

Convicted poacher who killed bear fined, stripped of hunting bow

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By Katharhynn Heidelberg katharhynn@montrosepress.com August 13, 2019



The Olathe man convicted of multiple wildlife offenses for shooting a sow bear with a bow and arrow vowed on Monday to write the governor and his congressional representatives over what he alleged was witness perjury and prosecutorial misconduct.

Jon Joseph Miller was convicted in June of felony destruction of wildlife and aggravated animal cruelty for shooting the she-bear, who had two cubs, and leaving her in 2017. Members of Miller's own camp called Operation Game Thief to report what wildlife officials called "egregious" violations, wildlife officials said after Miller's conviction was announced.

Miller was also convicted of two misdemeanor animal cruelty counts; one count each of hunting big game without a license; illegal possession of wildlife; failure to locate wounded game and failure to dress game.

Monday, he was sentenced to three years of probation and stripped of hunting privileges during that time; as well as being barred from having firearms, he cannot have bows and arrows during his probation. His felony convictions, further, will severely limit his ability to legally hunt after his probation is concluded.

"I feel I did not receive a fair trial," Miller said, going on to level accusations of perjury against Colorado Parks and Wildlife Officer Garrett Watson and allege prosecutorial misconduct against Deputy District Attorney Jason Wilson.

District Attorney Dan Hotsenpiller earlier explained to the court that he had investigated Miller's post-trial claims of perjury and misconduct and found nothing to support them.

Miller made a complaint to the DA's office on July 15. On July 22, the DA's investigator interviewed Miller and also collected a written statement.

Hotsenpiller reviewed that information and Watson's report, as well as relevant portions of the trial transcript.

"No charges will be filed. There's simply no basis," Hotsenpiller said, adding Watson had testified truthfully.

Miller, when asked if he understood, replied: "I understand that was his (Hotsenpiller's) opinion."

Wilson asked District Judge Keri Yoder to sentence Miller to three years of supervised probation and 200 hours of useful public service, plus thousands in fines, as well as order a \$5,000 donation to Operation Game Thief.

Miller has no significant criminal history and is stably employed, plus, although he was "reserved" as to his responsibility, Miller had been "somewhat cooperative," Wilson said.

But he wanted Miller to forfeit the bow and arrows with him the day he killed the bear, as well as a tree stand. Further, the conditions of probation needed to specify no bows or crossbows, not just a firearms exclusion, Wilson said.

The DDA spoke of deterrence, as well. "Mr. Miller was a prolific hunter. He should have known better," Wilson said.

Miller during his statement to the court said the DA's office had not returned items associated with the case after trial, although it was his understanding they were to be given back. Yoder later explained she had not issued an order to that effect.

Miller went on to say he hadn't received a fair trial and that the trial record proves Watson committed perjury. Further, since this was in the case's discovery (evidence), the prosecutor should have known, therefore, it amounted to misconduct, Miller said.

The alleged perjury and misconduct are both sufficient grounds for the verdict to be set aside, he said.

"I can guarantee this matter is not going to go away anytime soon," Miller said.

During the investigation, wildlife officers told him to be a man and 'fess up, Miller said, adding that Watson should also prove he is a man and not a "boy" who hides behind a badge.

Yoder said Miller had not moved for a mistrial during proceedings and that although he can seek post-conviction relief, not everything he said may apply. Her role Monday was confined to imposing a sentence based on his conviction.

The judge noted Miller thought he had been treated unfairly, but also noted that he said nothing about the crime itself. The evidence presented at trial was "overwhelming" and Miller had admitted to much of the conduct, Yoder said.

"You really should have known better. ... It was quite intentional," she said.

She adopted the prosecutor's argument, imposing the probation and community service hours.

"It is appropriate you not hunt, even with a bow and arrow," Yoder said, explaining further that Miller is barred from "hunting activity," which includes such activities as guiding hunting groups or being part of gun shows that are intended to promote hunting.

Yoder later asked Wilson to cite a legal authority supporting his request that Miller forfeit his tree stand, bow and arrows.

Wilson said such requests are common. "It sends a strong message to the hunting community when they (offenders) have to give up those items," he said.

Yoder ordered the forfeiture and also said Miller had used the bow and arrows in question during the crime.

Miller was fined \$4,800 and ordered to donate \$5,000 to Operation Game Thief, which Yoder said was appropriate because of the number of convictions and because it would serve as a deterrent.

She also ordered Miller to pay mandated costs incurred by the prosecution, \$6,800. Miller can file an objection to the amount, in which case a hearing would be set.

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