

**OGT#:** 13-001550

**REPORTING OFFICER:** Officer M. J. GUERENA #309

**DATE OF INVESTIGATION:** June 12, 2013 to July 8, 2013

**SYNOPSIS/STATEMENT OF FACT:**

On July 8, 2013 Arizona Game and Fish Department (AGFD) Officer Martin GUERENA issued the following citations in reference to the unlawful take of a mountain lion on June 10, 2013 in Colossal Cave Mountain Park (CCMP). Richard C. DAILEY (Identified by Arizona Operators License Number: [REDACTED]) was cited for violations of Arizona Revised Statute (ARS) 17-331: Take Wildlife (mountain lion) Without a License, ARS 17-331A, Commission Rule (CR) R12-4-302A: Take Wildlife (mountain lion) Without a Permit/Tag, ARS 17-309A14, CR R12-4-304: Take Wildlife (mountain lion) by Unlawful Method, and ARS 17-309 A12: Take Wildlife (mountain lion) in a Closed Area. Martin Melvin FOERSTERLING (Identified by [REDACTED]) was cited for violations of ARS 17-331A, CR R12-4-302A: Take Wildlife (mountain lion) Without a Permit/Tag and ARS 17-309 A12: Take Wildlife (mountain lion) in a Closed Area. Thayne Al LE FEVRE (Identified by [REDACTED]) was cited for a violation of ARS 13-2907.01: False Reporting to Law Enforcement Agencies.

On June 10, 2013 at approximately 6:30PM FOERSTERLING used a predator call to lure in a mountain lion, then DAILEY shot the lion with a .22 long rifle (unlawful method). FOERSTERLING shot the mountain lion a second and third time with a 12-gauge shotgun to kill the lion. The lion was killed near El Bosquecito Campground within CCMP. CCMP is a Pima County Park and is closed to hunting by AGFD Commission Order. DAILEY did not possess a valid 2013 AGFD hunting license or mountain lion permit/tag. FOERSTERLING did not possess a valid 2013 mountain lion permit/tag. DAILEY contacted LE FEVRE (Thayne) and informed him that the lion had been shot, and told him where the dead lion could be found.

LE FEVRE (Thayne) did not call the AGFD to report that the mountain lion had been observed again in CCMP and he did not report that the animal had been killed. LE FEVRE (Thayne) had been given explicit instructions from Officer GUERENA prior to the incident to contact AGFD if the mountain lion was observed again on CCMP. LE FEVRE (Thayne) gave false information to Officer GUERENA and DAILEY about the mountain lion having a disease and told DAILEY that AGFD had given him permission to kill the lion. LE FEVRE (Thayne) knowingly misrepresented a fact for the purpose of interfering with the orderly operation of a law enforcement agency and misleading a peace officer. The violations took

place in Game Management Unit 38M, inside CCMP within the jurisdiction of the Animal Welfare Court in Pima County, Arizona.

**RESULTS OF THE INVESTIGATION/NARRATIVE:**

On June 10, 2013 Arizona Game and Fish Department (AGFD) Officer Martin GUERENA received a phone call from the AGFD Tucson Regional Office in reference to a mountain lion (lion)/human interaction that occurred on the evening of June 9, 2013 and again the morning of June 10, 2013 at Colossal Cave Mountain Park (CCMP). Officer GUERENA contacted Thayne A. LE FEVRE (Thayne) via phone and asked him what the situation was with the mountain lion interaction at CCMP. Thayne stated that on the afternoon of June 9, 2013 at approximately 4:30 PM that his brother Bert LE FEVRE (Bert) observed a mountain lion in the butterfly garden located within CCMP. He stated that some visitors had observed the lion lying down near a water feature in the garden and had walked right by the lion within a few feet of it before they saw it. The visitors notified a cowboy (Jim) at CCMP. Jim went and got Bert and they went to the butterfly garden and observed the mountain lion. Jim and Bert approached the lion and threw rocks at the lion to get it to go away.

Thayne then explained that he had observed the lion on June 10, 2013 at approximately 10:30AM just west of the Bundrick trail in the parking lot near the butterfly garden. Thayne stated that the lion just stood there and looked at him while he drove his pickup truck toward it. The lion turned and stopped for a few seconds and the whole back end of the lion was shaking. Then, Thayne stated that the lion walked away into the creek and looked like it was drunk. The lion was swaying back and forth while it was walking away. He also stated that he thought the animal had rabies.

On June 10, 2013 at approximately 12:00 PM, Officer GUERENA arrived at CCMP and met with Thayne. Thayne took Officer GUERENA over to the butterfly garden and showed him where the lion was seen lying by the water feature the evening before. Officer GUERENA and Thayne looked for lion tracks to confirm that it was in fact a lion. Officer GUERENA observed a set of medium sized mountain lion tracks just north of the butterfly garden on the Bundrick Trail. Thayne stated that after his brother, Bert had thrown rocks at the lion the evening before that the lion had ran off to the north toward the trail. Officer GUERENA walked the wash nearby, the perimeter of the area near the trail, and the garden looking for the lion. No further tracks or sign of the lion were observed. Thayne then showed Officer GUERENA the area to the south where he had observed the lion just a couple hours prior to Officer GUERENA's arrival. Again, no further sign of the lion was observed. Officer GUERENA informed Thayne and several visitors in the area about what actions to take if they had an

interaction with the lion and encouraged Thayne to post signs in the area. Thayne was also advised to have the front gate inform visitors of the lion in the area and to contact the AGFD immediately if anyone observed the lion again. Officer GUERENA also informed Thayne that he should turn the water off to the water feature in the garden area, so the mountain lion would not have access to water there. Thayne stated that he would drain the water from the water feature for a few days.

Thayne asked Officer GUERENA several times if he could kill the mountain lion if he saw it again. Officer GUERENA told Thayne several times that he could not kill the mountain lion unless it was an immediate threat to himself or another and it was in self defense. Officer GUERENA also informed Thayne that if the mountain lion was foaming from the mouth, twitching, or unable to move very well, and posed an immediate threat to himself or the public he could kill it. Officer GUERENA made it very clear to Thayne that he needed to call the AGFD immediately after observing the lion again or if he had to take any action, and not to approach or touch the animal because AGFD would have to take safety precautions in the way that the animal was handled in case it had rabies. He also told him that if he had to put the animal down, not to shoot it in the head, because the AGFD needed the brain for disease testing. Officer GUERENA left Thayne his business card and also told him that he could call the same number that he had called earlier and that the AGFD Tucson Office could also reach Officer GUERENA. Thayne agreed and stated that he would call AGFD immediately and he would not take any action unless he absolutely had to because he didn't want to get into any trouble.

Officer GUERENA left CCMP and contacted Bert via phone and informed him that he had been out to CCMP and spoke with his brother, Thayne in reference to the lion interactions that they had on the 9th and 10th of June. Officer GUERENA informed Bert that if they saw the animal again that they were to notify the AGFD immediately and that he had given Thayne information to post signs in the area where the lion was observed. He also recommended that Thayne should inform the person at the front gate to inform the visitors of the area where the lion had been seen and to have anyone contact the AGFD if they observed the animal. Officer GUERENA asked Bert if the lion that he saw showed any signs of rabies or any other diseases. Bert stated that the animal did not show any signs of rabies and when he hit it with a rock the lion ran away very quickly away from them. Officer GUERENA wanted to know if the animal showed any signs of foaming from the mouth or twitching or anything odd about the animal because his brother, Thayne had stated that the lion he saw showed potential signs of rabies. Bert stated that the animal he observed ran away quickly and was not foaming from the mouth. He was just concerned that the animal was close to the visitors and

seemed comfortable around humans. Officer GUERENA informed him that unfortunately in high human use areas around the mountains that mountain lion/human interactions are common and he did the right thing by throwing rocks at it and calling AGFD to report it.

Officer GUERENA also informed him that they should drain the water at the water feature in the butterfly garden and clean it with bleach. This would help prevent the spread of disease to other wildlife if the lion did have rabies. Bert stated that he would drain the water and clean it out. Bert indicated that he had enough of the rabies issues with foxes in the past and learned his lesson of messing with rabid animals. Officer GUERENA told Bert that if he observed the mountain lion again to call the AGFD immediately. Bert stated that he would.

On June 12, 2013 the AGFD Dispatch received an Operation Game Thief (OGT) call in reference to an employee at CCMP (Thayne LE FEVRE) who had admitted to fellow employees that he had killed two adult mountain lions near the campsite within CCMP sometime within the past week. The reporting party (RP) also stated that Thayne claimed that the lions were sick and that they needed to be put down and that the carcasses were left at the sites where they were believed to be shot with a pistol that Thayne regularly carries on his hip. The RP also stated that Thayne should be considered potentially dangerous because he has had issues with the Pima County Sheriff's Department and tourists in the past and he always carries a pistol on his side.

The case was assigned to AGFD Officer Allison DUTT, because CCMP is in her District. Later, Officer DUTT turned the case information over to Officer GUERENA, because he had recently responded to CCMP regarding a mountain lion/human interaction (Human Wildlife Interaction Report# 2013-0610141441) on Monday June 10, 2013 and had spoken to Thayne and Bert that same day about the interaction. Officer GUERENA was shocked to hear that a mountain lion was possibly killed on CCMP and that he, nor the AGFD was notified because Officer GUERENA made it very clear with his conversations with Thayne and Bert that if a mountain lion was seen on CCMP again that they were to call him directly or notify the AGFD immediately.

On June 13, 2013 Officer GUERENA spoke to several confidential RPs in reference to the possibility that two mountain lions were killed unlawfully at CCMP. The multiple RPs stated that they had received information from Thayne that they had a mountain lion problem at CCMP and that he had taken care of it. The RPs stated that Thayne said that he had shot two mountain lions and that he had called the AGFD and had been given permission by AGFD to shoot them. The RPs also stated that Thayne said that he had shot one of the mountain lions in the head and that

Thayne had called AGFD after he shot them and they came out and picked up the dead lions for disease testing. There is no record of any call into the AGFD from Thayne regarding authorization to kill the mountain lion(s) and no record of any calls from Thayne after the lion was killed. The RPs stated that they heard that a visitor at CCMP had found a dead mountain lion near the campground and that they believed the mountain lion carcass was still on the property.

On June 14, 2013 at approximately 1:00 PM, Officer DUTT received a phone call from Martin Melvin FOERSTERLING (a security guard for the X9 Ranch in Vail) in reference to the Rancher on the X9 Ranch, Richard C. DAILEY, having issues with a mountain lion killing two of his calves. During their conversation, Officer DUTT mentioned that she was on her way out to CCMP and may have time that afternoon to meet with him at the X9 Ranch to investigate the mountain lion depredation he had reported. FOERSTERLING asked Officer DUTT if she was going to CCMP because of the mountain lion issue they had. Officer DUTT asked FOERSTERLING what he knew about the mountain lion issue at CCMP. FOERSTERLING told Officer DUTT that he was the one who had shot the mountain lion and that someone was supposed to have reported it to the AGFD. FOERSTERLING stated that DAILEY had told him about the mountain lion issues at CCMP and had asked him to help find the animal.

FOERSTERLING told Officer DUTT that on the evening of either Monday (June 10th) or Tuesday (June 11th), DAILEY and FOERSTERLING found mountain lion tracks near where the lion had been seen in CCMP. They tracked the mountain lion up a wash, and ended up at a campground. FOERSTERLING was unsure where the campground was, since they had hiked in from the wash and not driven in from the road. FOERSTERLING explained that they decided to try predator calling, to see if that would draw the mountain lion to them. He blew the predator call for a while, and a mountain lion came running down the hill towards him. DAILEY shot the mountain lion in the head with a .22 and FOERSTERLING shot it twice with a shotgun, so that it wouldn't get away. Officer DUTT asked if FOERSTERLING had moved the lion. FOERSTERLING stated that "the way he read the statute", they could not move the mountain lion and that they had to call AGFD within 5 days to come and investigate. FOERSTERLING stated that he assumed that someone had called AGFD. FOERSTERLING said that the "security man" was supposed to go and look at the mountain lion, but should not have disturbed it. FOERSTERLING offered to meet with Officer DUTT at CCMP, to try to help find the mountain lion. Officer DUTT told FOERSTERLING that she may call him later that afternoon if they needed his help. FOERSTERLING stated that he would help in any way that he could, and just wanted to make sure that it was officially reported and investigated properly.

At approximately 1:30 PM, AGFD Officer's GUERENA, DUTT, and Alen FORNEY arrived at CCMP to speak with Thayne. The Officers were met by CCMP employees Philip George HESLIN (Later identified by [REDACTED] and Bert LE FEVRE (Identified by [REDACTED] near the cowboy statue by the butterfly garden. Thayne was not present at CCMP and Bert called him via cell phone and placed him on the phone with Officer GUERENA. Officer GUERENA informed him that he was at CCMP near the cowboy statue and that he wanted to talk to him in person. Thayne stated that he would come down to CCMP and speak with Officer GUERENA and that he would be there in about 30-40 minutes. While waiting for Thayne to arrive, Officer GUERENA asked Bert if anything was new, since Monday, (June 10th). Bert said, "the last time I seen the cat was on Sunday and he didn't like it too much that I hit him with a rock". Officer GUERENA asked him if he cleaned out the water feature in the garden. Bert stated that he did and he had the water turned off.

HESLIN asked if the Officers suspected that something was wrong with the mountain lion. Officer GUERENA stated that he didn't know because Bert stated that the mountain lion didn't look to have rabies, but his brother Thayne stated that he thought something was wrong with it. Officer GUERENA asked them if they could hunt on CCMP and Bert stated that they are not allowed to kill or hurt anything on the CCMP and that they pretty much go by that. Officer GUERENA also asked them who they worked for and they stated that Thayne was their boss, but Martie MAIERHAUSER was the manager assigned to CCMP.

Thayne arrived at CCMP and Officer GUERENA interviewed him by himself, while Officers DUTT and FORNEY stayed with Bert and HESLIN. Officer GUERENA informed Thayne that it was illegal to lie to a Police Officer, that he was a State Certified Police Officer and he just wanted to let Thayne know that before he asked him any questions. Officer GUERENA asked Thayne if he had any idea why Officer GUERENA would be coming back out to talk to him. Thayne replied "No sir, I have no idea". Officer GUERENA asked Thayne before he left on (June 10th) what his (Officer GUERENA's) instructions had been. Thayne replied "You told me not to do anything to it unless it was causing some harm". Officer GUERENA stated that he was not to do anything unless the mountain lion was posing an immediate threat to public safety. Then Officer GUERENA asked him if he had seen the lion since he had left on (June 10th) and Thayne replied, "I haven't seen the lion". Officer GUERENA asked Thayne if he was aware of anyone having seen the lion, since Monday, (June 10th). Thayne said "No, but he heard the cowboy had seen the lion the next day". Officer GUERENA asked Thayne if he remembered what else Officer GUERENA had told him that day when he was there, about what to do if anyone sees the lion again, that he was to call AGFD immediately and that he made that very clear. Thayne then stated "Yes I know". Officer GUERENA asked

Thayne after he heard that someone had seen the lion again, why didn't he call the AGFD. Officer GUERENA explained to Thayne that this was a big deal and that they could be dealing with a potentially rabid and dangerous animal. Thayne stated that he didn't understand why the Officers were there.

Officer GUERENA stated that he knew what had happened earlier that week after he left and that Thayne needed to be completely honest with him about the incident. Thayne stated that all he knew was that he had talked to DAILEY, a local rancher on the property and that he told DAILEY that if the lion was bothering them or looking unhealthy that they could go ahead and put it down, but they couldn't go hunt them. Officer GUERENA explained to him again just to clarify what he had told him earlier that week because Thayne had asked him several times if he could kill the lion and that Officer GUERENA had emphatically said no, that the only way it would be legal to kill a lion would be for public safety reasons. Officer GUERENA clarified that this meant he was in fear for his life and Thayne said "Right". Officer GUERENA stated that the only other way Thayne would be ok in killing the lion, was if it was foaming from the mouth and was a public safety threat, but no matter what he did, as soon as he saw the animal or did whatever he had to do with the mountain lion that he was to notify the AGFD immediately. Officer GUERENA stated that he made that very clear before he left the other day and Thayne replied, "Right, I have not seen the animal".

Officer GUERENA asked Thayne what else DAILEY had told him because he knew that Thayne knows what happened and that he knew why Officer GUERENA was there. Thayne stated that DAILEY told him that the animal was out there and that he had gone out and got the animal. Officer GUERENA asked him what that entailed. Thayne then stated "Well I guess I should have called you". Officer GUERENA stated "Well besides that, what do you mean he got the animal". Thayne then stated "I guess he shot it". Thayne stated that he thought the incident took place on Wednesday and that he was not with DAILEY when the lion had been killed. Thayne stated that he didn't want anything to happen to the mountain lion, he didn't kill the lion and he wouldn't unless it was very sick. Officer GEURENA asked Thayne what else DAILEY told him. Thayne stated that DAILEY said "He had seen it out there and that it didn't look good and he said he put it down". Officer GUERENA asked him if DAILEY explained to him how he killed the mountain lion. Thayne stated "No that he just told him he didn't have to worry about it no more".

Officer GUERENA told Thayne that he needed more details about what happened with the lion and asked what else DAILEY had said to him. Thayne just stated "That they told him that he didn't have to worry about it anymore because they had put it down". Officer GUERENA asked Thayne if DAILEY said "they", which implied that

he had someone with him. Thayne stated that yes he said "they", so he might have had someone with him, but he didn't know who and he didn't know what they did with the animal. Officer GUERENA asked Thayne if DAILEY said if there was more than one lion. Thayne stated that DAILEY told him there were two lions. Officer GUERENA asked Thayne if DAILEY had killed both of the lions and Thayne stated no, that he had only got one lion and that the other lion ran off.

Thayne stated that DAILEY told him he was having lion problems on the X9 Ranch and that he was having a crew come out with infrared to see whether or not he was having a lion problem or not. Thayne stated "That some of the reason why he didn't call Officer GUERENA was that he was scared, because Rick (DAILEY) told him that he went out and got it and that he knew we couldn't shoot it. That they couldn't do nothing with it, unless it was causing harm or whatever". Then Officer GUERENA asked Thayne to confirm if DAILEY had told him that and he said "Yeah". Officer GUERENA asked again if DAILEY had indicated to Thayne that he (DAILEY) knew it was unlawful to shoot the lion. Thayne replied "Yeah". Officer GUERENA asked Thayne when he had talked to DAILEY and if it was the night before the lion was shot. He said it was before the lion had been shot.

Officer GUERENA asked Thayne if he had spoken with DAILEY and told him he had seen the lion and wanted to know what exactly he said to him. Thayne stated that he had informed DAILEY because he was the rancher and "That was the worst thing he probably did because you know these fucking ranchers." He said that he told DAILEY that "The only way they could do anything about the lion was if it was going to cause harm to them or any of the guests or anything like that and that there's nothing else they can do about it". Officer GUERENA asked Thayne what DAILEY said to that, and he said that DAILEY said "If I catch that fucking thing around my cows then I will put it down". Officer GUERENA asked him when DAILEY told him he had killed the mountain lion and how he killed it. Thayne stated that DAILEY put it down around 5:00 PM in the afternoon and then called him that night after he killed it and just told him "Not to worry about it because he caught it and put it down". Officer GUERENA asked Thayne if he had asked DAILEY how he killed the mountain lion and where. Thayne stated that he didn't ask DAILEY because he was pissed that he had killed the lion. Thayne said "I should have called you and told you".

Officer GUERENA asked Thayne if he knew where DAILEY had killed the lion and he replied "The only thing I know was that it was out there by Bosquecito or something". Officer GUERENA asked Thayne if that was a small area and that if DAILEY had left the lion there, if he thought he would have found it (the carcass) by now. Thayne stated probably, but he didn't really go looking for it. Officer GUERENA asked Thayne again if he knew where the lion was and he said "I

was so pissed off at Rick (DAILEY) that I didn't ask and that I was pissed because it sounded like he just went hunting". Thayne stated that it was his fault and that he should have called AGFD, but he didn't because he was scared to and he was sorry. Officer GUERENA asked Thayne if he told anyone else about DAILEY killing the lion and he said "No, just my boss Martie MAIERHAUSER". Officer GUERENA asked Thayne what MAIERHAUSER said about it and Thayne stated that she started crying because nobody wanted to see anyone put it down and that it was too bad that it had to happen.

Officer GUERENA informed Thayne that he believed the lion carcass was still on the property because he had information that someone had found it dead. Officer GUERENA stated that he needed to know if the lion carcass was still on the property because if it was and it has a disease that they needed to remove it immediately for public safety. Thayne stated that he was sorry and that he was just afraid to call the AGFD. Officer GUERENA asked him what he was afraid of. Thayne replied, "Because I think they went out and hunted it down when I told them not to" and that he felt bad.

Officer GUERENA asked Thayne if he knew how he could get a hold of DAILEY and Thayne said he didn't have any idea. Thayne then stated that he was not the person who killed the lion, his weapons weren't involved in the killing of the lion and that Officer GUERENA could take his weapons if he needed to check them. Officer GUERENA asked Thayne if he had any weapons or any part of the lion in his vehicle. Thayne stated that he did not because he doesn't take any weapons with him when he knows he is going out to have a drink. Thayne gave Officers GUERENA and FORNEY verbal consent to search him and his vehicle for any weapons or any part of the lion. Officer FORNEY searched Thayne's vehicle and did not find any weapons or any part of the lion. Officer GEURENA asked Thayne if he had told anything to his brother Bert about the killing of the mountain lion, because his brother stated that he had not seen or heard anything about the lion, since last Sunday (June 9th). Thayne stated that he had told his brother what he knew and that his brother probably didn't say anything because he didn't want to get him in trouble.

Thayne stated that the whole thing was his fault for not calling AGFD and that he should have called. Officer GUERENA then walked over to Officers FORNEY and DUTT and asked Bert if he could come over to Thayne and talk to him. Officer GUERENA had Officer DUTT call FOERSTERLING and had him come out and meet them on site. Bert agreed to talk to Officer GUERENA and Officer GUERENA informed him that it was illegal to lie to a Police Officer and that he had already talked to his brother Thayne and that he knew that a mountain lion had been shot and that he needed to know what he knew about it. Bert stated "That from what I

understand the cat was shot, yes". He knew that a lion had been shot by two people and that he thought his brother was one of the two people who had shot it. Thayne stated that he was not one of the two people who shot it. Then, Bert stated that he knew where the lion was and that it was over in Bosquecito campground near the wash. Bert stated that he had smelled the dead lion and that he walked up there until he found it.

Officer GUERENA asked Bert why he didn't tell him any of this sooner when he asked him earlier about the lion. Bert said "I was kind of spooked I guess". Officer GUERENA asked him why they were spooked, that they shouldn't be afraid of anything and that they (AGFD) were there to help them and that was why he originally came out there on Monday, (June 10th). Then, Officer GUERENA asked Thayne and Bert if they knew if there were two lions or only one. Thayne stated that he heard from DAILEY that there were two lions and Bert stated there could be more than one because the lion he found dead looked bigger than the one he saw in the garden.

Officer GUERENA stated that they needed to go and get the lion from El Bosquecito immediately because it could be a public safety issue just lying there dead if it had rabies. Before they left the area, Officer FORNEY asked them if there was anyone else they knew of who was involved that they needed to talk to before they went to go get the lion. Bert and Thayne both stated that there wasn't anyone else they knew of. Officer GUERENA asked them again if they knew who shot the lion. Bert stated that he didn't know who shot the lion. All he knew was where the lion was located, that he found it on Thursday afternoon (June 13th) and that it had been shot. Thayne made the statement "To tell you the truth this has been bugging me ever since". Officer GUERENA stated that it had been bugging him too; because they made him out to be a liar and that Thayne made it sound like he could shoot the lion and he could go tell anyone else they could shoot a lion for whatever reason they wanted to. Thayne replied, "No no no that's not what happened". Officer GUERENA stated that was good and that he just wanted to clear that up.

Thayne told Officer GUERENA again that he knew he should have called him and said "That's the only thing I can see that I have done wrong". Thayne also said "I didn't tell him to go out and shoot the god damn thing". Thayne stated that all he did was what he and Officer GUERENA had talked about and went around and let everyone know, so they could tell the guests. He also stated that he had told Officer GUERENA that he was afraid that the cowboys would shoot it. Officer GUERENA asked Thayne if he knew who "Martin" was. Thayne asked if that was a first name or last and Officer GUERENA stated that it was a first name. Officer DUTT asked Thayne if he knew all the cowboys on the nearby ranch and he stated

that he did not. Then Officer GUERENA informed Thayne that Martin (FOERSTERLING) was with DAILEY that night and that he was coming out to talk to them.

Martin Melvin FOERSTERLING arrived and spoke with Officers GUERENA and DUTT and Thayne in the parking lot. Officer GUERENA explained to FOERSTERLING that they had a lot of issues going on and that they knew a mountain lion had been killed and that they were trying to figure out when it was killed, why it was killed and who killed it. FOERSTERLING stated that DAILEY contacted him and said he had a problem that he needed help with. FOERSTERLING did security for DAILEY on his ranch (the X9 Ranch) and that he was a retired policeman. He stated that DAILEY told him about the incident in the butterfly garden on Sunday, (June 9th). So, FOERSTERLING asked DAILEY what he wanted to do and he said that DAILEY stated, "Well I want to go see if I can find it and we will see what happens." FOERSTERLING asked DAILEY if he had called AGFD and DAILEY stated, yes that somebody at CCMP had called AGFD and that they had called Phoenix and were told "If you have to kill it, then put the lion down".

FOERSTERLING asked DAILEY if he was sure about that and if he had names of everyone who he had talked to and he stated that he was getting all of this second hand. Officer GUERENA asked FOERSTERLING who had given DAILEY this information and he stated that he wasn't sure and that he thought it was the woman who runs the park, but he could not remember. FOERSTERLING told DAILEY to make sure that what he was doing was right because he didn't want to get crossways with anyone.

FOERSTERLING stated that on Monday, June 10, 2013 at about 5:50 PM he and DAILEY went out and started tracking the lion. They started at the butterfly garden and that there were lion tracks everywhere they looked. FOERSTERLING stated that DAILEY wanted to hit the brush in the area and try and jump the lion out. FOERSTERLING stated that only he and DAILEY were present as they pursued the lion. FOERSTERLING stated that DAILEY told him that there was a sunset trail ride going on in CCMP, so they couldn't use a high powered rifle and that DAILEY was going to take his .22 caliber long rifle with them and FOERSTERLING stated that he would take his 12-gauge shotgun.

FOERSTERLING stated that they walked up through the bottoms where the cottonwoods were and were busting threw the thickest brush they could find. He was not sure exactly where they were. FOERSTERLING stated that he wanted to see the lion, because he wanted to know if the lion was sick or scared of humans. FOERSTERLING stated that it took them an hour to bust threw the brush and then they came to a campground called Bosquecito. They sat down and then DAILEY asked FOERSTERLING if he had his predator calls with him.

FOERSTERLING had his calls with him. DAILEY asked "Why don't you blow your calls for awhile and let's see what happens?" FOERSTERLING agreed and they split apart about 30 feet from each other and FOERSTERLING began blowing on his predator call. He stated that he blew the predator call 3 times in 1 minute durations and he started calling at 6:25 PM. Then he said after 3 minutes DAILEY whispered "Martin, Martin" and he turned to look and DAILEY was down on his knee pointing his rifle, but he couldn't see at what because he was behind a tree. At that point DAILEY shot. FOERSTERLING couldn't see at the time, but later learned that DAILEY shot a mountain lion in the head and the animal went down immediately. FOERSTERLING stated that DAILEY used "a .22 long rifle" to shoot the lion. Officer GUERENA asked FOERSTERLING how far away the animal was from DAILEY when he shot it. FOERSTERLING stated that it was approximately 50 yards with no scope on the rifle. At that point FOERSTERLING moved out from behind the brush and observed the mountain lion. FOERSTERLING thought that the lion was a young dumb lion by the size of the track he had been following. He also stated that DAILEY told him that if he would not have shot the lion when he did that the lion would have been right in FOERSTERLING's lap.

FOERSTERLING stated that DAILEY told him that the lion was running hard off the mountain down toward FOERSTERLING and when he whispered "Martin" that the lion just stopped and was fixed on FOERSTERLING and that he shot it in the head. When FOERSTERLING came out from behind the brush he could see the lion still in the brush, so he shot the lion through the brush with his shotgun. The lion jumped about 6 foot in the air and turned around and started running and now he knew he had a wounded cat that he wasn't going to let it go with people around, so he shot it again a second time and killed the lion. Officer DUTT asked FOERSTERLING where he had hit the lion. FOERSTERLING stated that DAILEY shot the lion in the head from side to side and that he had shot the lion twice in the side with #1 buckshot from his 12-gauge shotgun.

FOERSTERLING rolled the lion over by hand to see what the sex of the lion was and discovered it was a female lion. FOERSTERLING stated that he wasn't proud of what he did and that he really felt bad. Officer GUERENA asked him if he actually physically put his hands on the lion and he said "Oh yeah, I checked to see what sex the animal was". FOERSTERLING told DAILEY that they couldn't physically move her from the scene and that they had to notify the Game Wardens right away. FOERSTERLING stated that he wasn't going to leave the lion in the open, so he moved the lion into a bush that was 10 feet down the hill to try and keep animals off of it. FOERSTERLING told DAILEY to make sure and report this to AGFD, because he was going out of town and thought they had 5 days to report it, but that they needed to report it right away. Officer GUERENA asked FOERSTERLING

what DAILEY said when he asked him to report it right away. FOERSTERLING stated that DAILEY said, "Yeah I will".

FOERSTERLING also stated that DAILEY felt bad about shooting the lion and that he was a rancher and hated to kill animals. Officer GUERENA asked that if DAILEY didn't like to kill animals, then why had they hunted it down and killed it. FOERSTERLING stated that it was because of the safety to the people at CCMP. Officer GUERENA replied, by asking him who's job that was to make the decision to remove a lion for public safety. FOERSTERLING stated that DAILEY had told him that a Game Warden had come out that morning and had called the AGFD Phoenix Office, and had authorized the removal of the lion. FOERSTERLING asked Officer GUERENA what had happened on Monday, (June 10th) when Officer GUERENA went to CCMP. Officer GUERENA told FOERSTERLING he had a few more questions to ask him before he explained all of that to him, but he had no problems explaining that to him later.

Officer GUERENA asked FOERSTERLING if he knew where DAILEY was and if he knew why DAILEY had not called to report the lion. FOERSTERLING did not know why he didn't call to report it. FOERSTERLING stated that ranchers usually take care of problems themselves. Officer GUERENA informed FOERSTERLING that he shouldn't have put his hands on the lion just in case it had rabies. FOERSTERLING stated that he was not stupid and that he looked at the lion's mouth and he didn't see any signs of rabies and that he was a paramedic and he only touched her back legs and the end of its tail. He also stated that he washed his hands with Lysol afterwards and that DAILEY never touched the lion.

FOERSTERLING asked Officer GUERENA again what was said when he came out to CCMP earlier that week. Officer GUERENA stated that the only person he talked to when he came out to CCMP earlier that week was standing right next to him (Thayne) and he asked Thayne to explain to him what he told him earlier that week. Thayne stated that he was told that the only way they could do anything was "if the lion was starting to cause any harm to any guests or anything like that". Officer GUERENA stated that he had told Thayne that the take of the lion would be lawful under the circumstance that it was an immediate public safety threat and that if he was able to take care of it at that specific moment. Officer GUERENA stated that Thayne had asked him at least 6 times if he could kill the lion if he saw it again. Officer GUERENA stated that he told Thayne "No." every time and then before he left, he informed Thayne again, that he could protect himself under certain circumstances. Officer GUERENA asked Thayne if what he had just stated was what Thayne was told. Thayne replied "Yes". Officer GUERENA stated that there was only one other way that he could allow him to shoot the lion and that was if the animal was foaming from the mouth, obvious signs of

brain trauma and it could not get around and was an immediate public safety threat to anyone on the property and if the animal could be dispatched safely. Officer GUERENA stated that he told him no matter what they did, if they saw the animal again that they were to call the AGFD immediately. Officer GUERENA asked Thayne if that was correct and he replied, "That's correct". Officer GEURENA explained that FOERSTERLING and DAILEY should not have shot the animal just based off of second hand information.

FOERSTERLING stated that he understood and he would have not done this for anyone else. He stated that DAILEY had names and numbers of people he had talked to and had permission to do it. FOERSTERLING stated that DAILEY must have called Thayne and he was supposed to report it. Thayne stated that he was contacted by DAILEY and that he didn't report it. Officer GUERENA asked FOERSTERLING if there were one or two lions that came into the call. FOERSTERLING stated that he never saw a second lion, but DAILEY had told him that he saw two lions. FOERSTERLING kind of discounted it as being a result of all the excitement. Officer GUERENA asked FOERSTERLING if he had DAILEY's phone number and he stated that he did and that he had left him several messages and had not heard back from him. He thought that DAILEY was out of town.

Officers DUTT, FORNEY and GUERENA followed Thayne, Bert, and FOERSTERLING over to CCMP campground, named El Bosquecito where the lion was killed. FOERSTERLING described where DAILEY and he were at on the afternoon of Monday, (June 10th) and how they called the lion in with a predator call and shot it. He also pointed out where he was standing when he shot the lion in the side with his shotgun on the first shot and in the body on the second shot. He pointed out where DAILEY was kneeling when he shot the lion in the side of the head. Officer DUTT located a spent .22 casing (Evidence #13-11), (Photos #0204-0207, 0209) that was believed to have been left behind from the shot that DAILEY fired at the mountain lion. Bert and FOERSTERLING showed the Officers the dead mountain lion and it was still in the brush where FOERSTERLING had rolled it on the side of the hill (GPS Coordinates: N 32 03.361, W 110 37.993-Datum WGS 84).

At approximately 3:00 PM, AGFD Officer Matt BRAUN arrived on scene and brought a metal detector and some large plastic bags to place the mountain lion into. Officer GUERENA ran the metal detector around the area where DAILEY shot from and did not locate any other spent .22 casings other than the one that Officer DUTT had found near the picnic table. FOERSTERLING confirmed that where the spent .22 casing was found was consistent to where DAILEY had shot the lion from. FOERSTERLING stated that he had picked up his 2 empty shotgun hulls from the 2 shots that he fired that day at the lion and that he could provide the Officers with them if needed. Officer DUTT took photos of FOERSTERLING's

Remington model 870 12-Gauge shotgun (Serial # [REDACTED]) (Photos #0236-0239) that he used to shoot the mountain lion with and the #1 Remington Buckshot ammo that he fired that day (Photos #0240-0243).

Officer DUTT took photos of the mountain lion in the brush (Photos #0217-0219, 0222-0225). Officers GUERENA and BRAUN moved the dead mountain lion out of the brush and Officer DUTT took more photos of the mountain lion (Photos #0229-0235). Officer GUERENA used a scalpel to remove the head from the mountain lion and placed it into a zip-lock bag, so it could be taken to the Pima Animal Care Center (PACC) for disease testing. Officer BRAUN placed the remaining body of the mountain lion into a separate plastic bag and both parts of the mountain lion were placed into the back of Officer FORNEY's pickup truck for transport to PACC for testing.

At approximately 4:00 PM, FOERSTERLING received a phone call from DAILEY. He informed DAILEY that he was at Bosquecito with the AGFD, and he asked him to come to the campground. DAILEY stated that he was approximately 20 minutes away and that he would meet them at the campground. When DAILEY arrived at the campground, Officers GUERENA and DUTT introduced themselves and asked him if he would mind talking to them over near the picnic table in the campground. DAILEY said "Yeah" and followed the Officers over to the picnic table near the wash. Officer GUERENA asked DAILEY why he thought they were there and DAILEY replied, "I imagine over a dead mountain lion". Officer GUERENA confirmed this and asked DAILEY if the area looked familiar to him. DAILEY said, "Sure does".

Officer GUERENA asked DAILEY if he could explain how he first found out about the mountain lion. DAILEY stated that he heard about it on Monday, June 10th or Tuesday, June 11th at around 4:00PM. DAILEY stated that the wrangler named Jim came over and got him because there had been a mountain lion in the butterfly garden around 2:00 PM. DAILEY stated that he guessed there was a family with some kids on the trail in the butterfly garden and that the lion was 5 feet away from those kids. DAILEY also stated that around 9:00 PM that night the mountain lion came back and was in his yard and that one of the wranglers named Chris saw the lion and told him about it. DAILEY stated that later that night around 9:30 PM he drove up to the corral where he had a 3-legged calf and that he saw lion tracks near the calf. DAILEY said that he talked to Thayne and DAILEY told Thayne "Man you gotta do something, somebody's gotta do something".

DAILEY stated that Thayne said he called AGFD and talked to one of their Officers. DAILEY stated that Thayne had told him that the Officer had told him that there was something wrong with that cat and that it shouldn't be hanging around the public, that close to civilization and that if he had to, to put it

down. DAILEY said, "That's what he told me the Officer told him". Officer GUERENA asked him if he would say that was his exact words and DAILEY replied, "That was his exact words, the Officer told him that if he had to, to put it down". Then Officer GUERENA asked him what else Thayne told him that the Officer had said to him. DAILEY replied, "Shoot it".

Officer GUERENA asked DAILEY what happened after his conversation with Thayne. DAILEY said, "It got shot". Officer GUERENA asked him to explain to him step by step how it (the mountain lion) got shot. DAILEY replied, "I tracked it down here myself by following the tracks along the trail". DAILEY stated that he had seen two lions. Officer GUERENA asked him when he saw two lions. He stated that he had found a dead deer in the wash, a "Little bitty deer". DAILEY stated that he followed the wash up to some red rocks and then he said "I shot it, if that's what you want to know, I shot the son of a bitch right between the eyes". He stated that the lion came running down off the mountain.

Officer GUERENA told DAILEY that he found the account hard to believe and asked him if what he was saying was that he just randomly walked up there and ran into the lion. DAILEY said "No, I was sitting right there on that table, and he took a piece of grass and he blew in it to see if that cat was around here and when that cat heard that it came down off that hill so fast, as a matter of fact I didn't even get to shoot her until it was about 20 yards away". Officer GUERENA asked DAILEY what he shot her with and DAILEY said "A .22 rifle". Officer GUERENA asked him how he blew into a blade of grass and what kind of sound it made. DAILEY stated that he wrapped it around his hand and blew in it and that it sounded like a dying rabbit. Officer GUERENA asked him how long he thought he had been calling for before the lion came running in. DAILEY replied, "3 minutes". Officer GUERENA asked him what time of day it was when he shot the lion. DAILEY stated that it was in the late afternoon.

Officer GUERENA asked DAILEY what he did after he shot the lion and if after one shot it went down and it was done. DAILEY stated that he went over to the lion and that it started moving, so he shot it with a 12-gauge shotgun. DAILEY said "I was told by Thayne that he was told by you guys to put the cat down and that's exactly what I did". Officer DUTT asked DAILEY what he did with the lion after he shot it. He stated that he drug it into some cat claw because if somebody came in there he didn't want them to see that thing (the mountain lion) in here. DAILEY stated that he called Thayne and told him to get a hold of AGFD and do what you're supposed to do. Officer GUERENA asked him what Thayne said. DAILEY stated that Thayne said "I will take care of it, that's what he said".

Officer GUERENA told DAILEY that they were State Certified Police Officers and that he wanted him to know that it was illegal to lie to a Police Officer.

Officer GUERENA stated that he knew exactly what happened that day and DAILEY replied, "Well that's good". Officer GEURENA responded that he believed DAILEY had omitted information from his statement. DAILEY replied, "There's stuff that I am not telling you". Then Officer GUERENA asked DAILEY if he was the only one there that day. DAILEY said "No, I had a guy come with me because I wasn't going to hunt those cats by myself". Then he said "Alright, I shot the cat first alright, I put it down and it was down. I started walking toward it and that cat started moving and I had Martin (FOERSTERLING) standing by and I said if that cat gets up, you blow its head off and he shot it". Officer GEURENA asked DAILEY how many times FOERSTERLING shot the lion. DAILEY replied, "Twice". Then Officer GUERENA told him that FOERSTERLING had told them everything and then DAILEY said "As far as I was concerned the permission was there to put the animal down and that's the only reason I done it".

DAILEY stated that he has been on his ranch for 30 years and has never killed a mountain lion or even a deer. He stated that he didn't hunt. Officer GUERENA asked him with his 30 years of ranching experience whose job was it in a public safety situation if a mountain lion was hanging around to take care of it. Was it his (DAILEY's), Thayne's, or the AGFD? DAILEY said "Well if it came down to the nitty gritty, Game and Fish". Officer GUERENA stated that he wanted to explain to him what he had told Thayne and DAILEY said "Thayne is full of shit, I will tell you that". Officer GUERENA explained to DAILEY that he told Thayne the circumstances when a mountain lion could be killed specifically if it posed an immediate threat to public safety. Officer GUERENA stated that he specifically told Thayne to call the AGFD immediately after he saw the animal and especially if he had to kill the animal, so they could come out and collect the animal for testing. DAILEY stated that Thayne had told him that he was going to call AGFD and that they (AGFD) were going to come out and take the lion in.

Officer GUERENA asked DAILEY to tell him exactly what Thayne had told him again. DAILEY stated "I guess you guys (AGFD) told him (Thayne) to shut down CCMP and hiking trails and that the only way that they could close down the hiking trails was to close the Park (CCMP) down". Officer GUERENA told DAILEY the true content of the discourse including the instructions he had provided and what Thayne had previously confirmed earlier in the afternoon. Officer GUERENA asked DAILEY if that just because Thayne said it was ok that he took it upon himself to just go out and hunt the lion? DAILEY said "Yeah, I didn't want it killing any of my cattle, I have already lost some cattle on the X9, I can't afford to lose anymore cattle".

DAILEY also stated that if that lion wouldn't have been down so close to people and scoping out his cattle that he wouldn't have touched that animal. Officer

GUERENA explained to DAILEY that the AGFD deals with hundreds of mountain lion calls a year in an urban environment and that they cannot just go run out and kill a lion because it is near people. DAILEY stated that he was told the animal was rabid and that if he would have known what he did was illegal he would never have done it. DAILEY also stated that after he shot the first lion he saw a second lion that took off after the shot and that he could have shot that lion also, but he didn't. Officer GUERENA asked him if he saw anything wrong with either of the lions as far as disease was concerned, like if they were foaming from the mouth or anything. DAILEY stated that he didn't have time to look and then when the animal was dead that it wasn't foaming from the mouth and did not appear to have anything wrong with it.

Officer GUERENA asked DAILEY if he had the .22 caliber rifle that he shot the lion with in his truck. DAILEY stated that he did not and that it was at his house. Officer GUERENA asked him if he could follow him to his house on CCMP property and take photos of his rifle and ammunition. Officer GUERENA stated that at this time he wasn't going to seize the rifle that he was just going to take photos. DAILEY replied, "If you have to take the rifle then take the rifle, but your pushing the wrong button man, I didn't do anything wrong, I will go get another damn gun, you're making me a villain". Officer GUERENA stated that he was just trying to do his job and DAILEY replied, "I know you're trying to do your job, but I am trying to do mine". Then Officer GUERENA stated that wasn't his job and asked him how that was his job. DAILEY replied, "Managing my ranch is my job". Officer GUERENA stated that this wasn't his ranch and that he was inside private property on a County Park, inside CCMP.

Officer GUERENA asked DAILEY if he had a hunting license or a mountain lion tag and DAILEY said "No. If you want to write me a ticket, then write me a ticket". Officer GUERENA explained the violations that DAILEY had committed, so he understood what was being looked at in this situation. DAILEY said "Do what you gotta do; I am not saying you're wrong and I am not saying I am wrong". Officer GUERENA stated that he understood his frustration and anger in this matter because the false information that Thayne had provided to DAILEY had in turn facilitated the unlawful take of a mountain lion. Officers GUERENA, DUTT, and FORNEY followed DAILEY over to his house on CCMP property and took photos of the Henry Repeating Arms .22 semi automatic rifle (Serial # [REDACTED] and ammunition (Photos # 0244-0248) that DAILEY used to shoot the lion. At approximately 5:30PM, all the Officers ended their contact with DAILEY and left CCMP. Officer's GUERENA and FORNEY took the mountain lion to Pima County Animal Control (PCAC) for testing (PCAC Incident # [REDACTED]) and Officer DUTT took the spend .22 casing to the Tucson AGFD Office and placed it into evidence (Evidence #13-11).

On June 16, 2013 Officer DUTT met with DAILEY at the X9 Ranch to investigate his report of two calves that were killed by a mountain lion on Wednesday, June 12, 2013. The X9 Ranch is separate from CCMP, and is approximately 4 miles north. DAILEY told Officer DUTT that he felt like Officer GUERENA was being unfair and that he felt like he did nothing wrong. DAILEY also stated that he had spoken with his lawyer, and that he had advised him to go to the media. DAILEY said he was going to wait to see what happens before he goes to the media. Officer DUTT explained that the case was still under investigation, and that charges had not been filed yet. Officer DUTT investigated the mountain lion depredation on the X9 Ranch and provided DAILEY with a copy of Arizona Revised Statutes (ARS) 17-302: Taking of bear or mountain lion for protection of property; report.

On June 20, 2013 at approximately 2:00 PM, AGFD Officers GUERENA and FORNEY went to CCMP to continue conducting interviews. The Officers wanted to ask Thayne some more questions, but he was not on CCMP property, so they spoke to him over the phone. Officer GUERENA informed Thayne that the Arizona Department of Health Services (ADHS) had contacted FOERSTERLING and recommended that he go and get rabies shots because he was the only one who physically put his hands on the lion. FOERSTERLING wasn't sure that his insurance would cover the shots, so he wanted to know for a fact what Thayne had seen as far as the lion's behavior. Officer GUERENA asked Thayne if he honestly saw that the lion was twitching and looking really weird or if what he saw was just a normal looking animal. If it was normal then FOERSTERLING wasn't going to need to get the rabies shots. Thayne said "that he looked like he was hurt by the back legs and he was wobbling". "It wasn't bad; it was like it had a cactus in its foot or something". Thayne stated "that it was something like that, not a stagger stagger". He said that he had seen rabid foxes before and that the lion wasn't doing what the foxes were doing.

Officer GUERENA asked Thayne; with his experience of seeing rabid animals around CCMP before, would he honestly say that the lion was sick or just injured. Thayne said "The way it was walking I would say it was injured and that it would have been its back left leg". Thayne asked if there was some way they could look at the lion and see if it was hurt. Officer GUERENA stated that they didn't have the animal anymore and that would have been good information to know beforehand. Thayne stated again that "The lion didn't look rabid, like the foxes that they have had trouble with before; that the lion didn't even come close to looking like that". Officer GUERENA told him that he just wanted to make sure because from what Bert had seen the day before when he hit the lion with a rock; he said the lion ran away quickly and that he didn't think it had anything wrong with it. Officer GUERENA told Thayne if he could think of anything else that they

needed to know about, to please give him a call and he ended the phone conversation.

On July 8, 2013 at approximately 2:00 PM, AGFD Officers GUERENA and DUTT interviewed HESLIN at El Bosquecito campground in CCMP. Officer GUERENA explained to HESLIN that he had received some information from some confidential informants that HESLIN knew everything that happened with the unlawful killing of the mountain lion on CCMP. Officer GUERENA asked HESLIN if he could tell him what he knew in reference to the mountain lion being killed on June 10, 2013.

HESLIN stated that it was his understanding that the unlawful take of the mountain lion took place between 5:30 PM and 6:00 PM in the evening. He stated that he got off work at 5:00 PM and that he was off the property when it happened. HESLIN stated that he was told about what had happened. Then he said, "Tuesday morning, after apparently all of Pima County found out what had happened, I got hearsay, I don't know a god damn thing to be true". Officer GUERENA explained to HESLIN that whether he believed his information to be hearsay, it could in fact be factual. Officer GUERENA then asked HESLIN if he could help confirm some of the information that he had been hearing from several people. Officer GUERENA informed HESLIN that a member of the public had found a dead mountain lion near the campground and asked HESLIN if he knew about that. HESLIN stated that he heard that, but that it was not reported to him. Officer GUERENA asked him if he went to go look for the dead mountain lion after he heard that it was dead near the campground.

HESLIN stated that "Tuesday morning, the boss met me up in the parking lot and tells me to get into the truck". Officer GUERENA asked if that was Thayne and HESLIN replied, "Yes, that's my boss". Then he stated that he got into the truck with Thayne and he brought him down to El Bosquecito campground and he asked HESLIN, do you want to see something. HESLIN replied, "What are you talking about?" He then stated that he and Thayne walked through the campground and into the wash. Thayne walked about 35 feet up the hill and there lying up against a mesquite tree laid a carcass of a dead mountain lion. Officer GUERENA asked HESLIN if he saw the entire mountain lion. HESLIN stated that he saw the tail first and then followed it up and saw the entire body of the dead mountain lion. Officer GUERENA asked HESLIN if Thayne knew the lion was dead there prior to them looking for it. HESLIN stated that one could assume that.

Officer GUERENA asked HESLIN what his and Thayne's reaction was when they found the dead mountain lion. HESLIN stated that his reaction to Thayne was "Were gonna remove that aren't we? He looked at me and said "Why?" "I said why? We got a campground here; we have the Arizona trail just up the hill from the carcass

here". "I said the least we could do is drag the carcass out of here and bury it." Thayne said, "Let nature take its course". HESLIN stated that he and Thayne were walking up out of the canyon and HESLIN looked at Thayne and said "This is wrong boss, this is damn wrong, shouldn't let that damn animal lie there and rot, let's get it out of here while we can before it starts decomposing and the maggots set in and I am not going to let it go that far and then you decide to move it." Thayne stated again, "No let nature take its course." HESLIN stated that he thought to himself, "This is wrong, this is all wrong." Officer GUERENA asked HESLIN if he asked Thayne how the mountain lion died. HESLIN stated that he didn't have to ask, Thayne was running his mouth about how he and DAILEY tracked the mountain lion up toward the campground and he shot it. From what he understood it was a head shot and he understood that DAILEY shot it. HESLIN stated that he did not know who shot it because he was not there. Officer GUERENA told HESLIN that he appreciated the information that he had given him. Officer GUERENA had HESLIN call Thayne over the radio and asked him to inform Thayne that the Officers requested his presence in the campground and ended his conversation with HESLIN.

Several minutes later at approximately 2:45 PM, Thayne arrived at El Bosquecito campground where Officers GUERENA and DUTT were. Officer GUERENA explained to Thayne that they were there to put an end to the investigation and they didn't think that this was going to take a long time, but he had gotten all kinds of different stories from people. Thayne said, "Well you know what? The story you ought to go with is the one that we are telling you, because we know and we have told you the whole story. Rick (DAILEY) shot the cat, they called the cat in and I didn't call in to report it and that was a mistake and I know it's a mistake". "I thought that when they said they were going to take care of it I thought they would call you, but I knew that I should have called you too, instead of trying to wait for them to do it".

Officer GUERENA explained to Thayne that he has heard that DAILEY shot the lion and that he has also heard that Thayne shot the lion. Thayne stated that he told four people that he himself shot the lion. Thayne told the people that he shot it, because if anyone was supposed to shoot the lion that it should be him, because he was the property manager. Officer GUERENA asked Thayne if he wasn't the one who shot it, then why did he tell people that he shot it. Thayne replied, "I was covering Rick's (DAILEY's) ass, is what I was doing." Officer GUERENA asked Thayne if he could explain to him again what he told DAILEY on Monday (June 10th), the day that Officer GUERENA had come out. Thayne stated that he told DAILEY to keep an eye out for the mountain lion and that if it was sick or bothering people then they needed to do something about it. Then Officer GUERENA asked Thayne what took place on Tuesday morning (June 11th)

after the lion was killed on Monday (June 10th). Thayne said, "I came down here and looked at the lion". Then Officer GUERENA stated, that when he came back out there on Friday (June 14th) to talk to Thayne after the lion had already been killed, and Thayne told him that he had not seen the mountain lion at all, that he was lying to Officer GUERENA. Thayne replied, "Yes Sir". Officer GUERENA asked Thayne how he expected him to believe anything he says when he continues to lie to him. Thayne replied, "Well I don't know, I was scared shitless, because I haven't been in trouble for a long time." Thayne stated that he had been in trouble with the law in the past and said "Fuck, now look what I have done."

Officer GUERENA asked Thayne what he was doing looking for the lion after he knew it was killed, because he knew that Thayne had gone back to the campground the next day looking for the lion. Thayne said, "Well I was going to take it and go bury it". Officer GUERENA asked Thayne why he did not go bury it. Thayne said, "To be honest with you I was hoping someone else would find it and then we would do something else about it". Officer GUERENA asked Thayne what he was going to do if someone else found it. Thayne said, "Well then I was just going to call you and then I was just going to throw my hands in the air." Officer GUERENA replied, "Really?" Thayne then said, "Yeah, like I told you I was scared shitless because I knew it shouldn't have been shot and that put me right in the middle of the whole damn thing."

Thayne stated that he had told the Officers everything now and that he couldn't explain anything else. Officer GUERENA stated that he was just out there to put all the pieces of the puzzle together. Thayne replied, "I understand, I can see where you are coming from because I have told you some fibs and stuff." Officer GUERENA asked Thayne that if he was scared and didn't want to get in trouble then why did he tell people that he killed the lion. Thayne replied, "I don't know why I did, I don't know". Then Thayne stated that he sees mountain lions every year out there and that he saw a mountain lion kill a deer before near the pump house.

Officer GUERENA issued Thayne citation # A01983 for a violation of ARS 13-2907.01: False Reporting to Law Enforcement, and explained the citation to him. Thayne signed the acknowledgement at the bottom of the citation and Officer GUERENA gave him a copy of the citation. Thayne said, "Well I am sorry for lying to you, I have all the respect in the world for you guys that was just my dumbass stupidity". Officer GUERENA stated that he appreciated the comment and he ended his contact with Thayne.

At approximately 3:15 PM, Officer GUERENA called DAILEY via cell phone and asked

him to meet him at Bosquecito, so he could finish the investigation of the dead mountain lion. DAILEY agreed and arrived at the campground several minutes later. Officers GUERENA and DUTT listened to DAILEY as he explained why he had shot the lion. DAILEY stated that he shot the lion because it had come back to the area after Officer GUERENA had left that day and that Thayne told him that he had permission from AGFD to kill it. He also stated that there were two lions and he shot and killed one of the lions and let the second lion go because it was a young lion. He figured it would never come back and it hasn't.

Officer GUERENA asked DAILEY if he could tell him exactly what Thayne had said to him that day after he left and before he shot the lion. DAILEY stated that the wrangler had thrown rocks at the lion that day in the garden and that the wrangler saw it again that night. DAILEY stated that he had drove up near where the livestock was by the corral and that the lion had been around there based off the tracks he found. The next day DAILEY ran into Thayne and said "What's the deal with this mountain lion? What are we going to do about it? Somebody is going to get hurt." Then DAILEY said to Thayne "Did you get a hold of Game and Fish (AGFD)? That was the first words out of my mouth when I talked to Thayne". "Did you tell them what that lion was doing?" Officer GUERENA asked DAILEY what Thayne said and he responded "Yeah well blah blah blah". DAILEY then asked Thayne "What are they (AGFD) going to do about it?" Thayne said, "Well I don't know." Then DAILEY told him "We can't have that thing running around here, around kids and livestock."

Officer GUERENA asked DAILEY if Thayne had said anything other than "I don't know" and if Thayne had stated what Officer GUERENA had said to him when he came out that day (June 10th). DAILEY stated that Thayne told him that AGFD said that there was something wrong with that lion. DAILEY said "Yeah there is something wrong with that lion, why the hell is it here?" Then he said that Thayne said, "If you have to put it down, then shoot it and put it down". DAILEY stated that he told Thayne that the animal keeps coming back and then he stated that he walked up to the campground and shot it. Then he said "I went back to Thayne and told him the lion was down, call Game and Fish or whoever you got to call and let them know."

Officer GUERENA asked DAILEY if he remembered calling Thayne that night after he killed the lion or the next morning. DAILEY stated that he called Thayne that night after he shot it and told him exactly where the lion was at. Officer GUERENA asked DAILEY what Thayne said to him when he told him to call AGFD. DAILEY stated that Thayne said "I will". Officer GUERENA explained to DAILEY that he was going to be cited for a few violations because he had killed the mountain lion unlawfully. Then DAILEY replied "I am getting cited?" Officer

GUERENA stated that he was getting a citation. Then DAILEY said, "Well I will tell you what. We will go to court then and I am going to bring the news media in and I am going to bring everybody in." Officer GUERENA stated that DAILEY had every right to do what he wanted to do. DAILEY then stated that "This is bullshit, just give me my citation, I will tell you what, in the future you guys will never hear from me."

Officer GUERENA issued Richard C. DAILEY citation #A01985, for violations of ARS 17-331: Take Wildlife (mountain lion) Without a License, ARS 17-331A, Commission Rule (CR) R12-4-302A: Take Wildlife (mountain lion) Without a Permit/Tag, ARS 17-309A14, CR R12-4-304: Take Wildlife (mountain lion) by Unlawful Method, and ARS 17-309 A12: Take Wildlife (mountain lion) in a Closed Area. Officer GUERENA explained the citation to DAILEY and DAILEY signed the acknowledgement at the bottom of the citation. Officer GUERENA gave DAILEY a copy of the citation and asked him if he had any questions about the violations. DAILEY said, "No, I hope you guys have a great day and a great life, this is bullshit". "When you go out of your way to help somebody and to protect some kid and then you get wrote up for it, you guys take care." Officer's GUERENA and DUTT told DAILEY to take care and have a nice day and ended their contact with him.

At approximately 3:45 PM, Officer GUERENA called FOERSTERLING via cell phone and made arrangements to meet him behind the Quick Mart Gas Station in Vail, Arizona. Officers GUERENA and DUTT met up with FOERSTERLING and Officer GUERENA explained to him that he had finished his investigation and he had already issued citations to Thayne and DAILEY. FOERSTERLING started discussing the events of the case again and he also told Officer GUERENA that the ADHS contacted him and told him that they could not test the mountain lion for any diseases because the lion had been shot in the head and it had maggots. FOERSTERLING also stated that the ADHS recommended that he get rabies shots or talk to his Doctor about the situation and see what he recommended. FOERSTERLING informed his Doctor that he had touched the animal on the legs and he did not have any contact with blood or saliva. He washed his hands with Lysol and water immediately after touching the animal. He also informed his Doctor that Thayne was lying about what he had seen as far as the mountain lion potentially having a disease. The lion was more likely injured or had a thorn in its foot and not likely to have a disease. FOERSTERLING did not get rabies shots based on the advice from his Doctor.

Officer GUERENA informed FOERSTERLING that he would be receiving a citation for his involvement in the unlawful take of a mountain lion. Officer GUERENA issued Martin Melvin FOERSTERLING citation #A01986 for violations of ARS 17-331A, CR

R12-4-302A: Take Wildlife (mountain lion) Without a Permit/Tag, and ARS 17-309 A12: Take Wildlife (mountain lion) in a Closed Area. Officer GUERENA explained the citation to him and he signed the acknowledgment at the bottom of the citation. Officer GUERENA gave FOERSTERLING a copy of the citation and thanked him for his honesty and full cooperation during the entire case and ended his contact with FOERSTERLING.

HOURS SPENT: 100

APPROVED BY: J. SACCO #221 / July 15, 2013

DATA ENTERED BY/DATE: Officer M. J. GUERENA #309 / July 13, 2013