

KENNETH E. VARNS
Assistant Attorney General
P.O. Box 201401
Helena, MT 59620-1401
Telephone: (406) 444-2026
kvarns@mt.gov

COUNSEL FOR STATE

FILED
PAIGE TRAUTWEIN, CLERK

SEP 21 2020
Paige Trautwein
DEPUTY

MONTANA TWENTY FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

STATE OF MONTANA,

Plaintiff,

v.

JUSTIN D. HADLEY,

Defendant.

Cause No.

DC-20-132/1
Dept. 2 Jennifer B. Lint

**STATE'S MOTION FOR LEAVE
TO FILE AN INFORMATION
AND AFFIDAVIT IN SUPPORT**

STATE OF MONTANA)
 : ss.
County of Lewis & Clark)

KENNETH VARNS, an Assistant Attorney General for the State of Montana,
moves the Court for leave to file an Information and, after first being duly sworn upon
oath, alleges, based on information and belief, that Defendant has committed the
offense(s) of: **Count I:** Unlawful possession of game animals, a **felony**, as specified in
Mont. Code Ann. § 87-6-202 (1) and (6)(f) (2019);

2019

Count II: Outfitting without a license, a **felony**, in violation of Mont. Code
Ann. § 87-6-702(2)(a) (2019); **Count III:** Outfitting without a license, a **felony**, in
violation of Mont. Code Ann. § 87-6-702(2)(a) (2019); **Count IV:** Violate commission
rules or regulations, a MISDEMEANOR in violation of Mont. Code Ann. § 87-6-201
(2019) (Operate on public lands a motorized wheeled vehicle off lawful routes in
violation of a federally approved USFS travel plan); **Count V:** Violate commission rules
or regulations, a MISDEMEANOR in violation of Mont. Code Ann. § 87-6-201 (2019)

1 (Operate on public lands a motorized wheeled vehicle off lawful routes in violation of a
2 federally approved USFS travel plan); **Count VI:** Violate commission rules or
3 regulations, a MISDEMEANOR in violation of Mont. Code Ann. § 87-6-201 (2019)
4 (Operate on public lands a motorized wheeled vehicle off lawful routes in violation of a
5 federally approved USFS travel plan); **Count VII:** Solicitation, a MISDEMEANOR
6 (Hunt a game animal without a license) as specified in Mont. Code Ann. § 45-4-101 and
7 § 87-6-301(1)(a)[1] (2019); **Count VIII:** Solicitation, a MISDEMEANOR (hunt a
8 game animal without a license) as specified in Mont. Code Ann. § 45-4-101 and
9 § 87-6-301(1)(a)[1] (2019); **Count IX:** Violate commission rules or regulations, a
10 MISDEMEANOR in violation of Mont. Code Ann. § 87-6-201 (2019) (Operate on public
11 lands a motorized wheeled vehicle off lawful routes in violation of a federally approved
12 USFS travel plan); **Count X:** Violate commission rules or regulations, a
13 MISDEMEANOR in violation of Mont. Code Ann. § 87-6-201 (2019) (Operate on public
14 lands a motorized wheeled vehicle off lawful routes in violation of a federally approved
15 USFS travel plan); **Count XI:** Violate commission rules or regulations, a
16 MISDEMEANOR in violation of Mont. Code Ann. § 87-6-201 (2019) (Operate on public
17 lands a motorized wheeled vehicle off lawful routes in violation of a federally approved
18 USFS travel plan); **Count XII:** Solicitation, a MISDEMEANOR (hunt a game animal
19 without a license), as specified in Mont. Code Ann. § 45-4-101 and § 87-6-301(1)(a)[1]
20 (2019); **Count XIII:** Solicitation, a MISDEMEANOR (hunt a game animal from a self-
21 propelled or motor driven vehicle) as specified in Mont. Code Ann. § 45-4-101 and § 87-
22 6-405(1) (2019); **Count XIV:** Hunt a game animal without a license (by accountability),
23 a MISDEMEANOR, in violation of Mont. Code Ann. § 87-6-301(1)(a)[1] and
24 § 45-2-301(2019); **Count XV:** Solicitation, a MISDEMEANOR (hunt a game animal
25 without a license) as specified in Mont. Code Ann. § 45-4-101 and § 87-6-301(1)(a)[1]
26 (2019); **Count XVI:** Hunt a game animal without a license (by accountability), as
27 specified in Mont. Code Ann. § 45-4-101 and § 87-6-301(1)(a)[1] (2019);

1 **Count XVII:** Unlawful possession of a game animal, a MISDEMEANOR, as specified
2 in Mont. Code Annotated § 87-6-202(1)(3);

3 **Count XVIII:** Unlawful possession of a game animal, a MISDEMEANOR, as specified
4 in Mont. Code Annotated § 87-6-202(1)(3); **Count XIX:** Violate commission rules or
5 regulations, a MISDEMEANOR in violation of Mont. Code Ann. § 87-6-201 (2019)
6 (Operate on public lands a motorized wheeled vehicle off lawful routes in violation of a
7 federally approved USFS travel plan);

8 **2018**

9 **Count XX:** Act as a guide without a license, a MISDEMEANOR, as specified in Mont.
10 Code Ann. § 37-47-301(1) (2018); **Count XXI:** Act as a guide without a license, a
11 MISDEMEANOR, as specified in Mont. Code Ann. § 37-47-301(1) (2018);

12 **Count XXII:** Act as a guide without a license, a MISDEMEANOR, as specified in
13 Mont. Code Ann. § 37-47-301(1) (2018); **Count XXIII:** Act as a guide without a
14 license, a MISDEMEANOR, as specified in Mont. Code Ann. § 37-47-301(1) (2018);

15 **2017**

16 **Count XXIV:** Act as a guide without a license, a MISDEMEANOR, as specified in
17 Mont. Code Ann. § 37-47-301(1) (2017); **Count XXV:** Act as a guide without a license,
18 a MISDEMEANOR, as specified in Mont. Code Ann. § 37-47-301(1) (2017);

19 **Count XXVI:** Act as a guide without a license, a MISDEMEANOR, as specified in
20 Mont. Code Ann. § 37-47-301(1) (2017); **Count XXVII:** Act as a guide without a

21 license, a MISDEMEANOR, as specified in Mont. Code Ann. § 37-47-301(1) (2017);

22 **Count XXVIII:** Act as a guide without a license, a MISDEMEANOR, as specified in
23 Mont. Code Ann. § 37-47-301(1) (2017); **Count XXIX:** Act as a guide without a
24 license, a MISDEMEANOR, as specified in Mont. Code Ann. § 37-47-301(1) (2017);

25 **Count XXX:** Act as a guide without a license, a MISDEMEANOR, as specified in

26 Mont. Code Ann. § 37-47-301(1) (2017); **Count XXXI:** Act as a guide without a

27 license, a MISDEMEANOR, as specified in Mont. Code Ann. § 37-47-301(1) (2017);

1 **Count XXXII:** Act as a guide without a license, a MISDEMEANOR, as specified in
2 Mont. Code Ann. § 37-47-301(1) (2017); and **Count XXXIII:** Act as a guide without a
3 license, a MISDEMEANOR, as specified in Mont. Code Ann. § 37-47-301(1) (2017).

4 The following facts provide probable cause that the Defendant has committed the
5 alleged offense(s).

6 Mont. Code Ann. § 44-4-115 authorizes the Montana Department of Justice to
7 prosecute criminal cases concerning violation of laws administered by the Department of
8 Fish Wildlife and Parks.

9 **APPLICABLE LAWS**

10 MCA § 87-6-702, Outfitting without license, provides in part: "A person may not
11 purposely or knowingly engage in outfitting while not licensed pursuant to Title 37,
12 chapter 47, or purposely or knowingly violate a licensing rule adopted under Title 37,
13 chapter 47." This section further states that: "'Consideration' means remuneration given
14 in exchange for outfitting services supplied based on a business relationship between
15 parties, but not including reimbursement for shared trip expenses"; and "'Outfitting'
16 means providing hunting or fishing services for consideration, including any saddle or
17 pack animal, facilities, camping equipment, personal service, or vehicle, watercraft, or
18 other conveyance for any person to hunt, fish, trap, capture, take, kill, or pursue any
19 game, including fish. The term includes accompanying that person, either part or all of
20 the way, on an expedition for any of these purposes or supervision of a licensed guide in
21 accompanying that person."

22 MCA § 87-6-702(2)(a), further states that: "A person or entity that represents to
23 any other person, any entity, or the public that the person or entity is an outfitter and who
24 commits the offense of outfitting without a license, as described in subsection (1)(a), for
25 any portion of 5 or more days for consideration within 1 calendar year for any person or
26 for consideration valued in excess of \$5,000 is punishable by a fine of not more than
27 \$50,000 or imprisonment in the state prison for up to 5 years, or both."

1 MCA § 87-6-201, Violate commission rules or regulations (ref. 2019 Montana
2 Deer, Elk, Antelope Regulations – Operate on public lands a motorized wheeled vehicle
3 off lawful routes in violation of a federally approved USFS travel plan) provides in part:
4 “A person who purposely, knowingly, or negligently violates an order or rule of the
5 commission or department shall be fined not less than \$50 or more than \$500.” The
6 MFWP Commission rule adopted for the 2019 hunting season addressing operating a
7 motorized wheeled vehicle off lawful route in violation of a federally approved USFS
8 travel plan is on page 26 of the MFWP 2019 Deer, Elk, and Antelope Hunting
9 Regulations.

10 MCA § 87-6-405(1), Unlawful use of a vehicle while hunting to wit hunt a game
11 animal from a self-propelled vehicle, provides in part: “A person may not hunt or
12 attempt to hunt any game animal or game bird from any self-propelled, motor-driven, or
13 drawn vehicle.”

14 MCA § 87-6-201, Violate commission rules or regulations (ref. 2019 Montana
15 Deer, Elk, Antelope Regulations – 2019 Montana Deer, Elk, Antelope Regulations –
16 Failure to obtain an MFWP Roadkill Salvage Permit) provides in part: “A person who
17 purposely, knowingly, or negligently violates an order or rule of the commission or
18 department shall be fined not less than \$50 or more than \$500.” The MFWP Commission
19 rule adopted for the 2019 hunting season states that the carcass of an elk, deer, antelope,
20 or moose killed in vehicular collisions may be taken and possessed but only with a
21 Vehicle-Killed Wildlife Salvage Permit. This is on page 24 of the MFWP 2019 Deer,
22 Elk, and Antelope Hunting Regulations.

23 MCA § 87-6-202(1)(3), Unlawful possession of a game animal, provides in part:
24 “A person may not possess, ship, or transport all or part of any game fish, bird, game
25 animal, or fur-bearing animal that was unlawfully killed, captured, or taken, whether
26 killed, captured, or taken in Montana or outside of Montana.”
27

1 MCA § 87-6-306(1), Hunting while privileges or licenses are forfeited or
2 suspended, provides: "(1) A person may not hunt, fish, or trap while the person's license
3 or privilege to hunt, fish, or trap in this state is forfeited for a violation of this title or any
4 other law pertaining to fish and game in this state. A person convicted of a violation of
5 this section may be fined not less than \$500 or more than \$2,000 and shall be imprisoned
6 in the county detention center for not less than 5 days or more than 6 months."

7 CIRCUMSTANCES

8 In October of 2017, Justin D. Hadley contacted Montana Fish, Wildlife, & Parks
9 (MFWP) Game Warden Lou Royce (Warden Royce) stating that he recently moved back
10 to the Bitterroot Valley from Billings, MT. Hadley called Warden Royce from the cell
11 phone number 406-***-1110. Hadley said that he ran a problem rattlesnake removal
12 business and wanted information about rattlesnake activity at MFWP fishing access sites.
13 Warden Royce recognized Hadley's name from a previous MFWP investigation from
14 2006.

15 Warden Royce learned that in 2006, Hadley was convicted of two felony counts of
16 unlawful possession of a game animal, illegally shooting from the roadway, abandoning a
17 game animal, obstructing a peace officer, two counts of hunting without a license and two
18 counts of waste of a game animal. Hadley committed these wildlife crimes after having
19 escaped from a Montana Department of Corrections pre-release center. Hadley was
20 sentenced to 10 years in Montana State Prison, along with \$16,000 in fines and \$3,325 in
21 restitution to MFWP. He also lost his privileges to hunt, fish, or trap in Montana and all
22 the Interstate Wildlife Violators Compact states for life. Hadley was incarcerated in
23 Montana State Prison until he was granted parole. He is still on active parole supervised
24 in Ravalli County.

25 Warden Royce viewed a Facebook page called, "Montana rattle snake hunting."
26 Hadley is listed as the owner of that Facebook page. Hadley is in several videos and
27 photographs posted on the Facebook page. In the contact information section of the

1 "Montana rattle snake hunting." Facebook page, Hadley listed his 406-***-1110 phone
2 number and listed his email address as 81justinhadley@gmail.com.

3 Warden Royce found that Justin D. Hadley also has a publicly viewable personal
4 Facebook page. Warden Royce recognized Hadley in several of the photographs and saw
5 a photograph of Hadley's truck with "Hadley Construction 406-[***]-1110" printed on
6 the door.

7 Warden Royce queried a cell phone database and found that 406-***-1110 is a
8 Verizon phone. The cell phone database lists the account holder as Deidre Wilson.
9 Wilson is Justin D. Hadley's soon-to-be ex-wife. However, Warden Royce believes that
10 the cell phone with the phone number 406-214-1110 belongs to Hadley and is exclusively
11 used by him. Warden Royce has spoken to and texted Hadley on this phone several times
12 in the past. Warden Royce spoke to Hadley on this cell phone on at least one occasion
13 when Hadley was guiding hunters in the field. Also, Hadley lists the phone number on
14 his Facebook account and on his personal truck.

15 On October 26, 2016, Hadley posted on Facebook about packing a hunting camp
16 out of Twin Lakes in Lost Horse Creek. This is a trail that leads into the Selway
17 Wilderness in Idaho.

18 On November 30, 2016, Hadley posted on Facebook about hunting mountain lions
19 the next morning with Laramy Miller, the owner of Trapper Peak Outfitters in Victor,
20 MT. Hadley stated, "I get to hunt with Laramy Miller and another guide I worked with
21 this year Stan."

22 On December 5, 2016 Hadley posted a video on Facebook about looking for
23 mountain lion tracks. In the video, Hadley stated that he worked for Laramy Miller
24 (Miller) of Trapper Peak Outfitters. Hadley also spoke about having 2 hunters coming in
25 January to hunt wolves over bait and lions in the Selway in Idaho.

2017 Hunting Season

Warden Royce contacted Hadley on two occasions in the field with clients during the 2017 hunting season.

On October 22, 2017 Warden Royce spoke with Hadley at an enforcement check station on Rye Creek Road. Hadley had two clients from Pennsylvania in the truck with him. Hadley said that he was working for Miller. The hunters said that they were looking for wolves and bears. Warden Royce later identified the clients as Roy Ealy and John Hildreth, both from Pennsylvania. Hadley was driving the vehicle. Ealy was in the front passenger seat. Hildreth was in the rear seat behind Hadley. Hadley had a scoped rifle between his right leg and the center console. Warden Royce could see that Ealy also had a rifle with him in the front seat.

On November 15, 2017, Justin D. Hadley called Warden Royce to report an injured calf elk on private land in Sula. Warden Royce responded and dispatched the elk. Hadley had two clients with him that day. There was another guide with clients there that day who also worked for Miller.

Justin D. Hadley posted several videos and photographs on his Facebook pages about guiding hunters who harvested game during the 2017 hunting season.

On November 10, 2017, Hadley posted, "Well so far it's been a good hunting season!! So the first few hunts sucked! Seen alot of game but nothing till this pasted 4 days! 2 bulls and 2 muleys! 6 More days to hunt. 4 bulls left to take and 4 deer! Let's kill some shit!!! Good hunting out there and be safe!" The post included several photographs of hunters posing with bull elk and mule deer bucks.

Hadley posted another video on Facebook on November 23, 2017 titled, "Tyler Kimberly is the shooter. Hope u enjoy." The video shows a bedded elk being shot while Hadley narrates. There are also photographs of the hunter posing with the same bull elk and a mule deer buck.

1 Warden Royce consulted the Montana Fish, Wildlife and Parks (FWP) Automated
2 Licensing System database and found Tylor Kimberly of Sutersville, PA, purchased 2017
3 Montana elk and deer licenses and had the HD 270-45 elk permit and the HD 240-51
4 mule deer permit. Warden Royce viewed Tylor Kimberly's Facebook page and
5 confirmed that he is the same hunter from Hadley's video and photographs.

6 Warden Royce also found Dale Kimberly, who lives at the same Sutersville, PA
7 address had the same licenses in Montana in 2017. Warden Royce confirmed that
8 Dale Kimberly is the other hunter in Hadley's videos and photographs on Facebook from
9 November 23, 2017.

10 On December 26, 2017 Warden Royce spoke to a hunter from North Carolina,
11 Deborah Fox, who booked Trapper Peak Outfitters for an archery elk hunt in September
12 2017. Fox said that Hadley was their guide for four of the five days they hunted in
13 Montana.

14 Deborah Fox and her husband, Robert Fox, filed a complaint with the Montana
15 Board of outfitters against Miller and Trapper Peak Outfitters in December of 2017 for
16 various grievances. In April of 2019, the Montana Board of Outfitters issued a final
17 order concluding, in part, that Miller committed unprofessional conduct in violation of
18 MCA § 37-1-316(2) for employing an unlicensed guide, Hadley.

19 2018 Hunting Season

20 During the 2018 hunting season Justin D. Hadley contacted Warden Royce about
21 an injured elk on Rye Creek Road near the North Fork. Warden Royce responded later in
22 the day and spoke to the landowner where the elk was located. The landowner, Nancy
23 Ince, said that Hadley told her he was a hunting guide and had a client with him who was
24 hunting elk that day.

25 Hadley posted several more hunting related photographs and videos on the
26 "Montana rattlesnake hunting" on Facebook during the 2018 hunting season. On
27 October 6, 2018, Hadley posted, "...Well bow season was little hit and miss this year.

1 Seen alot but not close enough for bow range. Seen alot of bulls and some really nice big
2 bulls. We had "Drop Tine" the t.v. show come in and take a nice 6x6. Hal did a nice shot
3 but Laramie Miller with the t.v. show "Last of a breed" did a awesome set with Hal!"
4 There were photographs of Miller with two hunters and a 6x6 bull elk in the field and in
5 the back of a truck. On the same date Hadley posted, "Headed for the hills checking out
6 last night before the end of bow season!! Taking a awesome friend out!! Let's get them
7 tomorrow morning Jim Wolf!!" Thomas Pliley posted a reply to Hadley's post asking,
8 "Are you a guide or working for one and guiding?" Hadley replied, "Guiding."

9 On October 23, 2018 Hadley posted a video on Facebook titled, "Here's the video
10 from yesterday!!" The video shows a large herd of elk moving on a hillside as Hadley
11 narrates. On the video, Hadley said, "There's about 150 head of elk... My hunter just
12 missed a 6x6 that's in that group. A nice, nice 6x6... Yeah, I think my hunter missed at
13 500 yards on the 6x6... We seen 17 legal shooters. 5x5 or bigger in this herd... Opening
14 morning missed a big 4x4, well not a big one. Missed him at 150."

15 On November 23, 2018, Hadley posted photographs of a young male hunter, who
16 Hadley identified as Tristin Cheves, with a 5x5 bull elk. Hadley posted a photograph on
17 Facebook of him posing with another hunter with a small brow-tined bull elk in the snow.
18 Hadley wrote, "is a nice little rag horn we got a couple weeks ago with Frankie and
19 Frank!! He at week of hunting and a great experience for first-time elk Hunter." Frankie
20 is Frank Smith V; Frank is Frank Smith IV (discussed later). Warden Royce saw that
21 the post was "Liked" by Frank Smith V. Warden Royce found that Frank Smith V of
22 New York, NY and his Father Frank Smith IV of Acworth, GA both had 2018 Montana
23 elk licenses and HD 270-45 elk permits in 2018.

24 In July of 2019, a confidential informant (CI #2) contacted Warden Royce and
25 provided information about the illegal guiding activities of Hadley in 2017 and 2018.
26 CI #2 said that in 2017, Hadley guided Tylor Kimberly and Dale Kimberly in Montana
27 through Trapper Peak Outfitters. CI #2 knew that both Dale and Tylor Kimberly killed

1 elk with Hadley that year. CI #2 stated that Dale and Tylor Kimberly were coming back
2 to Montana in 2019 to hunt with Hadley in HD 270 for a few weeks in September and
3 again in November. The information provided by CI #2 was corroborated by Warden
4 Royce's investigation, as described above.

5 Warden Royce consulted the MFWP licensing database and found that both Tylor
6 and Dale Kimberly purchased 2017 Montana elk and deer licenses and HD 270 bull elk
7 permits. In addition, they both purchased 2019 Montana elk licenses and HD 270 bull
8 elk permits.

9 Warden Royce consulted the Montana Department of Labor and Industry website
10 and learned that Hadley did not have a Montana hunting guide license in 2016, 2017,
11 2018, or 2019. According to the Department of Labor and Industry, Hadley has never
12 been a licensed hunting guide or outfitter in Montana.

13 On August 6, 2019 Warden Royce applied for and received a search warrant to
14 Cellco Partnership DBA Verizon Wireless for the call detail records for Justin D.
15 Hadley's cell phone. Warden Royce received the requested data from Verizon Wireless
16 via secure portal email on August 11, 2019.

17 In December of 2017, Warden Royce submitted a request for additional
18 investigation to the MFWP Criminal Investigation Section regarding Justin D. Hadley's
19 potentially illegal guiding/outfitting activities. Two MFWP investigators, Investigator #1
20 and Investigator #2, were assigned to the case. The investigators contacted Hadley in
21 2018 by phone and text message on several occasions. The investigators discussed
22 hunting in the Bitterroot Valley. For instance, on November 18, 2018, Investigator #1
23 spoke to Hadley by phone. Per an active search warrant, Investigator #1 audio recorded
24 the phone conversation with Hadley. Hadley told Investigator #1 the following: Hadley
25 talked extensively about hunting areas in the Bitterroot Valley. He was familiar with
26 current snow elevation, road conditions, and areas that were receiving hunting pressure.
27 Hadley said that he had been out the previous day (November 17) in his "one-ton Ford"

1 with a 4-wheeler in the back and got the truck temporarily stuck. During the outing he
2 found a herd of elk with four legal bulls and another herd with six bulls. The elk were
3 around 6,000 feet elevation and in snow. Hadley asked about the tags the Investigators
4 currently had. It appeared that he had the hunting regulations available and looked up the
5 002-00 elk B license. He read aloud a portion of the license requirements and then
6 described the boundary for HD 240 (which is excluded from the 002-00 B license). He
7 indicated he could send the Investigators to a public land hunting area in HD 270 (public
8 land is also excluded).

9 Hadley told the Investigators that he would send them several GPS waypoints in
10 the French Basin area where they could hunt cow elk. The land was public property that
11 bordered a private ranch. He described the hunting terrain and promised that the area
12 held a lot of elk. Hadley told stories about recent hunting in French Basin. Hadley told
13 the Investigators he planned to be in French Basin again on Tuesday or Wednesday
14 (November 20, 21) because he had a "bull tag to fill." Later, on November 18, 2018,
15 Hadley texted several GPS waypoints to Investigator #2 that included links to use the
16 OnX Maps app. In addition to the GPS waypoints, Hadley texted the following
17 information via text message to Investigator #2: Hadley wasn't used to giving people
18 advice on where to hunt, rather he was used to guiding them. He claimed to have been
19 guiding for about 20 years and knew some good spots to hunt. He provided detailed
20 hunting advice for his recommended locations.

21 On November 22 and 24, 2018, Hadley sent the Investigators several photographs
22 via text message. The photographs showed three different individuals with two different
23 bull elk. Hadley was in some of the photographs. The text conversation ended with
24 Hadley stating that he would wait to hear from the investigators about their future hunting
25 plans.
26
27

2019 Hunting Season

On April 15, 2019, Hadley texted the investigators asking if they were coming back to Montana to hunt in 2019. The investigators said they were coming back to Montana to hunt and they discussed the tags that they held in 2019.

On June 3, 2019, Investigator #2 contacted Hadley and arranged to meet with him to drop off some smoked salmon and meet in person. Hadley met with the investigators on June 6, 2019, at Lone Pine Conoco south of Hamilton. During the conversation, Hadley stated the following: Hadley said that every bull he has taken in the last few years came from the French Basin area of HD 270. Hadley said that in 2018, the group of hunters he guided killed 7 bulls in 8 days in French Basin. Hadley told the investigators that he had been watching elk already this year and planned to set game cameras soon.

Additionally, Hadley spoke about his 1996 Jeep Cherokee and how he modified it to get around in the snow. He uses it for full-body retrieval, so he does not have to pack animals far. Hadley told a story how his hunting group shot a deer first thing in the morning in 2018, winched it to the road and continued to hunt. They soon shot a bull elk, which they also winched to the road. Hadley said he would keep in touch and was willing to continue to help investigators with hunting advice.

On July 31, 2019, Investigator #2 sent a text message to Hadley asking if the Investigators could book him. Hadley immediately responded asking "when." Hadley continued the text conversation advising a good hunting time would be around Thanksgiving. He indicated the cost to guide for a "two on one" hunt was \$6,000 and investigators would need to send a \$3,000 deposit. A "two on one hunt" is a phrase commonly used by outfitters to indicate two hunters accompanied by one guide. The conversation specified the guided hunt was for both deer and elk. Hadley asked what tags investigators had and then agreed to the dates November 22 through 27, 2019, prior to Thanksgiving. Hadley provided his first and last name and the address of 254 Little Bear Lane in Victor as the location to send the deposit check. The investigators mailed a check to Justin Hadley in the amount of \$3,000.00.

1 On August 7, 2019, Hadley sent a text message indicating he had received the
2 deposit check. Investigator #2 confirmed with his bank that the check had been cashed.
3 The Investigators told Warden Royce that they believe that Hadley is knowledgeable
4 about the minutiae of arranging hunting guide activities. He responded to the term "book
5 you" with specifics about dates, tags, and payment.

6 On November 3, 2019 Warden Royce was patrolling the French Basin area of HD
7 270 near Sula. At about 1600 hours, Warden Royce saw a newer model Polaris Ranger
8 with two occupants stopped on the road looking at a large elk herd on private property.
9 The Polaris Ranger had Pennsylvania license plates and Warden Royce recognized the
10 driver as Dale Kimberly. Kimberly was one of the hunters CI #2 identified as an
11 outfitting client of Hadley in 2019. The passenger, Thaddeus (TJ) Harris, said that he
12 was not guiding Kimberly, although he had worked for Miller as a licensed guide for the
13 past three years. Harris and Kimberly told Warden Royce that they were with Hadley
14 when he called about the wounded calf elk off French Basin Road in 2017. Both Harris
15 and Kimberly said that they watched Warden Royce put the elk calf down. Kimberly
16 said that his son, Tylor Kimberly, killed a bull elk in Pasture Draw off French Basin Road
17 in 2017.

18 Warden Royce obtained another search warrant for Hadley's cell phone records.
19 He recovered text conversations indicating that Hadley did not outfit the group of
20 Pennsylvania hunters in early November of 2019. But he was in contact with many of
21 them and knew about their hunting details. He was actively soliciting two members of
22 the group, Kimberly and Stadelman, to hire him as their outfitter/guide in 2019, but they
23 declined.

24 On November 12, 2019, Warden Royce spoke to Investigator #1 and Investigator
25 #2 by phone. The Investigators told Warden Royce that they just had a text conversation
26 with Hadley that day. Hadley told the investigators that the weather in HD 270 was
27 getting better for hunting and that he was looking forward to their scheduled hunt for
November 22 through November 27, 2019.

1 Investigator #1 and Investigator #2 reported the following details of the events
2 their outfitted hunt with Hadley in November 2019.

3 In a conversation at Hadley's residence, Hadley said that his father is disabled and
4 can shoot animals out the window of the vehicle. Hadley keeps the permit in his white
5 Jeep Cherokee. Hadley inspected the investigator's permits and tags and saw that they
6 had a permit to hunt a brow-tined bull elk in HD 270 and an antlered mule deer in HD
7 240. Hadley invited the investigators into his residence and showed them some of the
8 game animal antlers hanging in his residence. Hadley stated that earlier he hit a
9 non-typical mule deer with his truck near Joliet, MT, so that he could keep the antlers.
10 The antlers are hanging on the west wall of the living room.

11 Warden Royce consulted the MFWP Animal Roadkill Salvage Database and
12 found that Justin D. Hadley has never been issued a permit to harvest a road killed animal
13 in Montana. Thus, possession of this mule deer buck by Hadley or any other person is
14 unlawful.

15 Hadley claimed he found a bull elk skull in French Basin and painted the skull
16 with high temperature motor paint.

17 On November 22, 2019, at about 0700 hours, Hadley picked up the Investigators
18 in his white Jeep Cherokee at their rental cabin in Darby to take them hunting.
19 Investigator #2 paid Hadley the remaining \$3,000.00 that was the final payment for the
20 outfitted deer and elk hunt. Thus, Hadley was paid a total of \$6,000.00 for the hunt.

21 Hadley took the investigators hunting for deer in HD 240 near Hart Bench and
22 Trapper Creek in the West Fork area. Hadley drove the Jeep over a dirt mound (known
23 as a kelly hump, whose purpose is to block off a closed road or logging trail) and onto a
24 closed United States Forest Service (USFS) road.

25 Hadley drove to a closed USFS gate. Hadley opened the gate and drove through,
26 telling the investigators that there was no lock on the gate. This was not true. Hadley's
27 father received a key for USFS gates to use with his handicapped hunting permit. Hadley
was using that key. While driving back toward the gate on the closed USFS road,

1 Hadley drove past a male hunter who was walking on the road. Hadley showed the
2 hunter his father's Permit to Hunt from the Vehicle (PTHFV) decal.

3 At approximately 1330 hours, Hadley and the investigators found a mule deer
4 buck. Per Hadley's instruction, Investigator #2 shot at but intentionally missed the mule
5 deer buck. At approximately 1430 hours, Hadley drove his Jeep over the dirt mound
6 (kelly hump) on the first closed USFS road from that morning.

7 On November 23, 2019, at approximately 0630 hours, Hadley picked up the
8 investigators in his Jeep and took them hunting in the Rye Creek and French Basin area
9 of HD 270. Hadley told the investigators that if they killed an elk in the bottom of
10 French Basin, he would come back after dark and retrieve it using his ATV and trailer.
11 Hadley showed the investigators where two of his hunters each killed bull elks last year
12 (2018). They killed the bulls less than an hour apart.

13 At approximately 1300 hours, Hadley and the investigators spotted some mule
14 deer about 700 yards away. One of the mule deer was a large buck. Hadley encouraged
15 the investigators to shoot the large mule deer buck. The investigators only had permits
16 to hunt antlered mule deer in HD 240, not in HD 270. HD 270 is the most highly
17 sought-after trophy mule deer area in the state because of the size and quality of the mule
18 deer bucks in the district. As a result, it is the most difficult mule deer permit to draw in
19 Montana. Hadley was aware that the investigators could not legally shoot the antlered
20 mule deer but encouraged them to shoot the buck anyway. Hadley said, "We didn't walk
21 all the way in here to not shoot shit. Go for him." Investigator #2 shot twice at the mule
22 deer buck and intentionally missed. Investigator #1 shot once at the mule deer buck and
23 also intentionally missed. Hadley laid down behind Investigator #2's rifle and looked
24 through the scope at the deer but did not shoot. Hadley said, "It was a big fucking deer.
25 With my luck, I would shoot it in the head."

26 At approximately 1620 hours, Hadley spotted a legal bull elk. Investigator #1 shot
27 and killed the bull elk. Investigator #2 took several photographs of Investigator #1 and
Hadley posing with the dead bull elk. Hadley said that he would drive to the location

1 with this ATV and trailer to recover the elk after dark. Hadley field dressed the elk.
2 While walking back to the Jeep, Hadley told the investigators that he had not shot
3 anything because he was always taking other people hunting.

4 Hadley drove the investigators back to their rental cabin in Darby. At
5 approximately 2000 hours, Hadley arrived at their cabin and asked the investigators to
6 follow him back up into French Basin in their own vehicle. At approximately 2100
7 hours, they arrived at a locked gate to the road leading to the kill site of the bull elk. The
8 investigators helped Hadley unload the ATV and watched as he drove around the gate
9 onto the closed road. The investigators stayed at the gate. At approximately 2220 hours,
10 Hadley arrived back at the gate with the bull elk loaded on the trailer. They loaded the
11 elk in Investigator #2's vehicle.

12 On November 24, 2019, at approximately 0730 hours, Hadley picked up the
13 investigators from their rental cabin in Darby to take them hunting. At approximately
14 0900 hours, Hadley drove his Jeep over a rock and passed a closed gate onto a closed
15 USFS road in French Basin. At approximately 1215 hours, Hadley drove his Jeep around
16 another closed USFS gate onto a closed road.

17 Hadley took the investigators out of French Basin and to the Moonshine
18 Connection Road between Rye Creek and Robins Gulch. This area is also in HD 270. At
19 approximately 1520 hours, Hadley and the investigators spotted a mule deer buck about
20 300 yards across a canyon. Hadley encouraged Investigator #2 to shoot the deer.
21 Investigator #2 shot three times and missed the deer intentionally. At approximately
22 1530 hours, Hadley got the investigators back in the Jeep and drove toward the mule deer
23 buck. They located the mule deer buck standing just above the road. Hadley encouraged
24 Investigator #2 to shoot the deer from the window of the vehicle. Hadley told Investigator
25 #2 to shoot the deer in the neck. Investigator #2 shot the mule deer buck from the
26 passenger window inside the Jeep. Hadley field dressed the mule deer for Investigator
27 #2. Hadley loaded the mule deer buck onto the roof of the Jeep. Hadley told the
investigators that they needed to find another buck.

1 At approximately 1600 hours, they located another mule deer buck near the
2 Moonshine Connection Road. Hadley encouraged Investigator #1 to shoot the mule deer
3 buck. Investigator #1 shot twice and missed intentionally. However, the mule deer buck
4 did not run or move and was only about 25 yards away. Investigator #1 shot and killed
5 the deer at approximately 1620 hours. Investigator #2 took photographs of Investigator
6 #1 and Hadley posing with the dead mule deer buck. Hadley drove the investigators with
7 the two mule deer on the roof of the Jeep through the Darby check station. Hadley
8 advised the investigators to tell the warden that the deer were killed on Grouse Butte,
9 which is in HD 240 near Chaffin Creek. Hadley loaded the two mule deer bucks into the
10 back of Investigator #2's vehicle when he dropped them off at the Darby cabin that
11 evening.

12 On November 25, 2019, at approximately 0700 hours Hadley picked up the
13 investigators to once again to go hunting in HD 270 near French Basin. At
14 approximately 1215 hours, Hadley drove his Jeep around a locked USFS gate onto a
15 closed road in French Basin. This was the same closed road where Hadley recovered the
16 bull elk killed by Investigator #1 on November 23, 2019. Hadley parked the Jeep under
17 some trees where it was less likely to be spotted by other hunters. Hadley guided the
18 investigators down the ridge into the bottom of French Basin. He told them that he
19 would go back to the Jeep and pick them up at the other end of the basin. At
20 approximately 1730 hours, Hadley picked them up in the red Dodge truck, stating that his
21 Jeep broke down on the closed road. Hadley stated that he would fix the Jeep and pick
22 the investigators up to hunt the final day in the morning.

23 On November 26, 2019, at approximately 11:45 hours, the investigators drove to
24 Hadley's residence in Darby, Montana. Hadley stated that the Jeep was still broken down
25 behind the gate in French Basin. Hadley said that a 72-year-old man just asked him to
26 guide him for elk hunting that season. Hadley further said that in 2018 he guided the
27 man, who shot four times at a bull elk but missed. The man's wife shot one time at the

1 bull elk and killed it. Investigator #1 gave Hadley a \$100.00 tip. Investigator #2 asked
2 Hadley if he had any use for his un-validated 2019 elk license. Hadley said he might be
3 able to use it. Investigator #2 gave Hadley the license and told him that if he filled the
4 tag, he would drive back for the elk antlers.

5 On September 16, 2019 Warden Royce applied for and received search warrants
6 for the warrants for the content of Hadley's personal Facebook page and the public
7 Facebook page that Hadley created called "Montana rattlesnake hunting." Warden Royce
8 received the digital content and reviewed it throughout the investigation of this case.

9 On November 23, 2017 Hadley posted several photographs of another dead bull
10 elk. Hadley captioned the photographs, "Well here's a few more pics of the guy I found
11 today!! Nice little 5x3 with some twist!" The elk appears to have a gunshot wound in the
12 gut area. Hadley also took the head from this bull. In one photograph, there is a rifle
13 laying on the ground next to the elk. Another photograph shows Hadley taking a photo
14 of himself with the elk antlers in his hunting pack.

15 Montana law allows people to pick up the bones, antlers, and hides from *naturally*
16 killed ungulates (deer, elk, antelope, & moose). Montana law also allows people to take
17 game animal parts after they are lawfully hunted with a license and in season, if they are
18 killed by a vehicle (a MFWP Roadkill Salvage permit is required), or if they are legally
19 purchased or gifted. The 5x3 bull elk cannot lawfully be possessed by Justin D. Hadley.
20 Hadley did not have a license to hunt the elk as he had his hunting privileges revoked in
21 2006 for life. The photographs indicate that the 5x3 bull elk was shot. Thus, it was not
22 naturally killed and could not be legally taken or possessed by Hadley.

23 On February 3, 2020 Warden Royce called CI #1 by phone. CI #1 stated that
24 during the 2016 rifle season, Justin D. Hadley shot a 4x4 mule deer buck in HD 270.
25 Hadley put another person's tag on the mule deer buck that he killed. Hadley killed the
26 mule deer with a rifle. Hadley still possessed the antlers from the 4x4 mule deer buck.
27 There are photographs of the mule deer buck on Hadley's Facebook page.

1 Warden Royce looked at Justin D. Hadley's "Montana rattle snake hunting."
2 Facebook page and found several photographs of the 4x4 mule deer posted on
3 November 30, 2016. CI #1 confirmed that those photographs were of the mule deer that
4 Hadley shot and tagged with another person's tag. As stated above, in 2006 Justin D.
5 Hadley was convicted of serious wildlife crimes, including felony charges, and lost his
6 privileges to hunt, fish, and trap in Montana and all Interstate Wildlife Violator Compact
7 (IWVC) states for life. Any game animals killed by Hadley after 2006 are illegal and
8 cannot be lawfully possessed by him or any other person.

9 MCA § 87-6-702(2)(a) states that it is unlawful for a person to represent or
10 conduct themselves as an outfitter in Montana without a license. Between November 22
11 and November 26, 2019, Justin D. Hadley purposely and knowingly engaged in outfitting
12 while not licensed in the state of Montana. Hadley outfitted two MFWP covert
13 investigators on those days. Hadley represented and conducted himself as an outfitter to
14 Investigator #1 and Investigator #2 in violation of subsection (1)(a) and (2)(a) of this
15 statute for any portion of 5 or more days in a calendar year for \$3,000.00 each (total hunt
16 price was \$6,000.00 for both investigators). Hadley was not then, nor has he ever held, a
17 Montana guide or outfitter license.

18 MCA § 37-47-301(1) states that it is unlawful for a person to represent or conduct
19 themselves as a guide in Montana without a license. In 2017 and 2018 Justin D. Hadley
20 represented and conducted himself as a guide to numerous clients while working for
21 Laramy Miller with Trapper Peak Outfitters. Hadley was not then, nor has he ever held,
22 a Montana guide or outfitter license.

23 MCA § 87-6-201 states that it is a violation of MFWP commission rules or
24 regulations to operate on public lands a motorized wheeled vehicle off lawful routes in
25 violation of a federally approved USFS travel plan. Between November 22 and
26 November 26, 2019 Justin D. Hadley drove on closed USFS roads, either behind locked
27 gates or other closed roads, on several occasions.

1 MCA § 87-6-306(1) states that it is unlawful for a person to hunt, fish, or trap
2 while the person's license or privilege to hunt, fish, or trap in this state is forfeited for a
3 violation of this title or any other law pertaining to fish and game in this state.

4 Justin D. Hadley lost his privilege to hunt, fish, and trap in Montana in 2006. The
5 mule deer buck he killed in 2016 is a violation of this statute. Any other game animal
6 Hadley killed since 2006 is also killed in violation of this statute.

7 MCA § 87-6-202(1)(3) states that it is unlawful to purposely or knowingly possess
8 any game animal in Montana that was harvested illegally. On November 24, 2019 Justin
9 D. Hadley was in possession of two mule deer bucks that he knew were killed by
10 Investigator #1 and Investigator #2 in HD 270 without licenses. His possession of the
11 mule deer buck he killed in 2016 and recovered at his residence during the service of a
12 search warrant was also unlawful.

13 On November 23, 2017, Justin D. Hadley posted on Facebook about picking up a
14 5x3 bull elk. The bull elk was clearly shot, and thus cannot be lawfully possessed by
15 Hadley. It was still in his possession at the time that a search warrant was executed on his
16 residence (discussed below).

17 On November 21, 2019, Justin D. Hadley told Investigator #1 and Investigator #2
18 that the antlers from a large non-typical mule deer hanging on the west living-room wall
19 of his house in Darby were from a buck that he intentionally hit with his truck near Joliet,
20 Montana. Hadley has never received a MFWP Roadkill Salvage permit. His possession
21 of the antlers from that deer are a violation of MCA § 87-6-201, a MFWP commission
22 rule violation for failure to obtain an MFWP Roadkill Salvage permit.

23 Based upon this information, Warden Royce obtained a search warrant for
24 Hadley's residence as well as that of his mother and stepfather. Two teams of wardens
25 executed the search warrants simultaneously on February 19, 2020. During the
26 execution, Royce interviewed Hadley. He admitted that he guided hunters by himself
27 without a supervising outfitter in 2017 and 2018. He also admitted that the two mule

1 deer bucks harvested by the undercover wardens, had been killed in HD 270 illegally. He
2 further admitted he had killed a mule deer with his truck and kept the antlers without
3 obtaining a salvage permit and that he had picked up a set of elk antlers from an elk that
4 had been shot (did not die of natural causes). He denied that he killed the elk, even
5 though photos show him posing with the elk and in possession of a rifle. From Hadley's
6 residence in Darby, the following pertinent items were recovered: a 4x4 mule deer
7 mount that appears to be the same deer Hadley posted pictures of on Facebook, killed in
8 2016 in HD 270 (hunting without a valid license). Also seized was a 5x3 bull elk mount
9 which appeared to be the elk antlers Hadley had picked up in French Basis (with the
10 bullet hole). Finally, a small whitetail buck was seized that had Frank Smith V's 2018
11 tag attached. The deer appeared to be the same one in photographs taken from Hadley's
12 phone, with Hadley posing with the deer.

13 Warden Royce contacted several of Hadley's former clients and confirmed that he
14 had in fact guided them in the years between 2016 and 2018. They included Frank Smith
15 V and his father Smith IV (2018). Smith V stated he has no idea how his 2018 tag ended
16 up on any deer as he did not harvest one that year. He suspects Hadley took it when he
17 was tagging Smith V's elk that he had legally harvested.

18 Roy Ealy confirmed that Hadley had guided himself and John Hildreth in 2017.
19 Deborah and Robert Fox told Royce that Hadley guided them during archery season in
20 2017 for 4 of the 5 days they hunted in Montana. David Gray told Royce that Hadley had
21 guided him during the early rifle season in 2017. Dale Kimberly confirmed that in 2017
22 Hadley had guided himself, Tyler Kimberly, Leo Stadelman, Jr., Mark Shaffer and
23 Dan Christeson. They hunted with Hadley again in 2018. They did not use Hadley as a
24 guide in 2019, but Hadley did ask them to hire him as a guide. MCA § 37-47-301(1)
25 states that it is unlawful for a person to represent or conduct themselves as a guide in
26 Montana without a license. Again, Hadley has never been licensed to act as a guide or
27 outfitter.

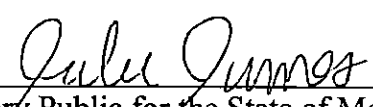
1 Based on these facts, the affiant believes probable cause exists that the Defendant
2 has committed the alleged offense(s).

3 Accordingly, the affiant moves the Court for leave to file the requested
4 Information.

5 Respectfully submitted this 17th day of September, 2020

6
7 
8 KENNETH VARNS
Assistant Attorney General

9 SUBSCRIBED AND SWORN to before me this 17th day of September, 2020.

10
11 
12 Notary Public for the State of Montana

13 (Notarial Seal)

