

Scott A. Lanzon, Deputy County Attorney
Gallatin County Attorney's Office
1709 West College Street
Bozeman, Montana 59715
Telephone (406)582-3745

GALLATIN COUNTY CLERK
OF DISTRICT COURT
JENNIFER BRANDON

2010 FEB 18 PM 3 33

FILED

DEPUTY

MONTANA EIGHTEENTH JUDICIAL DISTRICT COURT, GALLATIN COUNTY

STATE OF MONTANA,

Case No. DC-10-58 A

Plaintiff,

AFFIDAVIT OF PROBABLE CAUSE
AND MOTION FOR LEAVE TO
FILE INFORMATION

v.

JEFFREY C. FRITZ,

Defendant.

COMES NOW the State of Montana by Scott A. Lanzon, Deputy
Gallatin County Attorney, and being first duly sworn upon oath,
deposes and says as follows:

1. That your affiant is a Deputy Gallatin County Attorney,
and by law one of the attorneys to prosecute criminal matters in
the State of Montana.

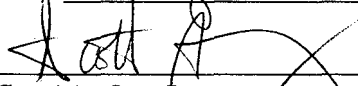
2. On about June 26, 2009, Montana Fish, Wildlife and Parks
Regional Investigator Chad Murphy received information from United
States Fish and Wildlife Agent Samuel Friberg regarding the
illegal taking of game animals from Montana by the defendant,
Jeffrey C. Fritz. Investigator Murphy filed a case summary report
in support of charging the defendant with one count of Unlawful
Possession of Game Animals, a Felony in violation of § 87-3-111,
MCA. The report is attached hereto as Exhibit A and incorporated

by reference herein. Affiant reasserts the facts and specifications of Exhibit A as through fully set forth herein.

3. Additionally, the combined restitution value of these game animals is in excess of \$1,000.

Based on the foregoing facts, the undersigned moves the Court to find that probable cause exists to file an information charging the defendant with the crime(s) of: Count 1, Unlawful Possession of Game Animals, a Felony, in violation of § 87-3-111, MCA.

Dated this 18th day of Feb, 2010.




Scott A. Lanzon
Deputy County Attorney
Gallatin County, Montana

SUBSCRIBED and SWORN to before me this 18 day of

February, 2010.





NOTARY PUBLIC FOR THE STATE OF MONTANA
Residing at: Bozeman, Montana
My commission expires: 2/15/2012
Christine Richards / Helen F. Baldwin



Montana Fish, Wildlife & Parks

Region 3 Criminal Investigator, PO Box 874, Whitehall, MT 59759
Phone: © 406-490-6102

CASE SUMMARY REPORT

SUSPECTS:	Michael "Mike" P. Duby 7220 Glacier Highway Juneau, Alaska 99801	DOB: 05/08/1974 Phone: 907-321-5949 206-409-0893
	Jeffrey "Jeff" C. Fritz 3624 South 316 th Street Auburn, Washington 98001	DOB: 01/02/1969 Phone: 206-715-7906
	Michael W. Duby (father) 8865 East Baseline Road #1257 Mesa, Arizona 85209-5300	DOB: 08/26/1948 Phone: 480-986-0544

Investigator: Chad Murphy, FWP Regional Investigator Region 3

Date of Report: January 18, 2010

State of Alaska Wildlife Trooper, Aaron Frenzel and the United States Fish and Wildlife Service (USFWS), Agent Sam Friberg is conducting a joint fish and wildlife investigation in Alaska on Michael P. Duby, a charter boat captain in Alaska.

On **June 26, 2009**, an under-cover Alaska State Officer and USFWS Agent Samuel Friberg fished on Duby's charter boat. While on the boat, they observed a hunting photo album of Duby and associates posing with game animals. Some of the photographs included Duby and Jeff Fritz posing with two bull elk, Fritz posing with mule deer bucks, Fritz posing with (3) antelope does (mountain range in the background), and a picture of a mule deer buck and set of elk horns in the back of pickup truck at a ranch with a hay barn in the background. Agent Friberg photographed the hunting photos in the album and sent the photographs to Montana Investigators to review and identify locations of the kills and if the animals were lawfully taken or not.

Investigator Murphy examined Duby's Internet Website, "**FishHunter Charters**" and found a photograph (digital image) of Michael P. Duby posing with an antelope buck. The caption written under the photograph states, "Captain Mike Duby with his first antelope buck". The website also included photographs of Duby and Fritz posing with

the two bull elk. The caption written under a photograph of Duby posing with a bull elk states, "Jeff and Mike's trip to Montana 2007".

Investigator Murphy researched the Montana Fish, Wildlife, and Parks Automated Licensing System and found that Michael P. Duby and his hunting associate, Jeff Fritz, have **never received an antelope special permit/license** in the State of Montana from 2002 through 2008.

On **August 14, 2009**, Alaska State Wildlife Troopers and the USFWS executed Search Warrants on Michael P. Duby's residence at 7220 Glacier Highway, Juneau, Alaska. Pursuant to the search warrants, Alaska Wildlife Trooper Aaron Frenzel seized a Gateway computer from Duby's residence. Numerous hunting photographs and CD's containing digital images of Duby and his associates hunting and posing with game animals in Montana were also seized pursuant to the search warrant. Also seized as evidence, were hunting diaries/journals that Duby had written (typed) about his Montana hunting from 2004 through 2007. While executing the search warrant at Duby's residence, the Troopers/Agents videotaped the animal mounts/antlers in Duby's residence.

On **August 14, 2009**, Alaska USFWS Agent SA Obe Lowry and Trooper Aaron Frenzel interviewed Michael P. Duby. Duby admitted to killing antelope without a license in Montana. Duby said he stayed with landowner Bob Hosfield near Bozeman, Montana and they used "landowner tags". Duby said he had illegal wildlife mounts at his residence including antelope he killed unlawfully in Montana. Duby said he did his own taxidermy work on game animals he killed. Duby identified and surrendered/abandon an antelope shoulder mount (identified by Duby as a antelope buck Duby killed unlawfully in Montana) and an antelope buck (small) skullcap mount to Agent Lowry. Duby had mounted the antelope buck and had the mount at his residence in Alaska. Duby also admitted to shooting both of the bull elk in Montana in 2007.

On **August 14, 2009**, USFWS Agent Manisa Kung interviewed Jack Moore in Kent, Washington. Moore is the owner of Fish Hunter Enterprises (wholesaler for fish fly tying supplies) and a hunting associate of Mike Duby. Moore said he had purchased pheasant skins, magpie skins, snipe skins, mallard duck wings, and bear hides from Duby. Moore said he hunted deer and elk in Montana with Duby and Adam Stokes about 5 years ago. They drove out together, but Moore said he did not hunt with Duby. Moore was aware that Duby hunted and stayed with Bob and Tammy Hosfield north of Bozeman, Montana. Moore went to Montana hunting with Duby two years (2004-2005).

On **August 14, 2009**, Montana USFWS Agent Rick Branzell interviewed Jerry Krier (Kalispell, MT resident). Krier is an associate of Michael Duby. Krier provided Agent Branzell with an email with digital image attachment photographs that Krier had received from Michael P. Duby in January of 2009. One of the attachment photographs included Michael P. Duby posing with an antelope buck in Montana. The properties of the photographs show it was taken on October 30, 2008. In the email, Duby told Krier about some of his hunting activities in 2008. The email was sent to Krier from Duby's email

address dubyfish@hotmail.com. The photograph of Duby posing with the antelope buck was similar and the same antelope buck Duby is posing with in the photograph on FishHunter Charters website.

On **August 15, 2009**, Jeff Fritz surrendered/abandoned the two 2007 bull elk shoulder mounts at his residence in Washington to USFWS Agents SA Phil Land and Manisa Kung.

On **August 20, 2009**, USFWS Agent Rick Branzell received copies of Duby's Montana hunting diaries/journals for 2004 through 2007. On **August 21, 2009**, Agent Branzell received copies of the suspected Montana hunting photographs and CD digital images of Duby and his hunting associates. Agent Branzell met with Investigator Murphy and we reviewed the photographs and hunting journals. Through the examination of the photographs, website, Krier's email, and hunting journals, we identified nineteen (19) unlawfully taken antelope by Michael P. Duby, Michael W. Duby, and Jeff Fritz in the State of Montana from 2005 through 2008. Fritz is a resident of Washington and hunted in Montana with Duby in 2007 and 2008. Michael W. Duby is Duby's father and is a resident of Washington/Arizona who hunted with Duby in 2006 in Montana. Michael W. Duby did not have any Montana hunting licenses. From 2005 through 2008, Michael P. Duby unlawfully killed thirteen (13) antelope. Fritz unlawfully killed five (5) antelope in 2007. Michael W. Duby unlawfully killed at least one (1) antelope in 2006 and was present with his son November 2nd thru 4th, 2006, when seven antelope were killed/possessed unlawfully. The antelope were killed on or near the Hosfield ranch in Gallatin County west of Wilsall, Montana.

In addition to the unlawfully taken antelope, we identified several unlawfully taken deer and two bull elk killed unlawfully.

Unlawfully taken deer included:

2004

- Whitetail doe deer killed by Michael P. Duby on November 1, 2004.
- 1 x 2 whitetail buck killed by Michael P. Duby on November 4, 2004.
- 4 x 3 mule deer buck killed by Michael P. Duby on November 9, 2004.

2005

- Whitetail doe deer killed by Michael P. Duby on November 4, 2005.
- 4 x 4 whitetail buck killed by Michael P. Duby on November 14, 2005.

2006

- "Small rack" whitetail buck killed by Michael P. Duby on November 2, 2006.
- "Yearling" whitetail buck killed by Michael W. Duby (father) on November 3, 2006.
- Whitetail doe deer killed by Michael P. Duby on November 9, 2006.
- 4 x 4 mule deer buck killed by Michael P. Duby on November 16, 2006.
- 3 x 3 mule deer buck killed by Michael P. Duby on November 17, 2006.

2007

- Whitetail doe deer killed by Michael P. Duby on October 23, 2007.
- Two whitetail doe deer killed by Jeff Fritz on October 23, 2007.
- 6 x 5 mule deer buck killed by Jeff Fritz on November 15, 2007.
- 4 x 5 mule deer buck killed by Jeff Fritz on November 16, 2007.

Unlawfully taken elk included:

2007

- Two bull elk (5 x 6, 6 x 6) killed by Michael P. Duby on November 9, 2007.

In addition to the game animals, Investigator Murphy and Agent Branzell identified several unlawfully taken game birds (pheasants, mountain grouse, mallard duck) killed by Michael P. Duby between 2004 and 2007.

On **August 25, 2009**, Investigator Murphy and USFWS Agent Rick Branzell located the area Duby and Fritz had unlawfully killed nine (9) antelope in 2007. Using the photographs of Duby and Fritz posing with some of the antelope, we were able to match the mountain range (Northeast end of the Bridger Mountains) in the background of the photographs. Investigator Murphy and Agent Branzell were also able to identify and match a hay barn located on Robert Hosfield's property to a photograph of Fritz posing with five (5) antelope in the back of a pickup. Robert and Tammy Hosfield own a small ranch on Bridger Canyon Road near Wilsall, Montana and are associates of Duby's and have fished with Duby's charter service. (Duby ran a charter boat owned by Robert Hosfield).

On **September 10, 2009**, Investigator Murphy and Agent Branzell spoke with Agent Friberg. Agent Friberg had provided us with photographs (from search warrant video) of Duby's game animal mounts in his residence. We were able to identify unlawfully taken deer mounts/antlers in Duby's residence in Alaska from deer Duby killed unlawfully in the State of Montana.

In September of 2009, Investigator Murphy spoke with Alaska State Trooper Aaron Frenzel who told me that Alaska State Investigator Robert Welch could provide Investigator Murphy with a forensic mirror image of Duby's Gateway Computer. The Gateway computer would stay in the State of Alaska, and a forensic image would be provided to the State of Montana for examination of Montana wildlife crimes.

On **October 9, 2009**, DCI Agent Jimmy Weg received, via Fed Ex, the forensic image of the Gateway Computer provided by Alaska State Investigator Welch.

On **October 13, 2009**, Investigator Murphy applied for and received a First Judicial District Court Search Warrant to examine the forensic image of Duby's computer in Montana.

On **October 15, 2009**, USFWS Agent Friberg executed a Federal Search Warrant on Duby's residence in Alaska. Duby identified mounts in his residence, which were from

animals he killed in Montana. Agent Friberg recovered (seized as evidence) these mounts/antlers:

- 1 x 2 whitetail buck killed by Michael Duby on November 4, 2004.
- 4 x 3 mule deer buck killed by Michael Duby on November 9, 2004.
- 4 x 4 whitetail buck killed by Michael Duby on November 14, 2005.
- 4 x 4 mule deer buck killed by Michael Duby on November 16, 2006.
- 3 x 3 mule deer buck killed by Michael Duby on November 17, 2006.

On **October 15, 2009**, USFWS Agent Kung executed a Federal Search Warrant on Jeff Fritz's residence in Washington. Agent Kung recovered (seized as evidence) these mounts/antlers:

- 6 x 5 mule deer buck killed by Jeff Fritz on November 15, 2007.
- 4 x 5 mule deer buck killed by Jeff Fritz on November 16, 2007.

On **October 15, 2009**, USFWS Agent Branzell and Investigator Murphy interviewed Robert and Tammy Hosfield. Robert Hosfield admitted to unlawfully loaning his 2006 antelope and Deer A licenses to Michael P. Duby.

On **October 20, 2009**, USFWS Agent Branzell and Investigator Murphy interviewed Robert and Tammy Hosfield. Tammy Hosfield admitted to unlawfully loaning her 2005 and 2006 antelope license to Michael P. Duby. She also admitted to loaning her daughters (Heather Brelsford) 2006 antelope license to Duby. Tammy admitted to buying (money provided by Duby) and loaning 3 whitetail Deer B licenses to Duby and Fritz in 2007.

On **October 21, 2009**, USFWS Agent Branzell and Investigator Murphy interviewed Heather Brelsford (Tammy Hosfield's daughter).

On **October 29, 2009**, USFWS Agent Branzell and Investigator Murphy interviewed Robert and Tammy Hosfield. Investigator Murphy issued the following FWP State of Montana misdemeanor citations to Robert Hosfield in Gallatin County Justice Court:

1. NTA 196391 Transfer of a hunting license (loan) 2006 antelope license to Michael Duby on November 2, 2006 **(\$235 bond)**.
2. NTA 196392 Transfer of a hunting license (loan) 2006 Deer A license to Michael Duby on November 17, 2006 **(\$235 bond)**.
3. NTA 196393 Unlawful possession/transportation of a mule deer 3 x 3 buck killed unlawfully by Michael Duby on November 17, 2006 **(\$535 bond)**.

Robert Hosfield posted \$1005 bond for the three citations. Robert Hosfield's privileges to(hunt, fish, trap) were suspended for 24 months.

Investigator Murphy issued the following FWP State of Montana misdemeanor citations to Tammy Hosfield in Gallatin County Justice Court:

1. NTA 196394 Transfer of a hunting license (loan) 2006 antelope license to Michael Duby on November 3, 2006 **(\$235 bond)**.
2. NTA 196395 Transfer of a hunting license (loan) Heather Brelsford 2006 antelope license to Michael Duby on November 3, 2006 **(\$235 bond)**.

3. NTA 196396 Unlawful possession/transportation on November 7, 2006, of (3) antelope killed unlawfully by Michael Duby on November 3, 2006 (**\$535 bond**).
4. NTA 196397 Transfer of a hunting license (loan) 2007 whitetail Deer B (HD 312-10) license to Michael Duby on October 24, 2007 (**\$235 bond**).
5. NTA 196398 Transfer of a hunting license (loan) 2007 whitetail Deer B (HD 312-10) license to Michael Duby and Jeff Fritz on October 24, 2007 (**\$235 bond**).
6. NTA 196399 Transfer of a hunting license (loan) 2007 whitetail Deer B (HD 312-10) license to Michael Duby and Jeff Fritz on October 24, 2007 (**\$235 bond**).
7. NTA 196400 Unlawful possession of all or part of a game animal (antelope buck shoulder mount-in house on October 15, 2009) killed unlawfully by Tommy Clawson on November 2, 2007 (**\$535 bond**).
8. NTA 196401 Transfer of a hunting license (used) Heather Brelsford's 2006 Deer A license on a spike mule deer buck killed by Tammy Hosfield on November 24, 2006 (**\$235 bond**) (**Fergus County Justice Court**).

Tammy Hosfield posted \$2480 bond for the eight citations. Tammy Hosfield's privileges to (hunt, fish, trap) were suspended for 48 months.

On **January 11, 2010**, USFWS Agent Branzell and Investigator Murphy interviewed Jack Moore in Kent, Washington. Moore witnessed Michael P. Duby shoot the 4 x 3 mule deer buck in the Musselshell breaks in Montana on November 9, 2004. Moore also saw the 1 x 2 whitetail buck deer that Duby had killed on November 4, 2004, hanging in the Hosfield's garage.

2004

On or about **November 1, 2004**, Michael P. Duby killed a whitetail doe deer (**DEER #1**) on the Hosfield ranch. Duby wrote about the hunt in his hunting journal and photographic evidence of Duby posing with the deer was recovered in the investigation. Duby did not tag the whitetail doe deer with his non-resident deer license as required by regulations and law (MCA 87-2-509). Duby stored and processed the whitetail doe deer at the Hosfield residence. Duby continued to unlawfully deer hunt.

On **November 4, 2004**, Michael P. Duby killed a 1 x 2 whitetail buck deer (**DEER #2**) on the Hosfield ranch. Duby wrote about the hunt in his hunting journal and photographic evidence of Duby posing with the deer was recovered in the investigation. The 1 x 2 deer antlers were recovered as evidence at Duby's residence in Alaska. This was the second deer Duby killed in Montana in 2004 in violation of (MCA 87-3-103) over-limit of game animals and (MCA 87-2-103) hunting without a valid license. Duby was required to use his deer license on the first deer he killed. Duby stored and processed the 1 x 2 whitetail buck deer at the Hosfield residence. Duby told Jack Moore about killing this deer and Moore saw the deer carcass hanging in the Hosfield's garage. Duby continued to unlawfully deer hunt.

On **November 9, 2004**, Michael P. Duby killed a 4 x 3 mule deer buck (**DEER #3**) near the Musselshell breaks in Montana. Duby wrote about the hunt in his hunting journal and photographic evidence of Duby posing with the deer was recovered in the investigation. Jack Moore was hunting with Duby and witnessed Duby shoot and kill this buck. Duby

brought the buck back to the Hosfield ranch in Gallatin County and processed the deer. The 4 x 3 mule deer antlers were recovered as evidence at Duby's residence in Alaska. Duby killed the deer in violation of (MCA 87-3-103) over-limit of game animals and (MCA 87-2-103) hunting without a valid license. Duby was required to use his deer license on the first deer he killed. Duby brought this unlawfully taken deer back to the Hosfield residence and processed the deer before returning to Washington and Alaska.

On and between November 1 and November 11, 2004, **Michael P. Duby** possessed and/or transported unlawfully taken game animals (three deer) in Gallatin County, Montana.

2005

On **November 4, 2005**, Michael P. Duby hunted and killed a whitetail doe deer (**DEER #4**) on the Hosfield ranch. Duby was hunting with Adam Stokes (Bozeman resident). Duby did not tag the whitetail doe deer with his non-resident deer license as required by regulations and law (MCA 87-2-509). Instead, Duby unlawfully used Adam Stokes Deer B license on the whitetail doe deer in violation of (MCA 87-2-110), transfer of a hunting license. Duby wrote about the hunt in his hunting journal and Adam Stokes admitted to loaning his Deer B license to Duby.

On **November 5, 2005**, Michael P. Duby hunted antelope on or near the Hosfield ranch. Duby was antelope hunting without a license (MCA 87-2-103). Michael Duby wrote about the antelope hunt in his hunting journal stating that he killed an antelope doe (**ANTELOPE #1**) and wounded an antelope buck (**ANTELOPE #2**). Duby had Heather Brelsford (Tammy Hosfield's daughter) finish off the antelope buck (antelope buck fawn). Duby used Tammy Hosfield's antelope license on the antelope doe in violation of (MCA 87-2-110) transfer of a hunting license, and Heather Brelsford tagged the antelope buck fawn. Tammy Hosfield admitted to loaning her antelope license to Duby. Duby processed the antelope at the Hosfield residence. Duby mounted (taxidermy shoulder mount) the antelope buck fawn and gave it to Heather Brelsford and the Hosfields when he returned to the ranch the next year. The antelope shoulder mount was hanging in the Hosfield residence and was recovered as evidence.

On **November 14, 2005**, Michael P. Duby hunted and unlawfully killed a 4 x 4 whitetail buck deer (**DEER #5**) near Broadus, Montana. Duby wrote about the hunt in his hunting journal. Duby killed the deer in violation of (MCA 87-3-103) over-limit of game animals and (MCA 87-2-103) hunting without a valid license. Duby was required to use his deer license on the first deer he killed in 2005. Duby showed Adam Stokes the whitetail buck deer when he returned to the Bozeman area. The 4 x 4 whitetail buck shoulder mount was recovered as evidence at Duby's residence in Alaska. Duby told Jack Moore about killing a large whitetail buck in eastern, Montana that year.

On and between November 4 and November 15, 2005, **Michael P. Duby** possessed and/or transported unlawfully taken game animals (two deer and two antelope) in Gallatin County, Montana.

2006

On **November 2, 2006**, Michael P. Duby and Michael W. Duby drove to the Hosfield ranch and hunted. Michael W. Duby drove. On the 2nd, Michael P. Duby shot and killed a “small rack” whitetail buck deer (**DEER #6**). Michael P. Duby wrote about the hunt in his hunting journal and told Robert Hosfield about killing the buck deer. Duby did not tag the small rack whitetail buck deer with his non-resident deer license as required by regulations and law (MCA 87-2-509). Duby stored and processed the whitetail buck deer at the Hosfield residence. Duby continued to unlawfully deer hunt.

On **November 3, 2006**, Michael W. Duby unlawfully killed a “yearling” whitetail buck deer (**DEER #7**) on the Hosfield ranch while hunting with his son, Michael P. Duby. Michael W. Duby did not have a Montana hunting license and killed the deer without a license in violation of MCA 87-2-103. Michael W. Duby also shot at a whitetail doe deer but did not get it. Michael P. Duby wrote about the hunt in his hunting journal and told Robert and Tammy Hosfield that his dad had killed a deer on the ranch.

On **November 3, 2006**, Michael P. Duby and Michael W. Duby hunted antelope on or near the Hosfield ranch without antelope licenses (MCA 87-2-103). Michael P. and Michael W. Duby unlawfully killed four antelope. Michael P. Duby wrote about the antelope hunt in his hunting journal stating that both he and his dad were shooting at a herd of antelope. One antelope dropped (**ANTELOPE #3**) and three others were wounded. They both continued to shoot at the wound antelope and Michael P. Duby finished off the three wounded antelope (**ANTELOPE #4, #5, and #6**).

On **November 4, 2006**, Michael P. Duby and Michael W. Duby again hunted antelope on or near the Hosfield ranch without antelope licenses (MCA 87-2-103). Michael P. and Michael W. Duby unlawfully killed three antelope. Michael P. Duby wrote about the antelope hunt in his hunting journal stating that both he and his dad were shooting at a herd of antelope. Two antelope were killed (**ANTELOPE #7, and #8**) and one was wounded. Michael W. Duby finished off the (wounded) third antelope (**Antelope #9**).

Robert and Tammy Hosfield admitted to each loaning their antelope licenses to the Duby's in violation of MCA 87-2-110. Tammy Hosfield also loaned her daughters (Heather Brelsford) antelope license to Duby. Michael P. Duby told Robert that he and his dad killed seven antelope that year. Tammy Hosfield also was aware that the Duby's had killed several antelope. Tammy Hosfield took three of the antelope with their licenses attached to them to the meat processor on November 7, 2006. The meat processing receipt was recovered as evidence. The Hosfield's said the Duby's processed the other four antelope at the ranch and took them back to Washington when they left. Michael P. and Michael W. Duby left on or about November 5, 2006.

On **November 8, 2006**, Michael P. Duby returned to the Hosfield ranch and continued to unlawfully deer hunt.

On **November 9, 2006**, Michael P. Duby hunted and killed a whitetail doe deer (**DEER #8**) on the Hosfield ranch. Duby did not tag the whitetail doe deer with his non-resident

deer license as required by regulations and law (MCA 87-2-509). Duby killed the deer in violation of (MCA 87-3-103) over-limit of game animals and (MCA 87-2-103) hunting without a valid license. Duby was required to use his deer license on the first deer he killed. Duby wrote about the deer hunt in his hunting journal. Duby brought this unlawfully taken deer back to the Hosfield residence and processed the deer. Photographic evidence of the whitetail doe deer was recovered from Duby's computer.

On **November 16, 2006**, Michael P. Duby hunted and unlawfully killed a 4 x 4 mule deer buck (**DEER #9**) near Broadus, Montana. Duby wrote about the hunt in his hunting journal. Duby killed the deer in violation of (MCA 87-3-103) over-limit of game animals and (MCA 87-2-103) hunting without a valid license. Duby was required to use his deer license on the first deer he killed in 2006. Duby brought the 4 x 4 mule deer buck back to the Hosfield ranch in Gallatin County. Agent Friberg saw photographic evidence of this deer in the back of Duby's truck at the Hosfield ranch on Duby's charter boat in a hunting photo album. Photographic evidence (same photo) was also recovered from Duby's computer. A license is visible attached to the deer antlers in the photograph of the deer in Duby's truck at the Hosfield residence. Tammy Hosfield saw this buck deer when Duby returned to the Hosfield ranch. The 4 x 4 mule deer buck shoulder mount was recovered as evidence at Duby's residence in Alaska.

On **November 17, 2006**, Michael P. Duby hunted and unlawfully killed a 3 x 3 mule deer buck (**DEER #10**) near the Hosfield ranch. Duby wrote about the hunt in his hunting journal. Duby killed the deer in violation of (MCA 87-3-103) over-limit of game animals, (MCA 87-2-103) hunting without a valid license, and (MCA 87-2-110) transfer of a hunting license. Robert Hosfield was hunting with Duby and loaned Duby his resident Deer A license to use on the 3 x 3 mule deer buck. Photographic evidence of Duby and Hosfield posing with the buck was recovered from Duby's computer. Robert Hosfield admitted to loaning his license to Duby. Robert and Tammy Hosfield took the deer carcass to the meat processor and the receipt is dated November 18th. The meat processing receipt was recovered as evidence. Duby took the deer head/cape when he left the ranch that year. The 3 x 3 mule deer buck shoulder mount was recovered as evidence at Duby's residence in Alaska.

On and between November 2 and November 17, 2006, **Michael P. Duby** possessed and/or transported unlawfully taken game animals (seven antelope and five deer) in Gallatin County, Montana.

On and between November 2 and November 4, 2006, **Michael W. Duby** possessed and/or transported unlawfully taken game animals (seven antelope and two deer) in Gallatin County, Montana.

2007

On **October 22, 2007**, Michael P. Duby and Jeff Fritz unlawfully hunted and killed four antelope (**ANTELOPE #10, #11, #12, and #13**) on or near the Hosfield ranch. Neither Duby nor Fritz possessed Montana antelope licenses/permits. The antelope were killed without licenses in violation of MCA 87-2-103. Duby wrote about the hunt in his

hunting journal stating that both Duby and Fritz shot at the antelope and Duby killed four of them. Photographic evidence (digital images on a CD) of Duby posing with three of the antelope in the field and the four antelope hanging in Hosfield's garage was recovered as evidence in Alaska at Duby's residence. Similar or the same photographic evidence was recovered from Duby's computer. Duby told Tammy Hosfield that they had killed some antelope and Duby and Fritz used the Hosfield's ATV to transport the antelope back to the ranch. Duby and Fritz hung and processed the antelope in the Hosfield's garage.

On **October 23, 2007**, Michael P. Duby and Jeff Fritz unlawfully hunted and killed three antlerless whitetail doe deer (**DEER #11, #12, and #13**) on or near the Hosfield ranch. Duby wrote about the hunt in his hunting journal stating Duby shot one doe and Fritz shot the other two doe deer. Duby and Fritz did not tag the whitetail doe deer with their non-resident deer licenses as required by regulations and law in violation of MCA 87-2-509, fail to tag a game animal. Instead, Duby and Fritz unlawfully used Tammy Hosfield's three Deer B licenses on the whitetail doe deer in violation of (MCA 87-2-110), transfer of hunting licenses. Tammy Hosfield admitted that Duby asked her to go to town and buy three resident antlerless whitetail Deer B licenses so Duby and Fritz could tag the deer with her licenses. The resident antlerless licenses were cheaper to purchase than non-resident licenses. FWP licensing system shows Tammy Hosfield purchased three Deer B licenses on October 24th. Photographic evidence of Duby and Fritz posing with the three antlerless whitetail doe deer was recovered at Duby's residence in Alaska (digital images on a CD) and also on Duby's computer. Duby and Fritz processed the three deer at the Hosfield ranch and took the deer with them when they left.

On **November 8, 2007**, Michael P. Duby and Jeff Fritz returned to the Hosfield ranch and unlawfully hunted and killed five antelope (**ANTELOPE #14, #15, #16, #17, and #18**) on or near the Hosfield ranch. Neither Duby nor Fritz possessed a Montana antelope license/permit. The antelope were killed without licenses in violation of MCA 87-2-103. Duby wrote about the hunt in his hunting journal stating that Duby chased the antelope to Fritz and Fritz "dropped" five of them. Duby finished off a wounded runner. Photographic evidence (digital images on a CD) of Fritz posing with the antelope in the field, in the back of Duby's truck, and the antelope hanging in Hosfield's garage was recovered as evidence in Alaska at Duby's residence. Similar or the same photographic evidence was recovered from Duby's computer. Duby and Fritz hung and processed the antelope in the Hosfield's garage.

On October 22nd and 23rd and November 8, 2007, **Michael P. Duby** possessed and/or transported unlawfully taken game animals (nine antelope and three deer) in Gallatin County, Montana.

On October 22nd and 23rd and November 8, 2007, **Jeff Fritz** possessed and/or transported unlawfully taken game animals (nine antelope and three deer) in Gallatin County, Montana.