



DEPARTMENT OF NATURAL RESOURCES **INCIDENT REPORT**

ICR# 17026312		AGENCY ORI# MNCON00E1		JUVENILE:					
INCIDENT	Reported: 11-04-2017 0818								
	Committed Start: 11-04-2017 0809 Committed End:								
	Title: Citation								
	Short Description:								
	Deer Hunting - May Not Hunt with Aid or Use of Bait								
OFFICERS	Summary:								
	Hunt deer with aid of bait/See report								
	Location(s)								
	Address: 13625 690th Ave City: Albert Lea State: MN Zip: Country:								
	Officer Assigned: Beckmann, Jason Badge No: 551 Primary: Yes								
NAMES	Officer Assigned: Henke, Jeremy Badge No: 582 Primary: No								
	Involvement: Cited Name: Bennett, Timothy Michael								
	Age: 41 Sex: M Race: Height: 511 Weight: 195								
	Address: (Residence) 1605 Todd Ave City: Albert Lea State: MN Zip: 56007 Country:								
	Eye Color: BLU								
EVIDENCE	Involvement: Mentioned Name: Yost, Devin Anthony								
	Age: 29 Sex: M Race: Height: 605 Weight: 270								
	Address: (None Selected) 3625 690TH AVE City: TWIN LAKES State: Zip: 56089 Country:								
	Phone: (Cell) (507)383-5577								
	BarCode: 0000000001481 Item Type: Firearm - Handgun Bin: Jason Beckmann Storage Bin								
EVIDENCE	Description: Savage model 516								
	Location								
	Address: (None Selected) 13625 690th Ave City: Albert Lea State: MN Zip: Country:								
	Name(s)								
	Last Name: Bennett First: Timothy Middle: Michael								
EVIDENCE	BarCode: 0000000001482 Item Type: Equipment Bin: Jeremy Henke Transfer Bin								
	Description: Game camera, stake,and 4GB SD card								
	Location								

	Address: (None Selected) 13625 690th Ave City: Albert Lea State: MN Zip: Country: Name(s) Last Name: Yost First: Devin Middle: Anthony BarCode: 0000000020491 Item Type: Other Bin: Jeremy Henke Storage Bin Description: CORN (GRAIN) Location Address: (None Selected) 13625 690th Ave City: Albert Lea State: MN Zip: Country: Name(s) Last Name: Bennett First: Timothy Middle: Michael
CITATIONS	# 890551730801 Dt\tm: 11-04-2017 Officer: Jason Beckmann 551 Description: Deer Hunting - May Not Hunt with Aid or Use of Bait Summary: Hunt deer with aid of bait/See report Notes: Hunt deer with aid of bait/See report Last Name: Bennett First: Timothy Middle: Michael Address: (Residence) 1605 Todd Ave City: Albert Lea State: MN Zip: 56007 Country: Offense(s) Offense: Deer Hunting - May Not Hunt with Aid or Use of Bait (97B.328.1) Deer Hunting - May Not Hunt with Aid or Use of Bait Locations(s) Address: (None Selected) 13625 690th Ave City: Albert Lea State: MN Zip: Country: Court Dt\tm: -- Court Location: Freeborn County
OFFENSES	Offense: Deer Hunting - May Not Hunt with Aid or Use of Bait (97B.328.1) Deer Hunting - May Not Hunt with Aid or Use of Bait

Supplemental Report

ICR: 17026312

Last Modified: 11-06-2017 1356

Title: HENKE SUPPLEMENT

Created By: Jeremy Henke

Date: 11/4/2017**Time: 0818 Hours****Initial Complaint:**

On the above date and time I Conservation Officer Jeremy Henke, along with LT Jason Beckmann and CO Chad Davis were on-duty working Deer Enforcement in the Bear Lake area of Freeborn County. It should be noted that all officers where in full uniform, and wearing blaze orange clothing.

The reason for working the Bear Lake area, and specifically the YOST farm was due to information on several stands being baited on the property. Prior to the 2016 Firearms Deer Season CO Pilot Robert Geving located two stands on the property that appeared to be considered baited. One stand appeared baited with corn and the second stand appeared to be baited with a white substance. These stands where documented under MN DNR Incident Number 16028322. During the 2016 deer season CO's where not able to make contact with anyone hunting in the baited stands.

Prior to the start of the Minnesota 2017 Firearms Deer Season CO Pilot Robert Geving flew a second enforcement flight over the area looking for baited stand locations. CO Geving located one stand that was baited with a pile of corn. This stand was documented in MN DNR Incident Number 17025728.

I requested CO Davis and LT Beckmann to assist me in checking these stands on opening morning of the 2017 Deer Season which occurred on 11/4/2017, legal shooting time on this date was 07:25 Hours (Sunrise 07:55) as there were 3 stands located on the property that I had knowledge of and bait had been placed in front of at least one of them within the 10 day period prior to the season. At approximately 07:53 hours LT Beckmann and I approached the stand location that was directly behind the residence at 13625 690th Ave.

Bait Investigation:

LT Beckmann and I parked two DNR Squads in the driveway of the residence and began to walk behind the house. As we were walking back to the stand which was located approximately 250-300 yards behind the residence I noticed an individual that was

walking from the tree stand location and in our direction. The male was wearing blaze orange and carrying what appeared to be a large caliber handgun.

I asked the male party if he had any luck this morning. The male advised Hi, Jeremy. As I approached the male I identified him as BENNETT. While walking to meet BENNETT and conduct a regulatory inspection of his firearm and license I noticed what appeared to be a large deer feeder in the immediate vicinity of the stand location. BENNETT advised that he had not shot at any deer this morning, he also advised the he did not know "he had that bitch out there". I then asked BENNETT what was in the feeder, BENNETT advised that it appeared to contain corn.

BENNETT advised me that when he noticed the feeder was full of corn he got down from the stand and began walking out. It should be noted that the time BENNETT got down from the stand directly coincided with a vehicle (later found to be Devin Yost) leaving the property and following us while we drove to the residence. BENNETT was believed to still be in the stand, as we pulled into the driveway he removed himself from the stand. BENNETT advised that when he walked out to the stand he did not notice the corn in the feeder, but did notice the fact that a deer feeder was present. BENNETT advised me that he walked out to the stand at approximately 06:45 hours on 11/4/17. BENNETT advised that he believed he was the only one hunting on the property as the property owners were out in the field working on harvest. I asked Bennett what caliber firearm he was using and he advised it to be a .300 handgun.

I then left BENNETT and LT Beckmann together while I inspected the stand location, feeder and look for any evidence of deer being shot as we heard several gunshots from the area. When I approached the Feeder I noted a large trough style feeder that was elevated approximately 2 feet on legs, the feeder was filled with corn, and had a trail camera pointed directly at the feeder. The stand was approximately 30-35 yards from the feeder location with a direct shot to the feeder from the stand.

I then walked back to the truck location with BENNETT and LT. Beckmann. Upon arriving back at the truck location I asked that LT. Beckmann finish the remainder of the investigation into BENNETT hunting over bait. It should be noted that BENNETT is a Law Enforcement Officer in Freeborn County, a county to which I am assigned as the Conservation Officer, and felt it better for future working relationships if LT. Beckmann handled the case.

I then stopped my recorder and LT. Beckmann took over further investigation of the case. I went back out to the stand location and began to photograph the scene. Photographs

where later uploaded to this case file. While on scene I also collected a handful of corn directly from the feeder. This corn was placed into an evidence bag and is being stored as evidence in this case.

Un-related to the baiting violation while on the property I located 5 deer heads in what appeared to be a fire pit. None of the heads had a tag attached to it. Investigation continues into how the heads were obtained. They were photographed in addition to the other violation.

It should be noted that LT Beckmann and I also seized a Trail Camera that was pointed directly at the corn. A search warrant will be applied for on the Trail Camera for further investigation.

LT. Beckmann eventually cited BENNETT for hunting with the aid or use of bait. His firearm was also seized.

CONTACT WITH DEVIN YOST:

After I had cleared from the stand location I was parked in the Bear Lake Public Water Access. I noticed a truck approaching my location, I knew this truck to belong to the YOST family. I then activated my recorder. Devin and Don Yost exited the truck and Devin walked up to me and initiated contact. Devin asked if we had an issue at his residence this morning and I advised him that we had. Devin advised of the following information.

- * He was aware BENNETT was hunting on the property this morning.
- * He was aware of the feeder full of corn
- * YOST advised it had been back there for quite a while, and that he had not been hunting and that he had been farming.
- * YOST advised he believed it to be legal to have out as long as you don't hunt over.
- * YOST advised that he uses the corn for scouting purposes.
- * YOST advised that this was his fault and he may have forgot to mention it to BENNETT.
- * I advised YOST that I had seized the trail camera that was facing to corn, and explained the reasoning behind it.
- * YOST advised it is a mobile camera that sends him pictures, he advised the only picture he has is a person walking out of the stand location.
- * YOST advised that he was concerned that because of this it will run his name through the mud and everyone will think he is a baiter and that is how he shoots these big deer.

* YOST advised that it was his fault and BENNETT called him and asked where he could hunt to shoot a quick doe. YOST advised him to hunt behind his house in the stand.

At this time there is no further information. Please see LT. Beckmann reports for further information.

Conservation Officer Jeremy Henke #582
MN DNR ENFORCEMENT –ALBERT LEA

Supplemental Report

ICR: 17026312

Last Modified: 11-09-2017 1014

Title: Beckmann Supplement

Created By: Jason Beckmann

On 11/04/17 at approximately 0645 hours, I met Conservation Officers Jeremy Henke and Chad Davis in Albert Lea to begin our work for the 2017 Firearms Deer Season Opener. I was asked to come to that area to assist due a high number of suspected baited stands in the area. I was briefed by Officer Henke on a property with three stands near Bear Lake. I was advised that one of the stands had a confirmed bait pile near it. The bait was confirmed by and Enforcement Division pilot.

I went with Officer Henke to 13625 690th Avenue, Twin Lakes, MN to investigate two stands located on that property. Officer Davis went to another area which was owned by the same family where there was a single stand that had the confirmed bait pile near it. When Officer Henke and I reached the area, I observed a pickup truck driving out of the driveway. Officer Henke and I decided to drive past the driveway in order to see what the pickup would do when it left. I observed the pickup, later identified as Yost, drive behind Officer Henke and I. I followed Officer Henke as he turned off of 690th and drive north. I continued to watch Yost as I travelled north. I observed that when Yost reached the intersection where Officer Henke and I turned, he made a U-turn and returned toward the direction of the residence where he had just left.

Officer Henke and I returned to the residence and noticed that the pickup was no longer in the immediate area. We pulled into the driveway and parked next to a white pickup that had been parked in the driveway when we went by it the first time. The white pickup was later determined to belong to Bennett. I followed Officer Henke as he walked toward the rear of the property. I noticed a large enclosed stand located immediately behind the residence. I did not see anyone in the stand, so I continued on with Officer Henke. As we past the large stand, I observed a male, later identified as Bennett, walking toward us from a ladder stand. I also observed a large trough type feeder placed near the middle of the lane that led toward the ladder stand where Bennett was coming from. Bennett was wearing blaze orange clothing and carrying a large caliber handgun. It was apparent that Bennett was hunting deer.

Officer Henke made contact with Bennett and began a regulatory check of his firearm and licenses. Officer Henke then left Bennett with me as he went to investigate the feeder, its contents, and the stand location. I did not know Bennett prior to the contact. I asked Bennett if he lived on the property. Bennett advised that he did not. Bennett told me that he had permission from his friend to hunt the property. When Officer Henke returned to our location, he asked Bennett to walk with us to the front of the residence to

Speak further.

When we arrived at the front of the residence where our vehicles were parked, Officer Henke informed me that Bennett was a Freeborn County deputy sheriff. Officer Henke asked that I finish the investigation due to the fact that Officer Henke is assigned as a Conservation Officer in the Freeborn County area. I advised that I would complete the investigation. I spoke with Bennett and advised him that he was hunting over a baited area and in violation of Minnesota law. Bennett made the following statements to me, which I have paraphrased for the purposes of this report. I have a digital recording of the conversation with Bennett, which I have included with this case file.

Bennett's statements:

-I just walked out here this morning.

-Yost did not tell me there was corn out here. I know he has food plots though.

-It's my fault.

-I am sorry that I put you guys in this situation.

I seized Bennett's firearm which was a Savage Model 516 300 WSM. I secured the firearm in my squad along with its case. I advised Bennett that he could keep the case, but he felt that it would protect the gun better if he sent it along. I advised Bennett that the case would be returned to him. I issued a citation to Bennett for Hunting Deer with the Aid of Bait. I explained the citation to him. Officer Henke and I cleared from the scene.

I later issued a Notice of Seizure and Intent to Confiscate/Forfeit Property to Bennett for the firearm. It appeared that the value of the firearm would likely be more than \$1000. I sent the form to him via certified mail.



OVERVIEW

17011835 - MNCON00E1



FEEDER/STAND

17011835 - MNCON00E1

17011835 - MNCON00E1



FEEDER/STAND

17011835 - MNCON00E1

17011835 - MNCON00E1



OVERVIEW

17011835 - MNCON00E1



OVERVIEW

17011835 - MNCON00E1



HEADS

17011835 - MNCON00E1

17011835 - MNCON00E1



PIT

17011835 - MNCON00E1

17011835 - MNCON00E1



VIEW FROM STAND

17011835 - MNCON00E1

17011835 - MNCON00E1



CORN/FEEDER

17011835 - MNCON00E1

17011835 - MNCON00E1



VIEW FROM STAND

17011835 - MNCON00E1

17011835 - MNCON00E1



STAND

17011835 - MNCON00E1

17011835 - MNCON00E1



STAND

17011835 - MNCON00E1

17011835 - MNCON00E1



Firearm

17011835 - MNCON00E1

17011835 - MNCON00E1



Firearm

17011835 - MNCON00E1



Firearm

17011835 - MNCON00E1



Firearm

17011835 - MNCON00E1

17011835 - MNCON00E1



SEARCH WARRANT SAVED IMAGE

OBTAINED VIA SERCH WARRANT

17011835 - MNCON00E1



SEARCH WARRANT SAVED IMAGE 2

OBTAINED VIA SEARCH WARRANT