

IN THE DISTRICT COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT GLENNALLEN

STATE OF ALASKA,)

Plaintiff,)

vs.)

JIMMY V. WEST,)
DOB: 09/29/1953)
APSN ID: 0488494)
ATN: 108601776)

Defendant.)

Filed in the District Courts
STATE OF ALASKA THIRD DISTRICT

NOV 14 2013

Clerk of the District Court

By _____ Deputy

3 BL-13-204 CR

INFORMATION

I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2) residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990: NONE

Count I – AS 08.54.720(a)(4)

Guide - Hunt On Private Land

Jimmy V. West - 001

Count II – AS 08.54.720(a)(8)(A)

Guide - Commit, Aid, Or Allow Violation

Jimmy V. West - 002

Count III – AS 08.54.720(a)(8)(A)

Guide - Commit, Aid, Or Allow Violation

Jimmy V. West - 003

Count IV – AS 08.54.720(a)(17)

Guide - Take Game w/ Client In Field

Jimmy V. West - 004

STATE OF ALASKA
OFFICE OF SPECIAL PROSECUTIONS AND APPEALS
SPECIAL PROSECUTION UNIT
310 K STREET, SUITE 308
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-6250

Count V – 08.54.720(a)(8)(A)
Guide - Commit, Aid, Or Allow Violation
Jimmy V. West - 005

Count VI – AR 5AAC 92.165(f)
Falsification of Bear Sealing Record
Jimmy V. West - 006

Count VII – AS 08.54.720(a)(8)(A)
Guide - Commit, Aid, Or Allow Violation
Jimmy V. West - 007

Count VIII – AS 08.54.720(a)(4)
Guide - Hunt On Private Land
Jimmy V. West - 008

Count IX – AS 08.54.720(a)(8)(A)
Guide - Commit, Aid, Or Allow Violation
Jimmy V. West - 009

Count X – AS 08.54.720(a)(4)
Guide - Hunt On Private Land
Jimmy V. West - 010

Count XI – AS 08.54.720(a)(8)(A)
Guide - Commit, Aid, Or Allow Violation
Jimmy V. West - 011

Count XII – AR 5AAC 92.044(b)(10)
Fail to Remove Black Bear Bait Station
Jimmy V. West - 012

Count XIII - AS 08.54.720(a)(8)(A)
Guide - Commit, Aid, Or Allow Violation
Jimmy V. West - 013

Count XIV – AS 08.54.720(a)(4)
Guide - Hunt On Private Land
Jimmy V. West - 014

Count XV - AS 08.54.720(a)(8)(A)
Guide - Commit, Aid, Or Allow Violation
Jimmy V. West - 015

Count XVI – AR 5AAC 92.044(b)(10)
Fail to Remove Black Bear Bait Station
Jimmy V. West - 016

Count XVII - AS 08.54.720(a)(8)(A)
Guide - Commit, Aid, Or Allow Violation
Jimmy V. West - 017

THE ASSISTANT ATTORNEY GENERAL CHARGES:

Count I

That on or about the 15th day of September, 2009, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide Enter on Private, State, or Federal Lands Without Permission, when he did, knowingly enter or remain unlawfully on federal lands (Wrangell St. Elias National Preserve) without permission during the course of providing big game hunting services to client Peter Pi.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(4) and against the peace and dignity of the State of Alaska.

Count II

That on or about the 15th day of September, 2009, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide, Aid in the Commission of a Violation, when he did knowingly assist a client in taking a moose without the client having a moose harvest ticket and harvest report in possession, in violation of AR 5AAC 92.010(h).

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(8)(A) and against the peace and dignity of the State of Alaska.

Count III

That on or about the 18th day of September, 2009, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit

the offense of Guide, Commit or Aid in the Commission of a Violation, when he did unlawfully possess and transport the meat and antlers of a moose illegally killed on a guided hunt within the Wrangell St. Elias Preserve.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(8)(A) and against the peace and dignity of the State of Alaska.

Count IV

That on or about the 26th day of May, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide Take Big Game While in the Field with a Client, when he did, knowingly harvest a black bear while accompanying a client in the field.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(17)(A) and against the peace and dignity of the State of Alaska.

Count V

That on or about the 26th day of May, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide – Commit or Aid in Violation, when he did, knowingly harvest a black bear while accompanying a client in the field.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(8)(A) and against the peace and dignity of the State of Alaska.

Count VI

That on or about the 28th day of May, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Falsification of a Bear Sealing Record, when he did, negligently provide false information concerning the date of kill on a bear sealing record.

All of which is a class A misdemeanor offense being contrary to and in violation of AR 5AAC92.165 and against the peace and dignity of the State of Alaska.

Count VII

That on or about the 28th day of May, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide – Commit or Aid in Violation, when he did, knowingly provide false information concerning the date of kill on a bear sealing record.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(8)(A) and against the peace and dignity of the State of Alaska.

Count VIII

That on or about the 29th day of May, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide Enter or Remain on Private, State, or Federal Lands without Permission, when he did, knowingly enter or remain unlawfully on private lands without permission during the course of providing big game hunting services to client Daniel McGough.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(4) and against the peace and dignity of the State of Alaska.

Count IX

That on or about the 29th day of May, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide – Commit or Aid in Violation, when he did, knowingly enter or remain unlawfully on private lands without permission during the course of providing big game hunting services to client Daniel McGough.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(8)(A) and against the peace and dignity of the State of Alaska.

Count X

That on or about the 31st day of May, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the

offense of Guide Enter or Remain on Private, State, or Federal Lands without Permission, when he did knowingly enter or remain unlawfully on private lands without permission during the course of providing big game guiding services to client Peter Pi.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(4) and against the peace and dignity of the State of Alaska.

Count XI

That on or about the 31st day of May, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide – Commit or Aid in Violation, when he did, knowingly enter or remain unlawfully on private lands without permission during the course of providing big game hunting services to client Peter Pi.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(8)(A) and against the peace and dignity of the State of Alaska.

Count XII

That on or about the 2nd day of July, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Fail to Remove Black Bear Bait Station, when he did, negligently fail to remove bait, litter and equipment from his registered bait station site upon completion of hunting.

All of which is a class A misdemeanor offense being contrary to and in violation of AR 5AAC 92.044(b)(10) and against the peace and dignity of the State of Alaska.

Count XIII

That on or about the 2nd day of July, 2011, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide – Commit or Aid in Violation, when he did, knowingly fail to remove bait, litter and equipment from his registered bait station site upon completion of hunting.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(8)(A) and against the peace and dignity of the State of Alaska.

Count XIV

That on or about the 8th day of June, 2012, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide Enter or Remain on Private, State, or Federal Lands without Permission, when he did, knowingly enter or remain unlawfully on private lands without permission during the course of providing big game hunting services.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(4) and against the peace and dignity of the State of Alaska.

Count XV

That on or about the 8th day of June, 2012, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide – Commit or Aid in Violation, when he did, knowingly enter or remain unlawfully on private lands without permission during the course of providing big game hunting services.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(8)(A) and against the peace and dignity of the State of Alaska.

Count XVI

That on or about the 3rd day of July, 2012, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Fail to Remove Black Bear Bait Station, when he did, negligently fail to remove bait, litter and equipment from his registered bait station site upon completion of hunting.

All of which is a class A misdemeanor offense being contrary to and in violation of AR 5AAC92.044 and against the peace and dignity of the State of Alaska.

Count XVII

That on or about the 3rd day of July, 2012, at or near Glennallen in the Third Judicial District, State of Alaska, JIMMY V. WEST, did unlawfully commit the offense of Guide – Commit or Aid in Violation, when he did, knowingly fail to remove bait, litter and equipment from his registered bait station site upon completion of hunting.

All of which is a class A misdemeanor offense being contrary to and in violation of AS 08.54.720(a)(8)(A) and against the peace and dignity of the State of Alaska.

The undersigned swears under oath this Information is based upon a review of police report 11-48655 submitted to date.

Counts I-III

In May of 2011 Alaska Wildlife Trooper Jon Simeon began an investigation into the illegal guiding activities of registered big game guide Jimmy West on the Copper River near Copper Center. Trooper Simeon learned that West was conducting guided black bear hunts over registered bait stations that were established on Ahtna Native Corporation lands without permission from Ahtna.

Further investigation by Trooper Simeon and the Alaska Wildlife Trooper's Wildlife Investigations Unit (WIU) revealed that on or about September 16, 2009, West had guided a hunter named Peter Pi on a moose hunt on federal lands within the Wrangell St. Elias National Preserve. West transported Mr. Pi to and from the field for this hunt in West's Cessna 185 floatplane (N2756J). Investigation revealed that Mr. Pi had killed a moose while on this guided hunt, but that he did not possess a moose harvest ticket at the time (in violation of AR 5AAC 92.010(h)). Investigation further revealed that Pi never filed the harvest report that would have corresponded to the harvest ticket he should have possessed at the time of the guided hunt. After guiding Mr. Pi, West transported him and the illegally taken moose from the field in the above-mentioned aircraft. On all federal lands in the State of Alaska, a commercial use permit,

known as a "concession" is required for any commercial activities on federal lands. Investigation revealed that West does not and has never possessed a federal concession for any lands within the Wrangell/St. Elias National Park and Preserve, and was not operating under the concession of any other licensed guide at the time he guided Mr. Pi. The possession and transportation of unlawfully taken game is a crime under 5AAC 92.140, and under AS 08.54.720(a)(8)(A), a guide may not commit or aid in a game violation.

Counts IV-VII.

On the morning of May 26, 2011, Trooper Simeon located two registered bear bait stations on Ahtna lands adjacent to the river. Permits located at the sites showed that one site (bait site #1) was registered to Jim V. West under permit #42130. The second site (bait site #2), was registered to a Brian D. Feucht, an assistant guide employed by Jim West under permit #42132. Investigation revealed that Feucht obtained the baiting permit with West and that West provided the location of the proposed site to Feucht to register it with. Feucht told Troopers that West maintained the bait site, provided the containers to hold the bait, placed bait in the containers and hunted over the baits. Feucht stated that he never maintained nor cleaned up his registered bait. Feucht acknowledged working as an assistant guide for Jim West.

Investigation and interviews with West's clients revealed that on the evening of May 26, 2011, West guided client, Olivia "Bryce" Shannon in the field on a black bear hunt, and that on that hunt West also shot a black bear. In addition to Olivia Shannon, West was also under contract with three additional clients for black bear hunts on that same date. These individuals reported that West had shot the bear in defense of life or property. According to them the bear had charged West while he was looking for another bear that his client Olivia Shannon had shot. Taking a bear in defense of life or property is legal, but this would require a report to the Alaska Department of Fish and Game and a proper notation on the official bear sealing form. It also requires the surrender of the bear. Bear sealing records show that Olivia Bryce Shannon's bear was taken at bear bait site #42130 (bear bait site #1). West's sealing certificate indicates that

he killed his bear May 25, 2011 over his bear bait site #42130, but the defense of life or property box on the sealing form was unchecked. At the same time, West's harvest report for that same bear indicates he killed the bear on May 26, 2011, matching the statements to Troopers of "Bryce" Shannon and her mother Mary Shannon. Investigation revealed that West unlawfully falsified the date of kill on his bear sealing certificate in order to conceal the fact that he had taken his bear on the same day that his client Olivia Bryce Shannon was in the field on a guided hunt.

Counts VIII – XIII.

On or about May 26, 2011, West was officially trespassed from all Ahtna owned lands by certified letter. On or about May 27th, a man identifying himself as Peter Pi contacted Ahtna to request a permit to be on Ahtna owned lands and claimed to be one of West's clients. Ahtna denied the request and informed Mr. Pi that West was not allowed on Ahtna owned lands.

On or about May 29, 2011, a hunting client of West's named Dan McGough, harvested a black bear over a bait site on Ahtna owned land. Yet, in a letter dated May 30, 2011, West acknowledged receipt of the notice on May 27, 2011 and stated that he removed his bear bait sites from Ahtna lands as of May 28, 2011. Hunt records indicate that on May 31, 2011 Peter Pi harvested a black bear over a bait site on Ahtna owned land while he was hunting under a guide contract with West.

On July 2, 2011, after bear baiting season had ended, Alaska Wildlife Trooper Levi Duell located bear bait sites #1 and #2 and observed that bait, baiting containers and other items remained at the sites in violation of regulations requiring removal of all bait, litter and materials at the conclusion of hunting.

State guiding regulations prohibit a registered guide to commit or aid in the commission of a violation. Jim West not only violated bear baiting regulations by failing to clean up his bear bait site, but also aided his employee, Brian Feucht, in committing the same violation. Under AS 08.54.740 a registered guide is equally responsible for a violation committed by a person while in course of employment for the registered guide.

STATE OF ALASKA
OFFICE OF SPECIAL PROSECUTIONS AND APPEALS
SPECIAL PROSECUTION UNIT
310 K STREET, SUITE 308
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-6250

Counts XIV – XVII.

In May of 2012, Troopers installed a covert motion activated camera at one of West's bait stations which had been located again on Ahtna land in the same location as in 2011, site number 42130 (bait site #1). Photos from the camera show people going to the bait site and appearing to add bait to the container. The photos also appear to show a bear later being killed.

West's guided hunt records indicate that he guided a total of 7 bear hunts over bait sites placed on Ahtna owned lands. Each hunter harvested a bear over bait, in Game Management Unit (GMU) 11, the location of the bait sites.

Additionally, video seized from a TV production company for an episode of the show West stars in depicts him hunting over the bait site previously identified as bait site #2. The video shows that on the date of filming (June 8, 2012), bait was still present at the site and bears were actively hunted and taken at that location. An interview with Shelby Devon, one of the hunters depicted on the TV show, revealed that West and his son were actively placing bait at the bait station but that the bait barrel had been moved to a more hidden location for the benefit of the TV production.

On June 15, 2012 black bear baiting season closed in GMU 11 where the baits were located. On July 3, 2012, more than two weeks after the season closure, Troopers checked the bait sites and documented that bait barrels, equipment and soiled dirt still remained at a total of three bait sites identified as belonging to West.

Dated at Anchorage, Alaska, this 12th day of November, 2013.

MICHAEL C. GERAGHTY
ATTORNEY GENERAL

By: 

Arne F. Soldwedel
Assistant Attorney General
Alaska Bar No. 0911078

Search/Seizure Warrants: 3AN-13-352/360/449/926/1099/1266SW