



Michigan Department of Natural Resources – Law Enforcement

INCIDENT REPORT

Issued under the authority of Act 109 of 1986

Date of Investigation: 8-22-08File No: 7-272-010-08

[REDACTED]

NATURE OF INVESTIGATION: (Preliminary Report) Violation of Captive Cervidae Quarantine

SUMMARY:

I was contacted by Sgt John Jurcich on Friday August 22 @ approximately 1800 hrs and advised that my assistance was needed at a captive cervidae facility located in Kent County. Sgt Jurcich stated that the facility had been placed under quarantine and I would be doing surveillance to assure that no animals were removed from the enclosure. I made contact with Officer Dave Rodgers and we did conduct a surveillance of the facility. During this surveillance two subjects did enter the pen and remove a deer and attempt to take it from the area. A traffic stop was conducted and the deer and other evidence were recovered. Both suspects were interviewed at the scene and confessed. The suspects were returned to their residence pending further action.

VENUE/DATE/TIME:

This violation occurred [REDACTED], and Kent County on Saturday August 23, 2008 @ approximately 0005 AM.

SCENE OBSERVATIONS:

While sitting west of the facility and observing it I made contact with Officer Rodgers who advised that a light had just turned on in the barn and a pickup truck was backed up to the barn door. I along with Officer Rodgers took up a position on the West side of the fence where we could see the majority of the enclosure as well as the barn and the main access gates. During this observation we used night vision and binoculars to assist us. I remained in contact with Sgt Jurcich via cell phone and advised him of any activity as it occurred.

At approximately 0005 AM I observed two subjects come from the rear of the residence and enter into the enclosure. One subject appeared to be a young male wearing blue jeans and a white t-shirt, this subject was also carrying a long gun. The second subject appeared to be an older male with glasses, wearing blue jeans and a dark shirt, this subject was carrying a spotlight. The subjects appeared to be trying to get close to the deer inside the pen. After a short period I heard what sounded like a tranquilizer gun being fired. Both subjects then left the pen. After approximately 15 to 20 minutes the subjects returned to the pen and were now carrying a hospital style gurney. The subjects then approached the rear of the pen and attempted to load a deer that was lying on the ground onto the gurney. After a few minutes the subjects again left the enclosure without the deer and engaged in a conversation near the barn.

The subjects then removed a small cargo style trailer from the truck and hooked it to the back of a small tractor. They then entered the pen and drove the tractor and trailer to the front corner of the enclosure. I then observed as the young male removed two ear tags from the deer that was lying on the ground, and handed them to the older subject who then secured them in his pants pocket. Both subjects then attempted to load the deer into the trailer; however the deer got away from them and walked off. Both subjects then left the pen and returned a few minutes later with the long gun and spotlight. At approximately 0220am the young male subject again fired the tranquilizer gun at a deer in the pen. The deer which appeared to be a small yearling buck walked a few feet and then layed down. After about 10 minutes the subjects were then able to load the deer in the trailer. I heard the older male ask the younger subject if he got the right deer, the young subject stated that he was positive that was the right one. The subjects then pulled the trailer with the deer secured inside out of the enclosure and hooked it back up to the pickup truck.

I then moved to the south side of the pen where I could observe the truck and trailer. At approximately 0309 I observed the truck leave the residence and head east on Rector rd; I was picked up by Officer Rodgers at the end of the driveway. We then conducted a traffic stop on the suspect vehicle at Rector and Summit.

>NOTE: REPORT CONTENTS ARE FOR THE USE OF THE MICHIGAN DNR LED AND NOT TO BE CIRCULATED WITHOUT PRIOR APPROVAL OF YOUR SUPERVISOR<

INCIDENT REPORT (CONTINUED)

Date of Investigation: 8-22-08

File No: 7-272-010-08

[REDACTED]

NATURE OF INVESTIGATION: (Preliminary Report) Violation of Captive Cervidae Quarantine

SUSPECT#1:

[REDACTED]

SUSPECT #1 CONTACT:

[REDACTED] was interviewed by Sgt Jurcich and Officer Rodgers at the scene.
(See attached supplement)

SUSPECT#2:

BRIAN LEE SCHUITEMAN

[REDACTED]

SUSPECT #2 CONTACT:

I spoke with [REDACTED] at the scene of the traffic stop. [REDACTED] was read his Miranda rights at 0315am. [REDACTED] advised that he was willing to talk to me at this time. I asked [REDACTED] what they were doing with the deer in the trailer. [REDACTED] stated that they were going to take it somewhere and release it. [REDACTED] went on to advise that they were scared and did not know what to do so they panicked and decided to release the deer into the wild. I asked [REDACTED] why they chose this deer. He stated that they thought it might be sick. I then questioned [REDACTED] on how they would explain the disappearance of this animal to the inspectors. [REDACTED] stated that he wasn't sure. I then had [REDACTED] go over the events that took place when they were in the enclosure. [REDACTED] gave me a detailed explanation of what occurred which confirmed the observations that I made during the incident. I asked [REDACTED] if he understood the gravity of the situation and the consequences that could result from the release of the deer into the wild. [REDACTED] stated that he did and that it was a very poor decision on there part.

EVIDENCE DISPOSITION:

The deer was re-tranquilized at the original facility and euthanized with a 22 cal shot to the chest by Officer Dave Rodgers at approximately 0530 AM. The deer was then secured back into the trailer and a pad lock was placed on the rear door. The deer and trailer were in my possession until being delivered to Steve Schmidt at the Disease Lab.
The trailer was marked with an evidence tag, secured with a padlock and placed into a locked storage building in District 7.

>NOTE: REPORT CONTENTS ARE FOR THE USE OF THE MICHIGAN DNR LED AND NOT TO BE CIRCULATED WITHOUT PRIOR APPROVAL OF YOUR SUPERVISOR<

INCIDENT REPORT (CONTINUED)

Date of Investigation: 8-22-08

File No: 7-272-010-08

NATURE OF INVESTIGATION: (Preliminary Report) Violation of Captive Cervidae Quarantine

EVIDENCE:

- 1 – One Male Whitetail Spike Buck (approximately 14 months old) Deceased.
* This animal was turned over to Steve Schmidt at the DNR Disease Lab in Lansing.
- 2 – One United Cargo trailer (Registered to [REDACTED] Bearing MI Reg [REDACTED])
- 3 – One metal ear tag bearing number 34AQ5870 MI (removed from the deer by [REDACTED])
- 4 – One plastic yellow ear tag bearing number 18 (removed from the deer by [REDACTED])
- 5 – Two Pneu-dart guns Model 176B Serial #'s (907500282) (706500207)
- 6 – One plastic tackle box containing Xylazine, Telazol, Tolazine and other miscellaneous drugs

VEHICLES:

2001 Ford Pickup, Burgundy in color, Bearing Michigan Registration [REDACTED] (Registered to [REDACTED])
*This vehicle was returned to owner at the scene.

2004 United Trailer, (enclosed) White in color, Bearing Michigan Trailer plate [REDACTED] (Registered to [REDACTED])
*This trailer contained the live deer and was seized at the scene. The trailer was decontaminated at MSU disease lab and returned to [REDACTED]

PHOTOGRAPHS:

Photos of the deer were taken by lab tech prior to examination.

>NOTE: REPORT CONTENTS ARE FOR THE USE OF THE MICHIGAN DNR LED AND NOT TO BE CIRCULATED WITHOUT PRIOR APPROVAL OF YOUR SUPERVISOR<

INCIDENT REPORT (CONTINUED)

Date of Investigation: 8-22-08

File No: 7-272-010-08

NATURE OF INVESTIGATION: (Preliminary Report) Violation of Captive Cervidae Quarantine

WITNESS:

- 1 – Sgt John Jurcich
DNR/LED Plainwell District 7
- 2 – Conservation Officer Dave Rodgers
DNR/LED Plainwell District 7

CHARGES:

287.744 Felonies; penalty; violation of act or rule as misdemeanor; costs and attorney fees; powers of director; failure to pay fine; civil action and penalties; remedies and sanctions as independent and cumulative powers of department.

Sec. 44. (1) A person who commits 1 or more of the following is guilty of a felony punishable by a fine of not less than \$1,000.00 and not more than \$50,000.00, or imprisonment of not more than 5 years, or both, and shall not receive any indemnification payments at the discretion of the director:

(c) Intentionally violating a condition of quarantine authorized under section 12 or movement restrictions and other requirements authorized under section 9.

(3) The court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation of subsections (1) and (2). Costs assessed and recovered under this subsection shall be paid to the state treasury and credited to the department for the enforcement of this act.

STATUS:

Open, Pending court action.

Reported by: CONSERVATION OFFICER MSHAR	CO Signature:	Reviewed by:
--	---------------	--------------

>NOTE: REPORT CONTENTS ARE FOR THE USE OF THE MICHIGAN DNR LED AND NOT TO BE CIRCULATED WITHOUT PRIOR APPROVAL OF YOUR SUPERVISOR<