

Proponent Statement for HB2341

Presented to the House Committee of Agriculture & Natural Resources

By Tim Nedeau

**Osage County resident, family member and farm manager
where the state record whitetail deer was poached in 2011**

Ladies and Gentlemen:

I came before you during the 2014 Kansas legislative session and together we produced SB357 which changed the options available to KDWP&T in disposing of unlawfully taken wildlife items which were taken on private land. SB357 was written after the state record whitetail deer was poached on private property belonging to my family, and was kept by KDWP&T. When I and my State Representative, Ken Corbet discussed writing the bill, we decided not to make it retroactive from the time the deer was poached. November 11, 2011.

We did this for three reasons.

1. I did not want to confuse the issue of why I felt the law was needed. The new law is meant to protect the Kansas landowners who own 98% of the state of Kansas. 1st violation of a poacher is trespassing!
2. Out of courtesy and respect for KDWP&T. I was afraid there would be hundreds of people who would approach the KDWP&T asking for the return of antlers and other items, or the monetary value of items confiscated from their land since November 2011.
3. Many people involved with SB357 felt that after the bill was passed and signed into law, the KDWP&T and the Governor of Kansas would do what we feel is the right thing, and return the deer mount to us.

Starting February 1, 2012, the day a KDWP&T Law Enforcement Officer called and informed me that a poacher had admitted to killing the new state record deer on our property, I have tried to get KDWP&T to issue me a salvage tag for the deer. I visited the Secretary of KDWP&T on March 9, 2012 and we discussed the issue. I expressed to him that I had a KDWP&T Law Enforcement Officer on our farm in August 2009 and had tried to get the KDWP&T to assist in catching poachers, and that I was offered no help. I called the same law enforcement officer for three years (2009-2011) reporting criminal activity and asked for help during both turkey and deer seasons, but I had never received a return phone call from KDWP&T offering any assistance. On December 11, 2012, I went to the office of the Kansas Governor seeking assistance. Although I was unable to visit him, I was able to leave information for him to view. I have returned to the Governor's office numerous times since, but still have been unable to visit with him.

After the enactment of SB357, State Representative Ken Corbet gave the Governor a letter explaining the new law and how it will benefit Kansas landowner's upon future poaching events. Representative Corbet expressed that even though I was the individual who pressed for SB357, the bill did not benefit me. Representative Corbet asked the Governor to issue a salvage tag and pardon the deer to the landowner who pressed for the new law because the deer was admitted in court to have been killed on our land. Provided

Since the passage of SB357 I have been told a variety of reasons why the state cannot present the deer mount to me or my family. The reasons vary from:

- The deer did not die on our land.
- I am not the landowner.
- It would be illegal for the Governor to give the deer mount away.
- The bill was not retroactive.

In response to these reasons:

- I have provided court documents from the Osage County Court that has me listed as the victim. I am the only victim listed. If the KDWP&T had a dispute to this fact, they had ample time to make it known, since the case ended in October of 2012. I also have a letter from Osage County Attorney Brandon Jones stating that the poacher and his lawyer told the court during sentencing that they wanted the victim, Tim Nedeau, to be given the antlers because he killed it on our land.
The Secretary of KDWP&T and the Governor's office were given copies of these documents.
- After being visited and interviewed by the KDWP&T Law Enforcement Officer representing Osage County on July 2, 2014, Lois Shuck, my mother, wrote the Secretary of KDWP&T and the State Governor a letter stating that she is the landowner where the deer was poached. She further noted that I am her son, her land manager, and that I was her representative during the Osage County Court proceedings. She also wrote that there is a death deed in my name on record for the land ownership. We have asked the KDWP&T for a copy of the interview conducted July 2, 2014, but have been unable to receive one.
KDWP&T has this interview report in their file.
- I asked the Governor's office for the state statute which said the Governor cannot give away the deer mount. I provided the statute that states the Secretary of KDWP&T can give items away through salvage tags, and that the KDWP&T gives a yearly average of 10,000 salvage tags for deer either found dead on private property or killed on Kansas roadways. Including the 300 inch, 51 point deer that was found dead in Kansas. **I was not given the statute number as I requested, however I was told the reason for not being granted the deer mount had been changed once again, and it was now because the bill was not retroactive and the issue was given to the Governor's legal team.**

Emails from November 18, 2014 provided

In closing, I will make this plea and statement for the passage of HB2341, and for the deer mount that was admitted in court to have been poached on our land be returned to either Lois Shuck or myself, Tim Nedeau. If this same poaching event took place today, under SB357 the KDWP&T would be required to offer it to our family.

SB357 was introduced and made into law because of 1 deer..... due to 1 poaching event..... and passionately pursued by 1 concerned Kansas citizen & landowner.

This is the deer which was poached on our land, and I am the person who introduced the bill and fought diligently for all Kansas landowners.

Please ask yourself this question, "What did the Kansas Department of Wildlife Parks & Tourism do to deserve the deer mount poached on our private land"?

Thank you for your attention and consideration with this matter. I ask that you read through the court documents, letters, and emails which I have provided to you.

Sincerely
Tim Nedeau
Scranton, Kansas

Voicemail from KDWP&T Law Enforcement Officer Lynn Koch
2-1-2012
10:55 AM

Hey Tim. Ah this is Lynn Koch the game warden for Osage County. Um I had a few questions I'd like to ask you if you had some time. You can reach me at 620-450-7264, and it's about five till 11:00 on Wednesday.

Thank you and talk to you later. Bye





OSAGE COUNTY ATTORNEY'S OFFICE

Brandon L. Jones, County Attorney

717 Topeka Avenue • P.O. Box 254 • Lyndon, Kansas 66451

Phone (785) 828-4931 • Fax (785) 828-3150

January 23, 2013

Rep. Ken Corbet

Re: State of Kansas vs. David V. Kent – Osage County Case 2012-CR-21

Dear Rep. Corbet:

I am writing to you at the request of one of your constituents, Timothy Nedeau, to provide you with some information in the above referenced case that I prosecuted in Osage County District Court. On August 30, 2012, David Kent was convicted of Criminal Hunting, Hunting Outside Legal Hours, and Illegal Hunting During a Closed Season and was sentenced for those crimes. During the investigation of these crimes, Mr. Kent provided a hand written statement to law enforcement in which he stated that he was driving east on 133rd Street just east of Wanamaker Road when four to five deer ran out in front of him. He stated he shot twice at one and it then ran 50-60 feet before dropping in a field. During the sentencing portion of the hearing, William Rork, David Kent's defense attorney, stated that he and his client would like for the Kansas Department of Wildlife and Parks to release the antlers from the poached deer to go to the victim, Timothy Nedeau.

I hope this information is helpful to you. If you have any questions, or need any further assistance, please do not hesitate to contact me.

Sincerely,

/s/

Brandon L. Jones
Osage County Attorney



OSAGE COUNTY ATTORNEY'S OFFICE

Brandon L. Jones, County Attorney

717 Topeka Avenue • P.O. Box 254 • Lyndon, Kansas 66451
Phone (785) 828-4931 • Fax (785) 828-3150 • www.osageca.org

June 22, 2012

Timothy L. Nedeau
416 S Carbon
Scranton, KS 66537

Cell # 785-806-0322

Ken Corbett my state Rep.

RE: STATE OF KANSAS VS. DAVID V. KENT
CASE NO: 2012-CR-000021

Dear Mr. Nedeau:

The Osage County Attorney's Office filed a criminal case against **David V. Kent**. David V. Kent has been charged with **Criminal Discharge of a Firearm, Criminal Hunting, Illegally Hunting with Artificial Light, Hunting Outside of Legal Hours, Illegal Hunting during Closed Season, Illegal Caliber for Taking Big Game, Illegal Hunting from Vehicle, and Hunting without a Valid Deer Tag**. As the victim of a crime, your participation as a witness is absolutely critical to the successful operation of our criminal justice system.

Please be advised that the above captioned case has been scheduled for **Thursday, August 09, 2012**, in Osage County District Court, 717 Topeka Ave., Lyndon, Kansas, at **10:00 AM** for **Plea/Sentencing and/or Appear with Attorney**.

This letter **does not require** that you attend this hearing, but as a victim you have the right to be present if you wish.

In the event your testimony is necessary in a court proceeding, you will receive a subpoena giving the date and time of the court appearance. If your phone number or address changes before the completion of this case, please notify this office at the above number. It is important that we be able to reach you.

In order for this office to request restitution applicable to this case it will be necessary for you to provide invoices, receipts, or other documentation to prove reasonable damages within **15 days** from this date. If we have not received such proof, this office will be unable to consider your request.



OSAGE COUNTY ATTORNEY'S OFFICE

Brandon L. Jones, County Attorney

717 Topeka Avenue • P.O. Box 254 • Lyndon, Kansas 66451
Phone (785) 828-4931 • Fax (785) 828-3150 • www.osageca.org

August 9, 2012

Timothy L. Nedeau
416 S Carbon
Scranton, KS 66537

VICTIM NOTIFICATION LETTER

RE: **State of Kansas v. DAVID V. KENT**
Case No. 2012-CR-000021

Dear Mr. Nedeau:

Please be advised that the above captioned case has been scheduled for **Thursday, August 30, 2012**, in Osage County District Court, 717 Topeka Ave., Lyndon, Kansas, at **10:00 AM** for **Plea/Sentencing**.

This letter does not require that you attend this hearing, but as a victim you have the right to be present if you wish.

Please contact the Osage County Attorney's office at (785) 828-4931, if you should have any questions in regards to this matter.

Sincerely,

Debbie
Debbie
Victim Witness Coordinator

Shot NOV. 11, 2011
Questioned Jan 28th Confessed Jan 29, 2012

Papers Served Feb 6

February 29

May 3

June 21

August 29

August 30

A Victim Statement is enclosed, please complete and return it to this office as soon as possible. This information is very important in determining how to resolve the case and for sentencing recommendations. As a victim to us, you do have certain rights under the Kansas Constitution. Thank you for your cooperation and assistance in this case.

If you have any questions or concerns about this case, please call me at the Osage County Attorney's Office, **785 828-4931**, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m.

Sincerely,



Debbie
Victim Witness Coordinator
Osage County Attorney's Office
717 Topeka Avenue - P.O. Box 254
Lyndon, Kansas 66451

cc: file



OSAGE COUNTY ATTORNEY'S OFFICE

Brandon L. Jones, County Attorney

717 Topeka Avenue • P.O. Box 254 • Lyndon, Kansas 66451
Phone (785) 828-4931 • Fax (785) 828-3150 • www.osageca.org

October 17, 2012

Timothy L. Nedeau
416 S Carbon
Scranton, KS 66537

VICTIM NOTIFICATION LETTER

RE: **State of Kansas v. DAVID V. KENT**
Case No. 2012-CR-000021

Dear Mr. Nedeau:

Please be advised that the above captioned case has been scheduled for **Wednesday, October 31, 2012**, in Osage County District Court, 717 Topeka Ave., Lyndon, Kansas, at **01:30 PM** for **Motion Hearing on Restitution**.

This letter **does require** that you attend this hearing. **YOU WILL RECEIVE A SUBPOENA – YOU MUST APPEAR FOR COURT UNLESS EXCUSED. UPON RECEIVING THIS LETTER, PLEASE CONTACT THE PROCESS SERVER, AT THE OSAGE COUNTY SHERIFF'S OFFICE, AT 785-828-3121 TO SET UP A SERVICE DATE.**

PLEASE CALL 785-828-4931 BETWEEN 08:00 A.M. AND 05:00 P.M. THE DAY PRIOR TO THE SUBPOENA DATE TO CHECK IF YOUR CASE IS STILL SCHEDULED FOR TESTIMONY.

Please contact the Osage County Attorney's office at (785) 828-4931, if you should have any questions in regards to this matter.

Sincerely,

Debbie
Victim Witness Coordinator

 **COPY**

**IN THE DISTRICT COURT OF OSAGE COUNTY KANSAS
FOURTH JUDICIAL DISTRICT**

CLERK OF COURT USE ONLY

STATE OF KANSAS,

Plaintiff,

vs.

Case No. 2012-CR-000021

DAVID V. KENT,

Defendant.

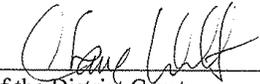
SUBPOENA FOR MOTION HEARING

**TO: Timothy L. Nedeau
416 S Carbon
Scranton, KS. 66537
785-806-0322**

YOU ARE HEREBY COMMANDED to be and appear in your proper person before the District Court of said County of Osage, Kansas, in the City of Lyndon, on **Wednesday, October 31, 2012 at 01:30 PM**, then and there to testify on behalf of the Plaintiff, State of Kansas, in the above-captioned case.

AND HEREOF FAIL NOT, Under the penalty of the law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office, in Lyndon, Kansas, this 17 day of October, 2012.



Clerk of the District Court

RETURN OF SERVICE

PERSONAL SERVICE

I hereby certify that I have served this subpoena:

- _____ by delivering a copy to the witness personally.
- _____ by leaving a copy at the witness's address above with _____ a person of suitable age and discretion residing therein.
- _____ by serving _____ a copy of this subpoena, by mailing the same to the witness at the address listed above by certified mail, return receipt requested, showing to whom delivered, date of delivery, and address where delivered (but without restrictions requiring delivery to addressee only).
- _____ I was unable to serve this subpoena because _____

DATE

DEPUTY

COPY

IN THE DISTRICT COURT OF OSAGE COUNTY, KANSAS
FOURTH JUDICIAL DISTRICT

THIS AREA FOR COURT USE

FILED

2012 OCT 10 AM 10:57

CLERK OF THE DIST. COURT
OSAGE COUNTY KANSAS

MISDEMEANOR JOURNAL ENTRY OF JUDGMENT

Case Name STATE v. DAVID V. KENT		Court O.R.I. Number KS070015J	Transaction Number 300011026393
County OSAGE	Court Case Number 2012-CR-000021	Sentencing Judge HON. TAYLOR J WINE	Sentencing Date 8/30/2012
Type of Counsel <input type="checkbox"/> Appointed <input checked="" type="checkbox"/> Retained <input type="checkbox"/> Waived <input type="checkbox"/> Pro Se	Type of Hearing <input type="checkbox"/> Bench Trial <input type="checkbox"/> Jury Trial <input type="checkbox"/> Plead Guilty <input checked="" type="checkbox"/> Plead No Contest	Date of Conviction 8/30/2012	Pre-Trial Status of Offender <input type="checkbox"/> In Custody <input type="checkbox"/> Released on Bond <input type="checkbox"/> Other Release
Name of PRIMARY Offense CRIMINAL HUNTING Count No. 2 Date of Offense: <u>11/11/2011</u>	K.S.A. Section, Subsection(s) 21-5810(a)(2) <input type="checkbox"/> Attempt (K.S.A. 21-5301)	MISDEMEANOR Class <u>C</u> <input type="checkbox"/> Person <input checked="" type="checkbox"/> Nonperson <input type="checkbox"/> Infraction <input type="checkbox"/> Unclassified	<input checked="" type="checkbox"/> Convicted on this Count <input type="checkbox"/> This Count Concurrent to Count _____ <input type="checkbox"/> DV Tag Pursuant to Law <input checked="" type="checkbox"/> This Count Consecutive to Count 4, 5 & 6 <input type="checkbox"/> Acquitted on this Count <input type="checkbox"/> This Count Dismissed by State <input type="checkbox"/> This Count Amended from a charge of: _____ K.S.A. _____ a class _____ Misdemeanor a severity level _____ Felony
Sentence Imposed on Count 2: Presumptive Sentencing Range <input checked="" type="checkbox"/> County Jail <u>30</u> Days _____ Mos. <input type="checkbox"/> _____ Days / Months Suspended <input checked="" type="checkbox"/> Probation for: <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input type="checkbox"/> Fine Imposed \$ _____ <input type="checkbox"/> House Arrest _____ <input type="checkbox"/> Supervised (<input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised			
Name of SECOND Offense HUNTING OUTSIDE OF LEGAL HOURS Count No. <u>4</u> Date of Offense <u>11/11/2011</u>	K.S.A. Section, Subsection(s) 32-1002(a)(1) and K.A.R. 115-4-4(f) <input type="checkbox"/> Attempt (K.S.A. 21-5301)	MISDEMEANOR Class <u>C</u> <input type="checkbox"/> Person <input checked="" type="checkbox"/> Nonperson <input type="checkbox"/> Infraction <input type="checkbox"/> Unclassified	<input checked="" type="checkbox"/> Convicted on this Count <input checked="" type="checkbox"/> This Count Concurrent to Count 5 & 6 <input type="checkbox"/> DV Tag Pursuant to Law <input type="checkbox"/> This Count Consecutive to Count _____ <input type="checkbox"/> Acquitted on this Count <input type="checkbox"/> This Count Dismissed by State <input type="checkbox"/> This Count Amended from a charge of: _____ K.S.A. _____ a class _____ Misdemeanor a severity level _____ Felony
Sentence Imposed on Count 4: Presumptive Sentencing Range <input checked="" type="checkbox"/> County Jail _____ Days <u>6</u> Mos. <input checked="" type="checkbox"/> <u>6</u> Months Suspended <input type="checkbox"/> _____ Months Suspended <input checked="" type="checkbox"/> Probation for: <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Fine Imposed \$ <u>500.00</u> <input type="checkbox"/> House Arrest _____ <input type="checkbox"/> Supervised (<input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised			
Name of THIRD Offense ILLEGAL HUNTING DURING CLOSED SEASON Count No. <u>5</u> Date of Offense <u>11/11/2011</u>	K.S.A. Section, Subsection(s) 32-1002(a)(1) and K.A.R. 115-25-9(2)(A) <input type="checkbox"/> Attempt (K.S.A. 21-5301)	MISDEMEANOR Class <u>C</u> <input type="checkbox"/> Person <input checked="" type="checkbox"/> Nonperson <input type="checkbox"/> Infraction <input type="checkbox"/> Unclassified	<input checked="" type="checkbox"/> Convicted on this Count <input checked="" type="checkbox"/> This Count Concurrent to Count 4 & 6 <input type="checkbox"/> DV Tag Pursuant to Law <input type="checkbox"/> This Count Consecutive to Count _____ <input type="checkbox"/> Acquitted on this Count <input type="checkbox"/> This Count Dismissed by State <input type="checkbox"/> This Count Amended from a charge of: _____ K.S.A. _____ a class _____ Misdemeanor a severity level _____ Felony
Sentence Imposed on Count 5: Presumptive Sentencing Range <input checked="" type="checkbox"/> County Jail _____ Days <u>6</u> Mos. <input checked="" type="checkbox"/> <u>6</u> Months Suspended <input type="checkbox"/> _____ Months Suspended <input checked="" type="checkbox"/> Probation for: <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input checked="" type="checkbox"/> Fine Imposed \$ <u>500.00</u> <input type="checkbox"/> House Arrest _____ <input type="checkbox"/> Supervised (<input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised			

Criminal discharge of firearm

CONTINUED ON NEXT PAGE

Name of FOURTH Offense ILLEGAL CALIBER FOR TAKING BIG GAME Count No. <u>6</u> Date of Offense <u>11/11/2011</u>	K.S.A. Section, Subsection(s) 32-1002(a)(1) and K.A.R. 115-4-4(b)(2)(A) <input type="checkbox"/> Attempt (K.S.A. 21-5301)	MISDEMEANOR Class <u>C</u> <input type="checkbox"/> Person <input checked="" type="checkbox"/> Nonperson <input type="checkbox"/> Infraction <input type="checkbox"/> Unclassified	<input checked="" type="checkbox"/> Convicted on this Count <input type="checkbox"/> DV Tag Pursuant to Law <input type="checkbox"/> Acquitted on this Count <input type="checkbox"/> This Count Amended from a charge of: _____ K.S.A. _____ a class _____ Misdemeanor a severity level _____ Felony <input checked="" type="checkbox"/> This Count Concurrent to Count 4 & 5 <input type="checkbox"/> This Count Consecutive to Count _____ <input type="checkbox"/> This Count Dismissed by State
Sentence Imposed on Count 6: Presumptive Sentencing Range <input checked="" type="checkbox"/> County Jail _____ Days <u>6</u> Mos. <input checked="" type="checkbox"/> <u>6</u> Months Suspended <input checked="" type="checkbox"/> Fine Imposed \$ <u>500.00</u> <input type="checkbox"/> House Arrest _____ Probation for: <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input type="checkbox"/> Supervised (<input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised			
RECAP OF SENTENCE			
Total Period of Confinement in County Jail (All Counts) <u>6</u> Mos. / _____ Days	Jail Time Credit _____ days from:	Jail Time to Serve Defendant to serve <u>30</u> days in the Osage County Jail, beginning on: 11/2/12 at 7:00 p.m. to 11/4/12 at 7:00 p.m. 11/9/12 at 7:00 p.m. to 11/11/12 at 7:00 p.m. 11/23/12 at 7:00 p.m. to 11/25/12 at 7:00 p.m. 11/30/12 at 7:00 p.m. to 12/2/12 at 7:00 p.m. 12/7/12 at 7:00 p.m. to 12/9/12 at 7:00 p.m. 12/14/12 at 7:00 p.m. to 12/16/12 at 7:00 p.m. 12/21/12 at 7:00 p.m. to 12/23/12 at 7:00 p.m. 12/28/12 at 7:00 p.m. to 12/30/12 at 7:00 p.m. 1/5/13 at 7:00 p.m. to 1/6/13 at 7:00 p.m. 1/12/13 at 7:00 p.m. to 1/13/13 at 7:00 p.m. 1/19/13 at 7:00 p.m. to 1/20/13 at 7:00 p.m.	Probation Period <input type="checkbox"/> 6 Mos. <input checked="" type="checkbox"/> 12 Mos. <input type="checkbox"/> Other _____ <input type="checkbox"/> Supervised (<input type="checkbox"/> CS <input type="checkbox"/> CC) <input checked="" type="checkbox"/> Unsupervised <input type="checkbox"/> House Arrest _____ days
Of the above total sentence, _____ Days / <u>6</u> Months are Suspended.			
Prior Case(s) to Which the Current Sentence is to Run Concurrent or Consecutive (include Case No., County of Conviction, and Sentence Length, etc):			
General/Special Conditions of Sentence / Probation (SEE PROBATION ORDER FOR MORE DETAIL)			
Costs Ordered (All Counts): Total Restitution \$ <u>8,000.00</u> Total Costs / Fees (see right) \$ <u>195.00</u> Total Fines \$ <u>1,500.00</u> Grand Total \$ <u>9,695.00</u>	<input checked="" type="checkbox"/> Misdemeanor Court Costs <u>\$160.00</u> <input type="checkbox"/> Traffic Court Costs <u>\$ 98.00</u> <input type="checkbox"/> Probation Supervision Fee <u>\$ 60.00</u> <input type="checkbox"/> KBI Lab Fee <u>\$400.00</u> <input type="checkbox"/> Other _____ (see Restitution Order)	<input type="checkbox"/> Attorney's Fees (A.I.D.) _____ <input checked="" type="checkbox"/> Fingerprint Fee <u>\$ 35.00</u> <input type="checkbox"/> ASAP Evaluation <u>\$150.00</u> <input type="checkbox"/> County Attorney Check Fee _____ <input checked="" type="checkbox"/> Restitution to victims <u>\$8000.00</u>	
<input checked="" type="checkbox"/> Defendant shall pay \$500.00 per month towards all costs imposed herein beginning October 12, 2012, and each month thereafter until all costs are paid in full or else he shall personally appear and show cause why he should not be found in contempt. <input checked="" type="checkbox"/> Show Cause set for <u>October 12, 2012 @ 9:00 a.m.</u> <input checked="" type="checkbox"/> Remaining Counts Dismissed by the State	Special Conditions: <input type="checkbox"/> Mental Health Evaluation / Treatment <input type="checkbox"/> Not to operate a vehicle _____ <input type="checkbox"/> Anger Management <input type="checkbox"/> Substance Abuse Evaluation / Treatment <input type="checkbox"/> Alcohol Counseling (AA, Mental Health, etc.) <input type="checkbox"/> No Contact With Victim(s) <input type="checkbox"/> No Alcohol Consumption <input type="checkbox"/> Not to have a checking account <input type="checkbox"/> Community Service for _____ <input checked="" type="checkbox"/> No further violations of law while on unsupervised probation <input checked="" type="checkbox"/> Defendant shall forfeit gun & antler to the Kansas Department of Wild Life & Parks. <input checked="" type="checkbox"/> Defendant's hunting license revoked for 5 years.		
Additional Comments:			

CONTINUED ON NEXT PAGE

SIGNATURES			
Judge's Signature <i>T. J. Williams</i>		Date 10/10/2012	
Name of Prosecuting Attorney: BRANDON L. JONES, No. 19858		Name of Defense Attorney: WILLIAM K. RORK, No. 10109	
Date: 9/25/12		Date: 9-25-12	
By: <i>Brandon Jones</i>		By: <i>William K. Rork</i>	
Address: P.O. Box 254 Lyndon, KS. 66451		Address: 1321 SW Topeka Blvd Topeka, KS, 66612-1816	
Phone No.: (785) 828-4931	Fax No. (785) 828-3150	Phone No.: (785) 235-1650	Fax No. (785) 235-2421

IN THE DISTRICT COURT OF OSAGE COUNTY, KANSAS
FOURTH JUDICIAL DISTRICT

MISDEMEANOR RESTITUTION ORDER

THIS AREA FOR COURT USE

FILED

2012 OCT 10 AM 10:57

CLERK OF THE DIST. COURT
OSAGE COUNTY KANSAS

Case Name STATE v. DAVID V. KENT	Court O.R.I. Number KS070015J	Transaction Number 300011026393	
County OSAGE	Court Case Number 2012-CR-000021	Sentencing Judge HON. TAYLOR J WINE	Sentencing Date 8/30/2012

Defendant is ordered to pay restitution through the Clerk of the District Court to the following person(s) and in the following amounts:

Name Timothy L. Nedeau
Address 416 S Carbon
Scranton, KS 66537
\$ 8,000.00

COPY

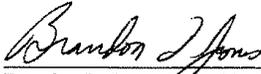
TOTAL \$ 8,000.00

IT IS SO ORDERED.

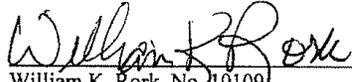


Judge

APPROVED:



Brandon L. Jones, No. 19858
Osage County Attorney



William K. Rork, No. 10109
Attorney for the Defendant

STATE OF KANSAS
HOUSE OF REPRESENTATIVES

STATE CAPITOL
300 S.W. TENTH AVENUE
TOPEKA, KS 66612
1-800-432-3924
ken.corbet@house.ks.gov



DISTRICT OFFICE
10351 SW 61ST ST.
TOPEKA, KANSAS 66610
(785) 256-6444

May 19, 2014

The Honorable Sam Brownback
Governor of Kansas
State Capitol Building, 2nd Floor
Topeka, Kansas 66612

KEN CORBET
54TH DISTRICT

Dear Governor Brownback:

I am writing to ask that you take under consideration a matter of importance to one of my constituents, Tim Nedeau. You recently signed SB 357 a bill that includes a provision allowing landowners to have the right of first refusal on deer antlers taken illegally from their property. This is legislation that I introduced after hearing the story of Mr. Nedeau and finding out there are others with similar stories. Mr. Nedeau lives near Scranton and works as a school teacher at Washburn Rural. Before the legislative session he contacted me and explained that in 2009 a deer possessing antlers breaking the Kansas record was shot illegally on his farm. The individual who illegally poached the deer was later convicted in Osage County.

Under previous law, the antlers from the deer poached on Mr. Nedeau's property became the possession of the Kansas Department of Wildlife, Parks, and Tourism. Mr. Nedeau and I both made unsuccessful requests to the KDWP asking that the antlers be given to him. It is my belief that when a trespasser illegally poaches a deer, the landowner should have a right to that deer. The landowner has already been harmed by having a trespass committed against him and losing the ability to later legally hunt for the deer. They should not be further punished by having the antlers taken away. Going forward, SB 357 ensures this will not happen. Unfortunately this does not help Mr. Nedeau.

In closing, I ask you to pardon Mr. Nedeau's deer antlers and allow them to return home, where they belong. SB 357 overwhelmingly passed both chambers of the legislature with bipartisan support. I think this shows a desire to protect private landowners like Mr. Nedeau. As you know, Kansas is 97% privately owned and when the KDWP works with private landowners it helps to ensure that millions of acres of privately owned land remain open for use by both Kansans and out of state hunters and outdoor enthusiasts. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Ken Corbet".

Representative Ken Corbet
District 54

Hunter Education Deferrals; Purchase of Land in Cherokee and Pottawatomie Counties; Unlawfully Taken Wildlife Items; SB 357

SB 357 increases the number of deferrals from one to two for the completion of hunter education for a person who is 16 or more years of age. Each deferral will be valid until the end of the license year in which a license is purchased.

The bill also authorizes the Department of Wildlife, Parks and Tourism (KDWPT) to purchase a parcel of land of approximately 398 acres in Cherokee County and a parcel of land of approximately 484 acres in Pottawatomie County.

In addition, the bill changes the options available to KDWPT in disposing of unlawfully taken wildlife items. Under the bill, the KDWPT is **required to first** offer the seized item to the landowner or tenant on whose property the wildlife parts were unlawfully taken, provided:

- The wildlife parts are no longer needed as evidence;
- The location of the violation can be positively ascertained;
- There is no dispute between landowners or tenants as to who may receive the wildlife parts;
- The landowner or tenant did not commit the violation for which the wildlife parts were seized; and
- The wildlife parts are transferred **within two years** of adjudication of the violation.

If the landowner or tenant declines the offer, the KDWPT may dispose of the seized item by any of the following methods:

- Sell the seized item (existing law);
- Retain the seized item for educational, scientific, or department operational purposes (existing law); or
- Destroy the item (new law).

Office of the Secretary
1020 S Kansas Ave., Suite 200
Topeka, KS 66612-1327



Phone: (785) 296-2281
Fax: 785-296-6953
www.kdwp.state.ks.us

Robin Jennison, Secretary

Sam Brownback, Governor

10 September 2014

Mr. Timothy Nedeau
416 S. Carbon
Scranton, KS 66537

Re: Your 2014 deer permit purchase

Dear Tim:

While attempting to ascertain the exact location where the deer was unlawfully taken by Mr. David Kent in 2011, it has come to my attention that you may not be qualified for the landowner/tenant deer permit you recently purchased in 2014. Although it is contrary to the Department's policy for refunds and exchanges of permits, due to the fact that this discovery is still prior to the first season of use, I would like to offer you the opportunity to return that permit to the Office of the Secretary for exchange to the proper permit, upon payment of the additional amount required.

The Legislature considered the issue of fraudulent purchases of landowner/tenant permits very seriously in 2012 and almost passed a bill that would have required the Department to check annually at least twenty-five percent of the permits sold. Because of fiscal concerns and the burden on the Department's staff, that provision never materialized in the final bill. However, the Department did agree to check landowner/tenant permit applicant eligibility within resources. That is done in the winter and spring and notifications are made well in advance of the season. However, since I started looking into this situation after the legislative session, I would like to give you the opportunity to rectify this before deer season. It is likely that this would have been discovered ultimately through the spot checks but since we have discovered it, we need to be consistent.

If you want to consult our website to look at the landowner/tenant requirements, here is the link.
<http://kdwpt.state.ks.us/Hunting/Hunting-Regulations/Deer/Resident-Requirements-and-Definitions>

Again, should you agree that you do not qualify for the permit you have purchased, I would encourage you to return and exchange your permit, upon payment of the proper amount, and obtain what appears to be the proper permit for your status as an applicant. It must be done as soon as possible because the first day of use is September 15.

Sincerely,

A handwritten signature in black ink that reads "Robin".

Robin Jennison
Secretary
Kansas Department of Wildlife, Parks and Tourism

September 15, 2014

Subject: Harassment, Deer antlers, landowner/tenant deer permit, Officer Lynn Koch's report from July 2, 2014

Mr. Robin Jennison

My name is Lois Shuck and I am the owner of the property at 133rd and Wanamaker in Osage County, KS where the state record deer was unlawfully taken by Mr. David Kent back in 2011. My son, Tim Nedeau, has been representing me throughout all of the legal matters in regard to my property, and this has been so stated in court papers provided to the Osage County Attorney who represented the State of Kansas in the actions against David Kent. This court case was closed in 2012 and Mr. Kent pled guilty, was sentenced, fined, and made to pay Mr. Timothy Nedeau, my son also my farm agent, a certain amount of money for illegally hunting etc. on MY property. The deer was shot, (according to Mr. Kent's own statement to law enforcement officers as well as his confession on court records) on MY property.

We have asked numerous times for the deer antlers, which have now been mounted, to be returned to the land owner and the requests seem to be blocked by either you or someone in your department. Some of the reasons for not issuing a salvage tag have been that Tim is not the land owner, or that you didn't know where the deer was shot, and now you are claiming Tim is not a legal tenant / manager of my land.

- I would like to make a formal request per this document: I would like to request the deer mount be returned to me or to my agent / son Timothy Nedeau in the state of condition they are in as of today September 15, 2014. We have hidden nothing from you or your department and yet it seems to me that you have a personal vendetta against Tim and you with others continue to keep trying to cause him undue grief.

On July 2, 2014 I was paid a visit at my home in Overbrook, KS by a KDWP&T Law Enforcement Officer Lynn Koch, and was asked many questions regarding my farming operation, farmer, land manager, etc. as well as hunting rights and lease agreements. I was very cooperative with Officer Koch and answered his questions, as well as asking if his visit was about the poached deer on my land, and to please note that I would like to have the antlers returned to us.

After reading the letter you sent to Tim Nedeau dated September 10, 2014, I now wonder if Officer Koch's report was truthful as to my answers to his questions and also if some of the more recent harassment toward my son, Tim Nedeau, is due to Officer Koch's report, or if the KDWP&T under your leadership just wishes to continue to harass Tim. I am sure he has caused you much grief in getting the new poaching bill passed through the legislature, as well as some drinking and driving issues while you were on duty and while driving a state issued vehicle. My oldest daughter, Tim's sister, was killed by a drunk driver at the age of 23 in 1986 and we take drinking and driving very serious. I would ask that you do also.

- Under the Kansas Open Records Act, I would like to request a copy of Officer Lynn Koch's written report and statement taken from me at 114 Walnut St., Overbrook, KS. on July 2, 2014. For the purpose to challenge any of his statements about me and/or Tim.

Mr. Jennison, I told Officer Koch that Tim was my overall farm manager and that he made most decisions in regard to maintaining the CRP acreage, timber, grass land, hay crop, as well as all hunting, fishing, and other outdoor activities. Tim also talks with my farmer/tenant on the field crops at many times through the year. Tim always has and always will have these rights from me. I do not know what Officer Koch put in his report as it seems Tim is now referred to as "Hunting Leaser". That is FAR from the truth! There is, and never has been any LEASE agreement in regard to hunting this property. Tim has full control over whom he allows to hunt on the property. (Which is just about NOONE). I/We have allowed one local neighbor to hunt deer for many years however; he did not hunt the 2013/2014 deer season, but there was NEVER a lease agreement or fee charged to him or anyone else.

Tim, and his younger sister, do all of the burning, mowing, spraying of noxious weeds, cleaning, and maintaining or repairing of the property, with his own equipment at his own expense. He is given some small monetary items as a wee bit of Thank You from me each year and these are so stated on My Federal and State income tax forms each and every year.

I also have a recorded "Death Deed" on the 180 acre farm in-which Tim is the sole recipient thereof.

In regard to your letter on September 10, 2014 to Timothy Nedeau stating that it has come to your attention that he may not be qualified for the landowner/tenant deer permit he recently purchased in 2014. I don't know what you or your department is wanting from him or from me. As I would think Tim certainly would fall under the category of a tenant due to his active engagement of more than 80 acres, and "(B) a bona fide manager having an overall responsibility to direct supervise and conduct such agricultural operation and have the potential to realize substantial benefit from such production in the form of salary, shares of such production or some other economic incentive based upon such production". (As taken from question 11, what is the definition of a landowner or tenant KDWP&T form) He will OWN the farm some day and the more clearing, soil conservation, etc that he does now and has done for 25 years will certainly be to his benefit.

As this is getting lengthy.

- I request you take a look again at Tim having the right to a landowner/tenant deer permit to hunt my property.
- Stop what I feel is harassment of my son Tim Nedeau by the KDWP&T under your leadership.
- Mail me an official copy of Officer Koch's 7/2/14 report that should be on file at either the Region 2 Headquarters in Topeka, or the Region 5 Headquarters in Chanute.
- Antlers be returned to me or my son Tim Nedeau (Please let me know where I can pick them up)

I had full intentions, but did not have the time to come to Topeka today and visit with you and the KDWP&T attorney Chris Tymeson so I am emailing this letter to my son, Timothy Nedeau and he will be bringing it by your office and Mr. Tymeson's office, shortly after 4:00 pm today, 9/15/14, in order to get this situation rectified.

Respectfully,
Lois Shuck
114 Walnut St
Overbrook, KS 66524
785-665-7893

CC: Governor Sam Brownback

Attorney Chris Tymeson

Ken Corbet



Kansas Department of Wildlife, Parks and Tourism

Updated: 8/13/13

11. What is the definition of a landowner or tenant?

2013 Deer FAQs

LANDOWNER/TENANT

A landowner is any resident who owns 80 acres or more of Kansas farm or ranch land. When applying for a landowner/tenant permit, land owned must be in the unit applying for.

A tenant is any resident or nonresident who is actively engaged in the agricultural operation of 80 acres or more of Kansas farm or ranch land for the purpose of producing agricultural commodities or livestock and (A) has a substantial financial investment in the production of agricultural commodities or livestock on such farm or ranch land and the potential to realize substantial financial benefit from such production or, (B) is a bona fide manager having an overall responsibility to direct, supervise and conduct such agricultural operation and have the potential to realize substantial benefit from such production in the form of salary, shares of such production or some other economic incentive based upon such production. Evidence of tenancy, if requested, shall be provided to the department and may include, but is not limited to, Natural Resource Conservation Service records, Farm Service Agency records, or written agricultural contract or lease documentation. Land must be located in the unit you are applying for to qualify.

Members of the immediate family who are domiciled with a resident landowner or tenant may apply for a resident big game permit as a landowner or as a tenant, but at least 80 acres must be owned by such landowner or operated by such tenant for each individual applying as a landowner or as a tenant.

NONRESIDENT/LANDOWNER

To qualify as a nonresident landowner, a person must own property in simple ownership with their name on the deed. Property held in a trust, LLC, partnership, or other legal entity is owned by that legal entity. Permits on properties owned by a legal entity are available only to tenants who either farm at least 80 acres, or manage an 80 acre or larger farm that produces an agricultural commodity such as crops or cattle. Serving as a board member, trustee, non managing partner or other such position does not qualify a person for a Kansas landowner deer permit. There are exceptions. For details, phone (620) 672-5911 and ask for Law Enforcement.

(Hunt-Own-Land Permits)

Hunt-Own-Land permits are valid for any season with equipment legal for that season, and only on lands owned and operated for agricultural purposes. This permit is available to individuals who qualify as landowners, tenants, nonresident landowners or family members living with a resident landowner or tenant.



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Robin Jennison, Secretary

Sam Brownback, Governor

19 September 2014

Mr. Timothy Nedeau
416 S. Carbon
Scranton, KS 66537

Re: Your 2014 deer permit purchase

Dear Mr. ^{Tim}Nedeau:

Last Tuesday, September 16, you and I met and you provided a letter from your mother regarding various issues. I took the letter and told you that I would provide it to the Secretary. Having done so, I also wanted to circle back to you, as I said the Department would, and inform you that the Department's conclusion is that the Secretary's letter and position dated 10 September 2014 still stands as originally expressed.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Tymesom".

Christopher J. Tymesom
Chief Legal Counsel
Kansas Department of Wildlife, Parks, and Tourism

A few days after visiting Chris Tymesom I went to KDWP&T Region 2 Headquarters and spoke with Investigator Jason Hawman about my tag and why I felt I was not in violation. (September 18)

TIM NEDEAU

2613

SCRANTON, KS 66537

DATE 10/3/14

PAY KDWP LT \$ 32.50

to the ORDER of Thirty-Two & 50/100 DOLLARS

FOR [Redacted] 2613

WILE OUTDOORS

10/22/2014 2613 \$32.50

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Robin Jennison, Secretary

Sam Brownback, Governor

November 6, 2014

To: Tim Nedeau

From: Todd Workman/ Kansas Department of Wildlife, Parks & Tourism

Refund for the Any Season Whitetail Deer LO/T permit \$17.50

KDWPT PURCHASE **14**

Transaction #: 007615030 Vendor #: 9106
Purchase Date: 06/19/2014 16:09:29 Terminal #: 4500391

KDWPT #818040024
TIMOTHY L NEDEAU
416 S CARBON
SCRANTON, KS 68507

DOB: 05/16/1965
DL #: KS K02096112
HUNTER CERTIFICATION #: KSW1016128
BOWHUNTER CERTIFICATION #
FUR HARVESTER CERTIFICATION #

HEIGHT: 5'09"
WEIGHT: 175 lbs
GENDER: Male
EYES: Blue

Kansas

418 Any Season Whitetail Deer LO/T
Units: 5700
County: OS

Kansas

SIGNATURE: *[Signature]*
(NOT A RIFLE HUNT SIGNATURE)

AGENT FEE: \$1.00
PROCESSING FEE: \$1.50
TOTAL: \$17.50

I certify under penalty of perjury under the laws of the State of Kansas that the foregoing is true and correct, and I am eligible for the above privilege(s) purchased.

KDWPT CARCASS TAG **14**

Transaction #: 007615030 Vendor #: 9106
Purchase Date: 06/19/2014 16:09:29 Terminal #: 4500391

KDWPT #818040024
TIMOTHY L NEDEAU
418 Any Season Whitetail Deer LO/T

Immediately upon harvest, sign and date license tag and attach to the leg of the animal in a visible manner. Refer to current regulations for season dates and bag limits. Refer to current regulations for Landowner Information. Units: 5700 County: OS

INPUT COUNTY OF KILL: _____
INPUT DATE/TIME OF KILL: _____ PM/AM

SIGNATURE: _____

I certify under penalty of perjury under the laws of the State of Kansas that this animal was taken by me at the listed time and date in accordance with current regulations and laws.

Todd Workman
Tim Nedeau

Operations Office
512 SE 25th Ave.
Pratt, KS 67124-8174



Phone: 620-672-5911
Fax: 620-672-6020
www.kdwrpl.state.ks.us

Robin Jennison, Secretary

Sam Brownback, Governor

November 10, 2014

Timothy Nedeau
418 South Carbon
Scranton, Kansas 66537

Re: Phone request on November 7, 2014, by Tim Nedeau for Officer Lynn Koch's report

Dear Mr. Nedeau:

Per your phone request for a copy of Officer Lynn Koch's report, any reports cannot be provided at this time. Pursuant to K.S.A. 45-221 (a)(10)(B), those records, if they exist, are discretionarily closed because their disclosure would interfere with a prospective law enforcement action, criminal investigation and prosecution.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cindy Livingston".

Cindy Livingston
Director of Administrative Services Division

cc: Secretary Robin Jennison
Colonel Kevin Jones

On November 7, 2014 I asked Cindy Livingston to send this information to my mother, Lois Shuck, but that I wanted a written statement from the Pratt Operations Headquarters explaining the reasons why I was not given my refund by their office, as the Secretary of KDWP&T said I would. I was also told by the Secretary of KDWP&T that my returned landowner tenant tag had been mailed to the Pratt Headquarters on 11/6/14, but the Secretaries office had it in their possession 34 day later and made a photo copy of it for me.

Law Enforcement Oath of Honor

[Oath required for Certification pursuant to K.A.R. 106-3-6]

On my honor, I will never betray my badge, my integrity, my character or the public trust.

I will always have the courage to hold myself and others accountable for our actions.

I will always uphold the constitution of the United States and of the state of Kansas, my community, and the agency I serve.

On this ____ day of _____, _____, I, _____, as a member of the law enforcement profession, have read this Oath of Honor. I fully understand it. I do solemnly swear or affirm, with no mental reservation, to uphold and abide by it in both my official and private life.

Officer's Signature

Witness Signature

Officer's Printed/Typed Name – File Number

Witness Printed/Typed Name

February 22, 2013

Secretary Robin Jennison
Kansas Department of Wildlife, Parks
and Tourism
1020 S. Kansas, Room 200
Topeka, Kansas 66612-1327

Dear Secretary Jennison:

It has been years since we have worked together, but a situation was described to me last weekend about which I wanted to give my thoughts. I was in Independence, Kansas, and a number of people told me about an issue your agency has with a Tim Nedeau. I do not know Mr. Nedeau. According to the accounts I heard, a record whitetail buck was poached on his land, and he has attempted to take possession of the antlers from KDWPT but has been unable to do so.

I have three thoughts. First, I was really surprised this was raised with me at all, and that it has been discussed for almost a year and a half. Second, there is a great deal of ill will being generated toward your agency by people who are aware of this; and frankly, resentment over an issue like this is never worth it. Finally, when I displayed items in the Lieutenant Governor's office, their backgrounds were as important as the items themselves. This is not a good story to share. For what it's worth, I would give the man the antlers but take a picture of yourself with them to hang in your office.

I forward this while remembering Gary Sherrer's wise statement, "there's no one quite so former as a former lieutenant governor."

I wish you the best of everything as the director of Wildlife, Parks and Tourism. It was a perfectly logical appointment that provides you and the agency under your leadership a real opportunity to contribute to Kansas.

Very truly yours,

John E Moore

ATTENTION!

**ALL HUNTING, FISHING, & TRESSPASSING
RIGHTS ON THIS PROPERTY ARE LEASED
FOR \$4,000 PER PERSON PER DAY
CONTACT LANDOWNER FOR DETAILS & PASS.**

**Violators will be fined and prosecuted to the
full extent of the law!**



Kansas Wildlife, Parks & Tourism - Game Wardens

November 13

Case made in Mitchell County this morning. The alleged crimes include; two counts of take deer without a valid permit, and two counts of possess untagged deer.

Jodi Nedeau Perry Are these individuals going to be charged under the new Whitetail Restitution Law? Looks like fines in the 10's of \$1000's. Also, were these poached on private property and therefore was the landowner offered the deer as current law stipulates?



This article was removed from the KDWP&T Wardens Facebook page.



Kansas Wildlife, Parks & Tourism - Game Wardens

December 4, 2014

Road hunting during deer season has always been one of the top complaints Kansas Game Warden's respond to this time of year. This case is from Osborne County today. Tickets issued for hunting deer with the aid of a vehicle and hunting without written permission on posted property.

Jodi Nedeau Perry Was this deer or any parts of it offered to the land owner as SB 357 from 2014 legislation now requires?



Kansas Wildlife, Parks & Tourism - Game Wardens

Yes it was offered.