



**GOFFSTOWN POLICE DEPT  
GOFFSTOWN, NH**

**OFFICER REPORT**

<u>INCIDENT #</u>	<u>REPORT DATE</u>	<u>REPORT TYPE</u>	<u>OFFICER</u>	<u>RANK</u>	<u>REVIEW STATUS</u>
11007377 / 2	05/24/2011 14:38:34	SUPPLEMENT	LAVALLEE,P	OFFICER/INVEST	APPROVED

**OFFICER REPORT**

As Of 05/27/2011 11:46:08

**NARRATIVE**

OFFICER PAUL LAVALLEE                      11-007377\*                      05/24/2011

CROSS-REFERENCE TO CFS #11-007372

THE FOLLOWING REPORT IS IN REGARDS TO WHAT WAS ORIGINALLY REPORTED AS A SUSPICIOUS VEHICLE ON ROBERTS ROAD.

On today's date, at approximately 1350 hours, we received a call from:

JOHN HIKEL

[REDACTED]  
[REDACTED] MAST ROAD  
GOFFSTOWN NH 03045  
[REDACTED]

SEARCHED  
SERIALIZED  
INDEXED  
MAY 24 2011  
POLICE DEPT  
GOFFSTOWN NH

John called to say that he was turkey hunting at the end of Roberts Road on the Roberts Farm property. John said that he saw a pickup truck that was stuck in the mud in one of the fields and did not think that it should be there and thought that we may want to look into it.

When I arrived at the Roberts Farm, I met and spoke with:

WILLIAM V. ROBERTS

[REDACTED]  
[REDACTED] BEACON STREET  
NEWTON MA  
[REDACTED]

William quickly identified himself and asked if I was coming up here in regards to the truck that was stuck in the field. He then told me that this was his truck and it was now in front of the house. William identified himself as one of the property owners and said that his father and uncle were the current landowners and he was a family member and therefore able to exercise control over the property and who was on it.

William then identified a vehicle parked at the end of their property near the field. This vehicle was a silver Lincoln Town Car with NH House of Representatives plates.

This vehicle is owned and operated by the complainant in this case, John Hikel. William told me that he believed that this person was out hunting on his property as he noticed a rifle case on the back seat of the vehicle and told me that they do not give permission to anybody other than family members to hunt on the property. William told me that he was going to leave a note on the car informing the hunter that he was not allowed on the property and asking him not to return.

I told William that the owner of that vehicle was the one who originally called about his truck being stuck in the mud and I had contact information for him. At this time, it was approximately 1415 hours and I had Dispatch make a phone call to John asking him to come out of the woods so that we may speak with him about the trespassing. At this point, I was contacted by Captain Sullivan via the radio and he asked me if Mr. Hikel had come out of the woods yet. I informed him that he did not and we were waiting for him to arrive. Captain Sullivan then said that he was responding to my location as he had more information to add to this event.

When Captain Sullivan arrived, he informed me that while Dispatch was making the phone call to John asking him to come out of the woods, he stated that he just shot a nice turkey and would be out in a minute with it. At this time, Dispatch informed John that the hunting hours for turkey ended at noontime and that we would like to speak with him when he came out.

While waiting for John to come out of the woods, I spoke with William in regards to information in regards to John hunting. William completed a written statement for me that said he came to the property around 1320 hours to test fire a gun of his own, however, it would not fire and he did not shoot. William mentioned that it was for this purpose that he drove out into the field and got his truck stuck. During this time, he said that he heard one or two shots from the direction of Wallace Road, however, did not think much of it. William said that he did not know if it was one shot with an echo or if it was two separate shots. William then said that he got his truck out of the field and he noticed the car parked at the end of the road and said that it had not been there earlier at approximately 1320 hours when he arrived. At that point, he called out to see if anyone would answer, however, he did not get a response. He then contacted his father by phone and advised him of the hunter on the property. William then said that after talking with his father, he heard one shot from the direction of Kennedy Hill Road and upon checking his phone records, he narrowed this down to somewhere between 1356 and 1405 hours, based on the phone calls that he placed to his father. William also mentioned in his statement that during this entire time, there were no other vehicles present on the property and he did not see any other people.

Captain Sullivan and I then waited for a short time and John came out of the woods carrying a side-by-side shotgun and a large male turkey. I then asked John a few brief questions in regards to this and he told me the following. John said that he entered the woods at approximately 1030 hours and he shot the bird at that time. He said that he wounded it and looked around, however, he could not find it. He said that he then left the woods and went back to his shop and closed up his shop for the day. He also spoke to one of his co-workers and told him that he shot a turkey and that was the purpose for closing the shop and going back to the farm. John said that he came back to Roberts Farm at approximately 1300 hours. He then went back in the woods in an

attempt to locate the bird and found it in the area where he shot it. I then asked John why he brought a shotgun with him into the woods at 1300 hours as the turkey hunting hours ended at noon today. John stumbled for words for a moment and then said that he brought the firearm with him as he always takes a gun with him in the woods for safety reasons. At that time, Captain Sullivan patted down John's outer clothing for weapons and also located a .38 snub nose revolver that John had in one of the pockets of his coat. At that point, I asked John if when he found the bird, if it was still alive and therefore had to shoot it again. John thought for a moment and said no, he hit it hard with the first shot and it was already dead when he got to it this afternoon. At that point, I did not understand why he said that he had wounded it in the morning and was unable to find it, however, later recanted his story and said that he hit it hard in the morning and it was dead where he had shot it.

At that point, I read John his Miranda rights before I continued with any questioning. After reading the rights to him, John refused to sign the form and chose to call his attorney.

At 1510 hours, John was on the phone with his attorney who asked him if he was free to leave. John then asked me if he was free to leave and I told him he was. John began picking up his firearms, one-handed while still on the phone, and I asked him to stop. He then questioned why and was referring to the fact that he was free to leave. At that point, I asked John to finish his phone call and to handle the firearms with two hands. After he completed the phone call, I explained to him that for safety purposes I did not want him handling the firearms with one hand while he was on the phone and preferred that he use two hands for safety.

John then asked me if I wanted to see his hunting license. I then said if he was offering I would be glad to check them. He then produced his standard hunting license for me:

LICENSE #11-009231

I looked at his license quickly and told John that it did not cover turkey hunting. This license was only for general hunting and had a white tail deer tag on it and it also covered fishing of all species. John then realized this and said that he had a separate turkey hunting license which he then produced for me. This license was:

LICENSE #11-312459  
ISSUED ON 05/03/2011 AT 7:52 AM

This license was the type that can be done online and printed out by the hunter as needed from a personal computer. Upon viewing this license, I noticed that the tag for turkey hunting was still attached to his license and had not yet been filled out. I then read the fine print on this tag which indicates that the tag must be filled out immediately at the time of the kill and attached to the animal. At this point, I asked John if he had a pen on him and he said that he did not. I then commented as to why he would bring a shotgun into the woods after legal hunting hours to go claim a bird that was already dead, however, did not bring the required pen to fill out the proper tag for the dead bird. John had no response to this comment.

During this interaction, Captain Sullivan had been on the phone with NH Fish and Game, and with their guidance, we later seized the bird and took it into evidence. NH Fish and Game will send an officer down on 05/25/2011 to claim this bird from our department.

John was also given two separate Fish and Game summonses. They were identified as the following:

FAILURE TO TAG  
RSA 209:12-a

TURKEY HUNTING HOURS (AFTER NOONTIME)  
RSA 209:12-a

John was also given a written trespass warning in regards to being on the Roberts Farm property without permission. After giving John both summonses and his written warning for trespass, I told him that he was free to leave and he did so without incident.

At this time, I have no further information to add to this report.

END OF REPORT/tag/dlc\*

**AUTHORIZATION**

<u>REPORT TYPE</u> SUPPLEMENT	<u>DATE/TIME REPORTED</u> 05/24/2011 14:38:34	<u>REPORT STATUS</u> APPROVED
<u>REPORTING OFFICER</u> LAVALLEE,P(6702)	<u>SIGNATURE</u> _____	<u>DATE/TIME ENTERED</u> 05/27/2011 11:46:08
<u>REVIEWED BY</u> ( )	<u>SIGNATURE</u> _____	<u>DATE/TIME REVIEWED</u>
<u>APPROVED BY</u> CONTILDES,DONNA(5008)	<u>SIGNATURE</u> _____	<u>DATE/TIME APPROVED</u> 05/27/2011 13:12:07

**OTHER SIGNATURES**

<u>PATROL SUPERVISOR</u> _____	<u>SHIFT COMMANDER</u> _____
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GOFFSTOWN, NH**

**OFFICER REPORT**

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11007377 / 3	05/24/2011 14:38:34	SUPPLEMENT	SULLIVAN,M	CAPTAIN	APPROVED

**OFFICER REPORT**

As Of 05/27/2011 11:49:42

**NARRATIVE**

CAPTAIN MICHAEL SULLIVAN 11-7377\*

CROSS REFERENCE CASE# 11-7372

THE FOLLOWING REPORT IS IN REGARDS TO CONTACT WITH JOHN HIKEL ON 05/24/2011.

On 05/24/2011, at approximately 14:15, I was advised by Communications Specialist Kyer of a situation they were currently working on located at Robert's Road. Communications Specialist Kyer advised me that at approximately 13:50, John Hikel called the Goffstown Police Department and was making a complaint about a vehicle stuck in the field on Roberts Road.

Dispatcher Kyer stated that, at approximately 14:04, Mr. Raymond Rogers called the Goffstown Police Department and said that the vehicle stuck in the field was actually his son's and that they were aware of that; however, he wanted the vehicle that was parked at the end of his road, belonging to the State Rep, not to be hunting on the property. He stated there was an open gun case currently inside of the vehicle.

At approximately 14:06, Communications Specialist Kyer advised Officer Lavallee that Representative Hikel, whom the vehicle came back to, was not wanted on the property.

At approximately 14:12, Officer Lavallee contacted Communications and asked them to call Mr. Hikel on his cell phone; the number he had originally called the stuck vehicle in with.

Communications Specialist Kyer advised me that at approximately 14:12, he contacted Mr. Hikel on his cell phone, at which time Mr. Hikel first called him Rogers, and Communications Specialist Kyer immediately corrected him. He stated that Mr. Hikel then went on to tell him that he had just shot a nice tom (turkey). Communications Specialist Kyer stated that he told Mr. Hikel he could not hunt after noon.

I told Communications Specialist Kyer that I was heading to Roberts Road to assist Officer Lavallee immediately.

Prior to leaving headquarters, I attempted to contact Conservation Officer Jeffrey

Pushee on his cell phone, however, he did not answer. I then responded to Roberts Road and arrived at approximately 14:38. When I arrived, I noticed Officer Lavallee was speaking to a male subject, who stated he was the land owner's son at the Robert's property. I heard the male subject telling Officer Lavallee that at 13:20, the vehicle with the State Legislature plates was not parked at the end of Roberts Road, where it currently was. The male subject stated that at approximately 14:00, he heard a shot from the area, which would have been east of Roberts Road but quite close.

When I arrived at Roberts Road, I contacted Fish and Game, spoke with Kristen at dispatch, advised them of what was going on and asked if a Conservation Officer was close by. I was advised that the Conservation Officers covering our area were tied up at that time and unable to respond as they were way out of position.

Myself and Officer Lavallee waited for Mr. Hikel to come out of the woods, and while waiting, at approximately 14:49, I received a call from Fish and Game who advised me they had just received a call from John Hikel and he was explaining that he had shot a bird earlier in the day. It should be noted at this time, that John Hikel still had not come out of the woods, nor had Officer Lavallee or I made contact with him.

It should also be noted that when Mr. Hikel initially called in the vehicle stuck in the field, he never made mention that the reason why he was out there was because he had shot a turkey earlier and was looking for it.

At approximately 15:00, John Hikel did come out of the woods carrying a large, male turkey over his shoulder and also carrying an open side by side shotgun, with the breach broken open. He laid the turkey down next to his vehicle, on the dirt roadway, and put the open shotgun on the trunk of his car.

Officer Lavallee began speaking with Mr. Hikel and Mr. Hikel stated he had entered the woods at approximately 10:30 in the morning and shot the bird at that time and the bird ran off. He stated he had left the woods, went back to his shop, closed it up and then returned between 12:30pm and 1pm to look for the injured bird. Officer Lavallee asked Mr. Hikel if he had to shoot the bird again when he found it and he stated that he did not because he had hit it hard when he first shot it earlier in the morning.

While Officer Lavallee was speaking to Mr. Hikel, I asked him if he had any other firearms on his person, at which time he stated he had a handgun in his jacket, at which time I asked him to take it out, empty it and place it on the trunk of his vehicle, which he did without incident. I then began patting him down for any further weapons for my safety as well as Officer Lavallee's. I did not locate any other firearms at that point.

At that point, I asked Officer Lavallee to read his constitutional rights via the Miranda warning. Mr. Hikel stated he did not understand why we were going to read him his rights and what was going on. I explained to Mr. Hikel that I was quite confident that he shot the turkey after the noon time deadline for hunting turkeys. I advised Mr. Hikel that I was going to ask him some very pointed questions and that if he felt in any way that he was not free to go, that I would have to read him his rights, therefore, I was covering myself reading him his rights as I was going to question him. Once Officer

Lavallee read Mr. Hikel his rights, Mr. Hikel stated he wanted to contact his attorney first. Mr. Hikel was given the opportunity to contact his attorney using his own cell phone. At that time, no further questions were asked. I returned to my vehicle to make a phone call myself, and upon exiting my vehicle, I noticed that Mr. Hikel was writing on the trunk of his car, actually filling in his turkey tag, to the point where he was asking what does WMU mean. It was obvious that there was no turkey tag on the turkey when he laid it on the ground immediately upon coming out of the woods.

I advised Mr. Hikel that we were seizing his turkey as evidence and that he was going to be issued paperwork for taking the turkey after the noon deadline.

At one point, Mr. Hikel began to back out of the roadway, at which time I asked him to stop, as he was not free to go as we were issuing him summonses regarding the turkey. I advised him that once we issued him those summonses that he would certainly be free to leave.

Officer Lavallee did issue Mr. Hikel two summonses, one for failing to tag the turkey and the other for hunting after noontime.

I transported the turkey to headquarters, placed on ice in a large cooler and put it into evidence. I had made arrangements with Fish and Game that they were going to pick the turkey up on 05/25/2011.

On 05/25/2011, I did contact New Hampshire Fish and Game and asked them for a copy of their telephone conversation with Mr. Hikel. I did retrieve that CD copy from them at 15:55 on 05/25/2011 at New Hampshire Fish and Game. At that time, I transferred custody of the dead turkey to Sergeant Lacrosse from New Hampshire Fish and Game.

On 05/25/11, I had Communications Supervisor, Michelle Provencher, make a CD copy of the phone conversations concerning John Hikel on 05/24/2011.

The copy of the CD contains the recorded conversations:

1:50pm Mr. Hikel called in and asked for the OIC.

1:52pm Lieutenant Robert Browne asked Communications to dispatch Officer Lavallee to the call on Roberts Road.

2:04pm Raymond Rogers called advising us that he did not want anyone on his property and that there was a vehicle there with an open firearm case in it.

2:06pm Dispatch advising Officer Lavallee that Mr. Hikel was not wanted on the property.

2:12pm Officer Lavallee requesting that we call Mr. Hikel.

02:14pm Phone conversation between Dispatcher Kyer and Mr. Hikel.

At this time, this is all the information I have with regards to this case.

Captain Michael Sullivan

END OF REPORT\bh\dlc\*