

## Kerns Elk Case

The collective actions of four overzealous Sheridan hunters who repeatedly shot into a large herd of elk on Nov. 10, 2006, killing at least 10 animals and leaving the majority of the meat to waste, generated a collective sentence of more than \$23,000 in fines and restitution and 42 years of forfeited hunting privileges. The men (two sets of brothers) were also sentenced to 90 days in jail, which was suspended, and placed on one year unsupervised probation by Circuit Court Judge Robert Skar of Big Horn County.

The case commenced on Nov. 10, 2006, when a concerned hunter, who was hunting that day near the Kerns Wildlife Habitat Management Area northwest of Sheridan, reported to Dayton Game Warden Alan Osterland of hearing a long barrage of up to 90 rifle shots that day coming from the Kerns Habitat Area.

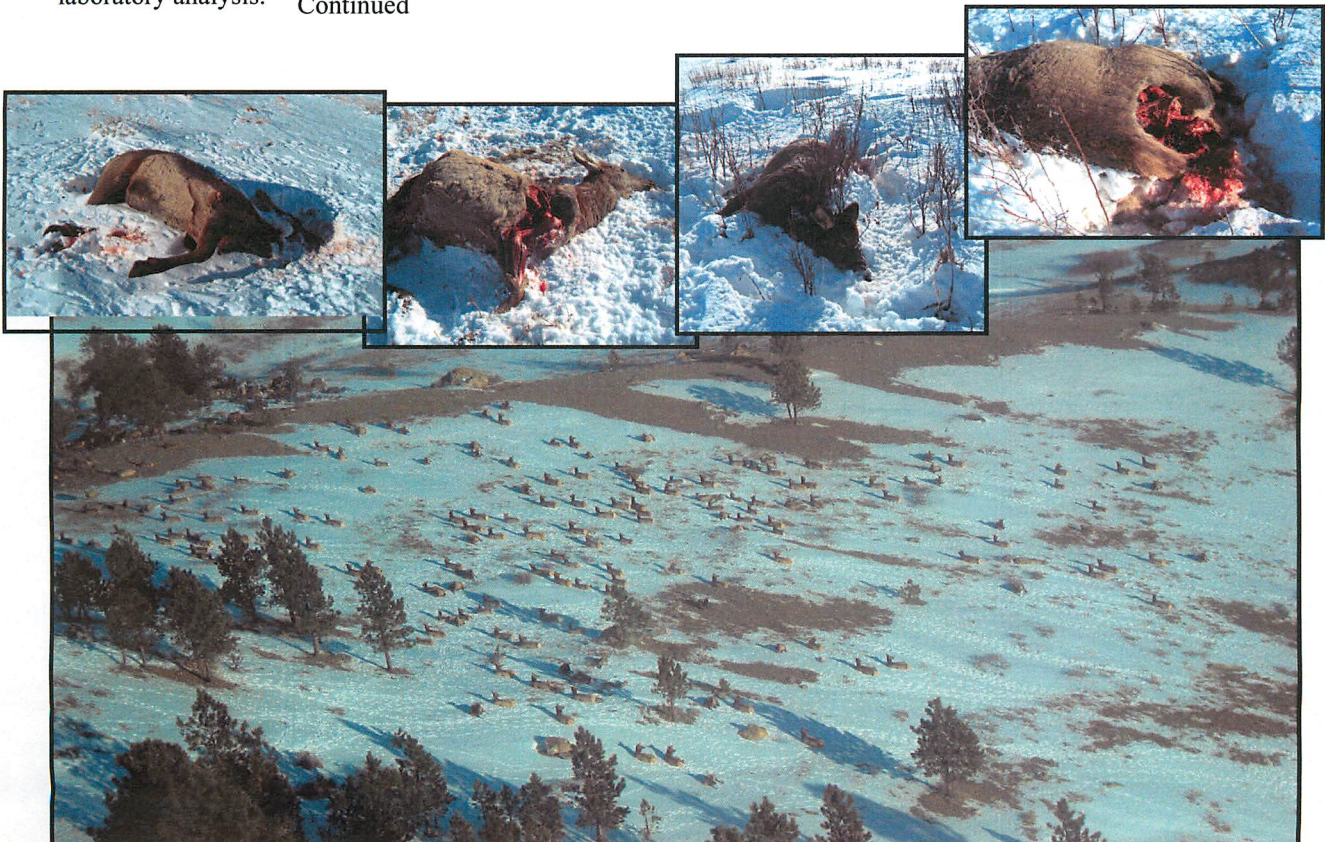
Osterland responded to the Kerns unit the next morning and visited hunting camps in the area. At the camp of Albert D. and Ivan L. Pierce and Michael L. and Aaron L. May, the officer was told the party had killed four elk and crippled a couple more the day before in the Broderick Bench area of the Kerns WHMA. The men said they had retrieved the boned meat from two elk, had left two more elk at the site and further said that a member of their party had returned with others to retrieve the other two elk that day.

Osterland began to suspect that the party may have been responsible for the shooting barrage. He and Game Warden Troy Achterhof returned to the camp near evening and were told the party had yet to return from retrieving the other two elk. The officers returned the next morning to find the men had returned with only 100 pounds of boned meat from the two elk, which Osterland said he felt was clearly spoiled.

The two officers went out to the Broderick Bench area on Nov. 12. They discovered nine cow elk carcasses, all shot, and another wounded cow elk with a shattered rear femur unable to move in the close vicinity. This elk, just barely alive, was put out of its misery by the officers. Members of the Pierce/May party had earlier stated they had been shooting at a cripple dragging its rear in that area. None of the nine carcasses had been gutted and three had been partially boned out.

"In my 18 years of wildlife law enforcement this was far and away the most sickening crime scene I've had to investigate," said Osterland, who led the investigation and patrols the district where the crime occurred.

The officers performed necropsies on the elk carcasses and also collected DNA samples from the carcasses for laboratory analysis. Continued



On Nov. 16, Osterland and Wildlife Investigator Scott Adell served search warrants on the residences of Aaron May and Albert Pierce. About 190 pounds of frozen elk meat was confiscated from Pierce's residence. The Game and Fish Forensics Laboratory later confirmed the confiscated meat matched some of the carcasses at the crime scene.

In their initial statements to Osterland, the defendants admitted to firing collectively 58 shots from their bolt-action rifles. The men said they first started shooting from 500 to 700 yards away from the herd numbering between 150 and 300 elk. An eyewitness spoken to during the course of the investigation confirmed seeing men shoot continuously at a large herd of panicking elk on the Broderick Bench at distances of up to 700 yards. He confirmed earlier reports as to the amount of shots fired, estimating that the hunters he saw fired approximately 90 shots. "The case was the worst death of sportsmanship that I'd ever investigated," Osterland said.

The May brothers - Michael, 21, and Aaron, 24 - and Ivan Pierce, 37, each pleaded guilty June 28 to one count each of wanton destruction of elk, waste of game meat and taking an overlimit of elk. They were each assessed \$5,200 in fines and restitution, had their hunting privileges revoked for 10 years and were placed on one year unsupervised probation.

In the plea agreement between the Sheridan County Attorney's Office and the three defendants and their attorneys, additional charges, including failure to retain evidence of sex and failure to tag, were dismissed. Interviews required in the plea agreement also identified an 11th elk that was killed in the melee. The officers and county attorney's office commended the men for their cooperation in the investigation.

Albert Pierce, 48, did not participate in a plea agreement and pleaded no contest to one count each of wanton destruction of elk, waste of game meat, overlimit of elk and failure to tag a game animal. Judge Skar ordered him to pay \$6,000 in restitution and \$1,600 in fines and revoked his hunting privileges for 12 years. He also was placed on one year unsupervised probation and in addition was given a 90-day suspended jail sentence.

Deputy County and Prosecuting Attorney Christopher LaRosa said the difference in the two sentences stemmed from the fact that the three defendants who had reached agreement with the state of Wyoming and pleaded guilty, had by their actions and statements more fully accepted responsibility than had defendant Albert Pierce. In the sentencing hearing, Albert Pierce argued that the state should have laws or regulations limiting the number of shots that can be taken when hunting and laws stating proper shooting distance. His attorney downplayed the severity of the offenses, contending the Game and Fish wants cow elk harvested to meet management goals.

