

Law Office of Steve Graham

1312 North Monroe, #140
Spokane, WA 99201
(509) 252-9167
Fax (509) 356-1714
steve@grahamdefense.com

Washington Fish and Wildlife Commission
Post Office Box 43200
Olympia, WA 98504-3200

March 27th, 2025

Sent via email: commission@dfw.wa.gov and U.S. Mail

Re: WDFW#231000525

Dear Members of the Washington State Fish and Wildlife Commission,

I am writing to formally file a complaint regarding the conduct of Fish and Wildlife Officers in the investigation of my client Robert Shawn Humphrey and others in case number WDFW#231000525. Mr. Humphrey, with the legal permit of an Oregon governor's tag, lawfully harvested a bull elk in the Wenaha National Forest on October 9th, 2022 within the State of Oregon. WDFW officer maintained that the elk was taken in Washington through the use of faulty analysis using onX. What followed was a costly, 2-year investigation where the agents wasted immense public resources as they sought to convict my client of a crime he did not commit.

It is a well-established fact that the State of Oregon runs up to the 46th parallel. This has always been clear. The United States Congress created the state with passage of the Oregon Admissions Act on February 14th, 1859 and provided the boundaries:

...the State of Oregon shall be bounded as follows, to wit: Beginning one marine league at sea due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly, at the same distance from the line of the coast, lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia River; thence easterly, to and up the middle channel of said river, and, where it is divided by islands, up the middle of the widest channel thereof, to a point near Fort Walla-Walla, where **the forty-sixth parallel** of north latitude crosses said river; thence east, on said parallel, to the middle of the main channel of the Shoshones or Snake River; thence up the middle of the main channel of said river, to the mouth of the Owyhee River; thence due south, to the parallel of latitude forty-two degrees north; thence west, along said parallel, to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia River and Snake River, concurrently with

States and Territories of which those rivers form a boundary in common with this State.

After a two-year investigation, WDFW Sgt Mossman conceded on January 22nd, 2025 in a defense interview that the kill site was at the latitude 45.9977, i.e. below the 46 parallel boundary. The case was subsequently dismissed. The game department spent untold staff hours on this case all because of the agent's failure to investigate the matter and their failure to understand the boundary between the states.

Mr. Humphrey is deeply troubled by the department's failure to properly investigate the case or conduct necessary legal research before recommending charges to the Columbia County Prosecuting Attorney. I believe that the officers acted hastily and without sufficient evidence to justify potential legal proceedings. The case was handled poorly, and we fear that improper charges may have been suggested based on incomplete or inaccurate information. This lack of diligence had significant consequences for the parties involved and for others in similar situations. The agents added insult to injury by trespassing on my client's property during the course of the investigation and later lying and said they did not see the no-trespassing signs.

As an oversight body, we respectfully request that the Washington State Fish and Wildlife Commission review the officer's actions in this matter. Specifically, we ask that you investigate the trespassing incident on my client's private property and evaluate whether the officer followed proper procedures and protocols when making his recommendations to the district attorney. It is crucial that Fish and Wildlife Officers uphold the law while respecting the rights of citizens.

We are happy to provide any further details, including documentation and evidence, to support this complaint. Please advise us of the next steps in this process and how we can assist in resolving the matter appropriately.

Thank you for your attention to this serious issue.

Sincerely,



STEPHEN T. GRAHAM
Attorney at Law