third and subsequent conviction

under Wyoming Statute 23-3-102(d) constitutes a felony. Because Lapp had two prior convictions, he was charged with five felony charges of knowingly illegally taking an antlered deer out of season and five misdemeanor charges of taking wildlife while his privileges were suspended. Lapp agreed to a plea agreement in which he pled guilty to three felonies. He was sentenced on October 1, 2012 in Hot Springs District Court. Lapp was fined \$30,120 (\$15,000 will be suspended if he successfully complete 6 years of probation), ordered to pay \$1,500 restitution for the deer, lost his hunting, fishing and trapping privileges for life and was sentenced to serve three consecutive 18-24 months at the Wyoming State Penitentiary with a recommendation he attend the prison's Boot Camp program. Lapp's conviction was the first felony state wildlife violation conviction in Wyoming. Wehrman was charged with two counts of an accessory to knowingly illegally taking an antlered deer out of season. In a plea agreement, he pled guilty to one count of wanton destruction. He was ordered to pay \$2,040 in fines, lost his hunting, fishing and trapping privileges for two years, received 180 days of suspended jail time and placed on 2 years of supervised probation.