

Charles Anthony Smith  
Written Testimony  
Operation Something Bruin

Good morning,

I am Charles Anthony Smith. I am one of the ten people in Haywood County, North Carolina, who was charged with wildlife violations following an investigation known as Operation Something Bruin. This operation was designed to target bear poaching and illegal bear hunting activities. I was charged by North Carolina Wildlife Resources Commission with seventeen misdemeanor charges.

In September 2013, I was tried in a special session of district court held in Haywood County with a Special District Court Judge - Dennis Redwing. After a two and one-half-day trial Judge Redwing dismissed the seventeen charges against me due to insufficient evidence by the State.

In Haywood County, when the cases were presented during the Special District Court session at the time my hearing was held - the charges against the remaining three people were dismissed by the State due to not having proof beyond a reasonable doubt that they had violated wildlife laws. Earlier in June, charges against three other men were also dropped by the State for similar reasons.

During my hearing the evidence presented was a tape-recorded phone call with North Carolina Wildlife Resource Commission's Officer Chad Arnold who was posing as a hunter by the name of Chad Ryan. The phone call was about running dogs. At no time did Chad Ryan (Arnold) mention that he was hoping to run bear. Chad Ryan (Arnold) was wanting to run dogs on private property in a fox hunting preserve in an area known as Silver's Cove. There was no conversation whatsoever which involved bears or dogs running bears.

There are many questions that I have about how this Operation was carried out and the way that it happened. During my hearing, Officer Chad Arnold testified under oath that he had never saw me at the Silver's Cove property nor did he

know of my whereabouts on the days he was running his dogs at Silver's Cove. He testified that he didn't know if I was even in the country on any of the days that he had been in Silver's Cove. Yet ... while he was the one who released his hunting dogs on the Silver's Cove property he charged me with seventeen violations.

My first knowledge that I was involved in the investigation was at approximately twelve thirty on Wednesday, February 20, 2013. I was at home with my young daughter who was nine years old at the time. She was out of school due to a teacher's workday in the County and we were sitting in the den watching cartoons on TV.

There was a knock on the door. When I went to the door, there were approximately fifteen officers who shouted "Search Warrant". They then grabbed me by my arms and pulled me out of the house. The only thing that I saw were officers pushing past me with assault rifles wearing bullet proof vests going into the house. One officer had a handful of papers but he did not take the time to show them to me. They stormed the house, I was terrified for my daughter and I told them that my nine-year old daughter was inside on the couch. I asked them to let my daughter come outside with me because I knew she would be very frightened and scared. My thoughts were that she might get up and run and she could be harmed or even shot by these officers. I repeatedly plead with the officers to let me be with my daughter. Every repeated request for my daughter was ignored.

The officers held me by my arms and by my legs and searched me and removed the items in my pockets. While these officers held me I asked them if I was under arrest. The officers replied "NO". The officers which were holding on to me keep pushing me into the driveway towards their vehicles. There were approximately six officers who held me. There were approximately twenty-five officers in total, some searching the residence and some had surrounded the outside of the house.

They placed me in one of their vehicles, a Dodge Durango. They began to question me and I told them that I would not answer their questions but I wanted them to bring my daughter out to me. One of the officers was Jeannie Davis a special agent with the United States Forest Service. She testified in my hearing that she is a special agent who investigates felony crimes which occur on Forest Service property. She asked me

if there was anyone that I wanted to tell on. When I told Officer Davis that I would not answer her questions she then told me I was under arrest and made me aware of my Miranda rights. She came around and got me out of the passenger side of the Durango, handcuffed me and then placed me back in the car.

At this point I saw that my neighbor had arrived and she walked over close enough to the vehicle to let me know she had picked up my daughter and was taking my daughter to her house. Later, when I talked to my neighbor she reported that when she arrived at the residence to get my daughter that my daughter was sitting on the couch and three officers were in the room with her some also sitting on the couch. Riley told me later that they were asking her questions and that she was very scared.

The Officers left the house with me and took me to the Haywood County Jail to be processed. When we arrived at the jail the officers took me through the front door in handcuffs to the Administrative Offices. The person working there asked the Officers if I was a violent person and they said, "NO". She told them to take the handcuffs off of me that they had taken me to the wrong part of the Jail. We sat down in the lobby and in about ten minutes they re-handcuffed me, put me back in their vehicle and took me around to the back of the jail where I was processed and placed in a cell. It was sometime after 2:25 p.m. according to the stamped documents from the Haywood County Sheriff's Office that the officers obtained a warrant for my arrest. After that the officers returned and I was taken to appear before the magistrate judge. The Magistrate went over the charges with me as well as details on my first court appearance and released me on an unsecured bond.

I placed a phone call for my oldest daughter to pick me up. When we arrived back at the residence on Medford Cove, the search was still underway. The search lasted well over four hours.

During the time that I was taken placed under arrest and taken to jail, my wife told me that she and my oldest daughter went to the residence to find out what was happening after receiving information that there was something going on there. When they arrived there were about 10 to 15 vehicles in the driveway. Officers were there from the National Park Service, The United States Forest Service, The Georgia Department of

Natural Resources, the United States Fish and Wildlife and the North Carolina Wildlife Resources Commission. My wife and oldest daughter approached the house and were told that they could not enter and that I had been arrested and taken to jail and that the officer in charge of the investigation would be out to discuss what was going on. My wife was not allowed to enter her own residence. They stood on the patio and watched items being removed from the house and officers going in and out. The doors were all open and it was a very cold day outside. After about 30 minutes of waiting and no one coming to talk to them, they entered the home to find items had been broken and officers gathering items, labeling items in brown bags and removing property from the house. The officers demanded computer passwords and other information. The officers also questioned my wife and daughter about various things and when they did not answer the officers told them they would assume their answers. The officers would not allow my wife or daughter to move about in the home. They were told to stay with officers so they could be watched. They observed officers photographing documents which were clearly labeled and marked and were in no way related to me. They photographed documents but did not list these items as items that were seized. These were confidential medical and financial documents. This means now they have photographed copies of personal information that we have no idea of what was collected. We should be made aware of the documents that were photographed.

It was at the end of the search that the officer in charge came to talk to my wife. He told her I had been taken to jail and that I had been charged with misdemeanor wildlife violations.

When they left they did leave a copy of the search warrant and a copy of items seized. We determined that items that were seized were not listed in the detailed list in the Affidavit as items to be seized. They did not leave a list of damaged and broken items nor a list of documents that was photographed.

There are many things that occurred that seems and feels to be against our rights as citizens as well as the rights of private property owners. The search, the arrest, and the charges seem to be very wrongly handled. The officers themselves reported that I was not violent yet I was treated as if I was a violent person by the way they stormed the house with

swat team like tactics, damaged belongings in the house and arrested me for misdemeanor charges.

The questions and concerns that I have are many and I have detailed a few as follows:

The First is - The Investigation - there were a large number of violations reported and a large number of people reported as being charged - yet when the people were brought in for their hearings many had their charges dropped or dismissed by the State. Now in media releases the numbers have been drastically changed from the numbers first reported.

Also, there were individuals that were indicted by a Federal Grand Jury - these Grand Jury indictment charges would later be dropped by the Prosecution and these individuals would be re-charged with petty offences. This took away the hunter's rights to a jury trial. Also there were allegations made that there was judge shopping involved in these trials ... but it seemed that it was mostly on the prosecution's part. Judges were brought in out of district and special court sessions were held just for these cases.

This investigation covered a reported four years ending in 2013. Yet the inter-agency agreement was not signed until the third year of the investigation in 2012. Also, what was an officer from North Carolina doing in Georgia spotlighting deer when this was an investigation about bear poaching even without an inter-agency agreement being in place?

The investigation was a crackdown on bear poaching and illegal bear hunting activities. Yet there were only ten bears recorded as illegally taken - six of those at the hands of the wildlife officers. These are the same illegally taken bears that the officers then charged hunters with.

Operation Something Bruin was reported to be a multi-agency four-year long investigation with special officers involved who were responsible for uncovering a bear poaching ring and to crack down on the selling of bear parts. The Agencies involved again - were the North Carolina Wildlife Resources Commission, Georgia Department of Natural Resources, The United States Fish and Wildlife, The National Park Service, and the United States Forest Service.

The North Carolina Wildlife Resources Commission has reported that the bear population is growing and is at the

largest number of bears living in WNC in 100 years as published by an article released by the Commission.

According to their Biologist only fifteen to seventeen percent of the bear population has been harvested over the past 10 years by hunters. Yet in order to keep the population at their desired zero-percent growth the Wildlife Commission is now wanting to increase the harvest to 22 to 27 percent. In their own words they said ``we need to increase the harvest a little bit''. With a growing bear population who concluded that there was a bear poaching problem that would warrant an investigation of this scale netting 10 bears over four years with six of those bears being illegally killed by the officers.

The Search - There was no evidence found during the Silver's Cove investigation that would link the house located in Medford Cove that was searched during my arrest to the Silver's Cove Property where Officer Chad Arnold alleged the crimes took place. I have never leased nor owned property in Silver's Cove or in Haywood County. The statements made by the officers in the Affidavit for the search reported that I owned the land in Silver's Cove.

During the search of the residence, - the residence at Medford Cove, the barn in Medford Cove, a 30-acre sheep pasture in Medford Cove and my vehicles nothing illegal was found but there were items seized. Items that were seized were not listed on the Affidavit to be seized.

How was a search warrant even obtained for this private residence in Medford Cove where a phone call was the only evidence presented to a judge -- not even a judge in Haywood county for a violation? Also -- the violations were reported to have occurred on property located in the Silver's Cove not Medford Cove.

The Officers - the officers that came to the residence on Medford Cove who took me outside and left my daughter inside with an armed swat team inside and outside the residence while they conducted the search. The Officers that secured an arrest warrant after I had already been arrested.

Did any of these officers have jurisdiction when then had not seen a wildlife violation being committed at Medford Cove on private property? Or at this residence?

What was the United States Forest Service, The Georgia Fish and Wildlife, the National Park Service, and United States Fish and Wildlife and the North Carolina Wildlife Resources Commission doing searching a house and a small sheep farm in Western North Carolina where they had seen no wildlife laws being broken.

These officers -- when they didn't get their answers -- reported that they would assume the answers. These officers also photographed documents -- while they didn't take the documents themselves -- they now have the documents in photograph format.

So far, as a result of Operation Something Bruin, I have learned several things. I learned by North Carolina Wildlife Officer Chad Arnold's testimony under Oath in the court of Law, that Wildlife Officers can kill bears illegally, can kill bears that are underweight, can buy chocolate waste and place it on individual's property, can drink alcohol in the capacity of doing their jobs, can dig ginseng on the National Park and can commit other wildlife violations and charge other individuals for their crimes that they themselves have committed. They can join in with other agencies and conduct investigations on hunters across State lines before entering an inter-agency agreement.

These actions by the officers were not only wrong they must have been costly. The North Carolina Resources Commission reports that this operation has only cost them slightly over \$12,000. This seems, in my opinion, to be a very low reported cost. I personally witnessed on the two and one-half days during the court hearings when I was on trial many officers and vehicles present for those hearings for days at a time, whose budget paid for these officer's sitting in court? Are these costs counted as part of the Operation? The media reported that the Wildlife Commission conducted this investigation as a crackdown on bear poaching - but it appears by Arnold's testimony that the citizens should ask for a crackdown on the bear poaching ring that exists within those agencies.

While the misdemeanor charges against me were dismissed by the Judge, the trauma to my family, the invasion of our home and our feeling of security in our own home -- not to mention the damage to our names and reputation by things published in the media, on television and on their websites -- these things should not be dismissed.

There should be things done to determine how these things that seem so very wrong could have happened and steps should be taken to protect others from events such as this. Because of this experience I am asking the individuals who have the authority and the power to find these answers to please go on our behalf -- to stand in the gap -- and find out the answers.

## **Charles Anthony Smith**

### **Biographical Summary**

#### **Operation Something Bruin**

Charles Anthony Smith was arrested on seventeen misdemeanor charges by the North Carolina Wildlife Resources Commission on February 20, 2013. During a special session of district court held in Haywood County in September of 2013, upon the completion of a two and one-half day trial, the Special District Court Judge dismissed all seventeen charges against Charles Smith due to lack of evidence by the State.

Prior to the arrest, a search warrant was executed. Smith was in the residence along with his nine-year old daughter who were in the den watching cartoons on television. Mr. Smith was removed from the residence, being held by his arms, placed in a vehicle, questioned by officers then handcuffed. His young daughter was inside the residence while officers with long weapons were searching the house. Pleas by Smith to be with his daughter were ignored by the Officers. Finally, a neighbor came to remove his daughter from the house where she was sitting on the couch with officers. Smith was arrested and taken to the county jail. His young daughter reported to Smith later that she was very frightened, that she had seen officers with large guns outside and inside the house and that the officers asked her questions. Multiple agencies conducted the search and at times numbers ranged from fifteen to twenty or so officers. Officers were present from North Carolina Wildlife Resources Commission, Georgia Department of Natural Resources, The Park Service, United States Fish and Wildlife Resources and also the United States Forest Service.

The NCWRC charged that Charles Anthony Smith had performed seventeen wildlife violations on property located in Silver's Cove in Haywood County, NC. When he was placed under arrest, a residence, barn and adjoining sheep pasture located in Medford Cove in Haywood County was searched -- as well as vehicles driven by Smith. Paperwork detailed items that were to be seized during the search. Items were seized that were not included in the Affidavit.

These charges were brought about by a NCWRC Officer who was later named in an Affidavit as Chad Arnold. During Smith's hearing he testified that he had not seen Charles Smith at the Silver's Cove location on the days he was there in an undercover capacity to run his dogs -- the activity in which he later charged Charles Smith with. He testified that on those days in question that he did not even have knowledge as to whether Charles Smith was in the country.

During Smith's trial, when questioned about Chad Arnold's activities in the undercover role as Chad Ryan during Operation Something Bruin, Arnold admitted under Oath that he had committed over thirty wildlife violations -- including the taking of and the actual killing of bears in which he later charged other hunters in the Operation with. Arnold testified under Oath that he was the individual who fired the weapon which ultimately resulted in taking the life of the bears. At this time, hunters have faced charges, fines, revocations of hunting licenses and have spent time in jail and are still awaiting sentencing for those actions.

Committee on Oversight and Government Reform  
Witness Disclosure Requirement – “Truth in Testimony”  
Required by House Rule XI, Clause 2(g)(5)

Name:

Charles Anthony Smith (TONY)

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2012. Include the source and amount of each grant or contract.

N/A

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

N/A

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2012, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

N/A

I certify that the above information is true and correct.

Signature:

Charles A Smith

Date:

6-16-2015