

1 MR. SMITH: And you've worked with him since the year 2000?

2 JERRY HUGO: That's correct.

3 MR. SMITH: Are you his superior officer?

4 JERRY HUGO: No, I am cohort. I'm a fellow officer (inaudible).

5 MR. SMITH: Okay, but in your working with you have you come to know
6 what kind of employee he is?

7 JERRY HUGO: Yeah. Hard worker and I've seen him in a lot of
8 situations in the field. He's an upstanding officer in every regard.

9 MR. SMITH: Have, have you ever seen him deal with the public in a
10 violent or aggressive way?

11 JERRY HUGO: No, we've had a lot of probable or possible violent
12 contacts, aggressive contacts and I've never seen that attitude displayed. When
13 I've been in the field with him.

14 MR. SMITH: How about with fellow workers or people in the
15 department? Ever have any issues with (inaudible).

16 JERRY HUGO: No not at all. You know in the work field he's very
17 business like and we have to be for command control on scenes. But in on a
18 fellow worker, a personal level, he's nothing but humble. That's how he carries
19 himself all the time.

20 MR. SMITH: And do you know him socially as well?

21 JERRY HUGO: Yeah.

22 MR. SMITH: And have you spent time with him and his kids?

23 JERRY HUGO: Yes I have.

1 MR. SMITH: What types of things have you been involved with with him
2 and his family.

3 JERRY HUGO: Going to dinner with him. I've had, if I could refer to
4 some notes I took down on all the contacts that I've had with him. Thanksgiving
5 dinner 2004. Golfing activities with him and his family at the Pinehurst Pinehurst
6 golf course. Ducks Unlimited banquets, Rocky Mountain Elk Foundation
7 banquets. I was at, one of few at his wedding, when he got married to Julie. He,
8 him and Julie and Brielle were at my wedding. So basically a whole myriad of
9 times together. You know, whether they'd be at work or not at work, he, him and
10 his family came over to help me put up hay. We've done snow machine patrols
11 together when he's brought his kid Braylen, and every year, the Fish And Game
12 department has Christmas parties. I've been around them at Christmas parties
13 since 2000.

14 MR. SMITH: What if I said that there's been an allegation that Mark's
15 somewhat of an absentee father during hunting season, because of his work?

16 JERRY HUGO: Well, obviously our line of work is that we need to be in
17 the field mostly in the fall, or a lot more in the fall than we do the rest of the time.
18 And that's the, that's the demand and the pressure on the family. But I can tell
19 you this, Mark always put his family first. I saw it time and time again where, it
20 was his choice to either go with us on a back country adventure or not, and when
21 at all possible he stayed home, and was with his family. We'd like to see him
22 more actually out there with us, but he actually made that decision very often
23 since I've known him.

1 MR. SMITH: Would you happen to know how many nights in the fall of
2 2006 he spent working. Over night away from home?

3 JERRY HUGO: I think it was a five day operation that we had up at my
4 patrol cabin on the St. Joe River. We had a full group patrol. We needed a lot of
5 man power there. And Mark didn't back down on going on that work detail with
6 us. And I think he was there four or five night. I believe the entire operation was
7 from about the 13th of October or the 12th of October to the 16th, I think he left on
8 the 17th, the morning of the 17th.

9 MR. SMITH: Do officers get the chance to bring their children to work
10 related activities?

11 JERRY HUGO: We do if we deem it, or our supervisors deem it, you
12 know safe. I myself have done that in the past with my daughters. Bring them on
13 low probability of enforcement confrontations or matters. Floating rivers, you
14 know, horse back rides, canoeing, snow machine trips. Those kind of things that
15 we know are not gonna probably have you know, enforcement situation.

16 MR. SMITH: Has Mark brought Brielle or his son on any of those?

17 JERRY HUGO: I don't recall Brielle, I do recall Braylen several times.
18 And I'm not sure exactly how old he is. Somewhere around ten I think. But
19 yeah, Braylen's been out with us just this past January we took him on a snow
20 machine trip up Myrtle Creek, St. Joe River country. And did a snow patrol
21 together with Mark and Braylen. And he's had him out a couple other times but I
22 can't recall exactly when those times were. But whenever he can, he he brings his
23

1 children with us. It's an adventure that few children get to enjoy with their
2 parents.

3 MR. SMITH: And you've seen him, both these parents, parent Brielle in
4 public places?

5 JERRY HUGO: Yeah, limited amount publicly. More so at their house in
6 Pinehurst. When I was over there for Thanksgiving dinner or dinner one time
7 after a golfing day. But yeah, he Julie and Mark have brought Brielle out to other
8 events that we've had as well. I've watched how they interact yes.

9 MR. SMITH: How, how does Mark interact with Brielle?

10 JERRY HUGO: Well, the times that come to my mind are when I believe
11 she was just starting to walk, or crawling very fast. They had a gateway in their
12 house on the top level to stop her from being able to get down the stairs. And I
13 watched Mark persistently chasing her around to keep her from being in harms
14 way. And to me, you know, Mark treated himself in a very humble manner and I
15 would almost term it subservient to the family in general. I found him very doting
16 on his children every time I was around him.

17 MR. SMITH: Did you ever see Mrs. Bowen in a in a parenting situation.

18 JERRY HUGO: Yeah, mm hmm. I saw her at the house there. She
19 changed a diaper one evening when we were there. And you know I think it was
20 a combination of both of them parenting. We visited and carried on. You know.

21 MR. SMITH: Did you ever see the parents have a conflict or resolve a
22 conflict in your presence?

23

1 JERRY HUGO: Yeah, occasionally. I can't recall. I mean it was mostly
2 due to hyper activity, you know kind of thing. I believe Marquel and Braylen
3 were outside playing basketball or something, running in and out of the house,
4 and I think It was Mark that said, "Hey settle down," or something you know. I
5 don't recall exact.

6 MR. SMITH: The times you've seen the Bowen home, was it, need to be
7 picked up, or what it disheveled with things all over the floor?

8 JERRY HUGO: Oh no, I thought it was, I thought it was well taken care
9 of and you know, obviously people try to clean up a little bit too before company
10 comes but. I didn't see any problem in that manner.

11 MR. SMITH: Thank you, I don't have any other questions.

12 JUDGE MCFADDEN: Alright, Mr. Palmer, any questions of Officer
13 Hugo?

14 MR. PALMER: Yes. Mr. Hugo the. You you've worked with Mr. Bowen
15 since 2000 is that accurate?

16 JERRY HUGO: Yeah.

17 MR. PALMER: Okay, do you, can you tell the court whether he works full
18 time or part time?

19 JERRY HUGO: Well, I would consider it more of a part time. I mean it's
20 a full time position but we're not. We work when the demands are there or when
21 we feel that it's important for us to be out there. You know, a fish and game
22 officer's best tool is surprise and if we worked 8 to 5 every day, Monday through
23

1 Friday we just don't have the man power to cover everything. So we work on
2 surprise a lot. So the officer decides on when he goes or not.

3 MR. PALMER: Is there any requirement regarding your hours?

4 JERRY HUGO: No. I wouldn't say there's any specific requirements.
5 We may work 70, 75 hours one week, and we may not work at all the next several
6 weeks. Taken off comp time and over time that we've accrued.

7 MR. PALMER: How is your schedule handled? How is that set?

8 JERRY HUGO: Our schedule is mostly handled by ourselves. We decide
9 when we need to work and when we don't need to. And often times we can take
10 large blocks of time to be with our children. And there's other times when we
11 have to be at work and be in the field so. It's actually very loose. It's not, I see
12 you're querying about that, or inquisitive it's a. We tend to dictate when we work
13 and when we don't.

14 MR. PALMER: Okay, and I presume then, you're talking about your
15 schedule. Does that apply to Mark's as well?

16 JERRY HUGO: That implies to just about every officer in the state that I
17 know.

18 MR. PALMER: Okay.

19 JERRY HUGO: We're not we're not dictated our work assignments.

20 MR. PALMER: He can essentially say, I'll be to work, you know
21 whatever, Sunday Monday Tuesday if he likes to do so.

22 JERRY HUGO: Mm hmm.

23

1 MR. PALMER: And unless there's some unusual operation occurring,
2 that's not gonna be a problem.

3 JERRY HUGO: Yeah, again, he or she, we have female officers too now,
4 you know can pretty decide when they need to be there and when they don't.

5 MR. PALMER: Okay.

6 JERRY HUGO: Yeah.

7 MR. PALMER: Is this a recent development? Or is this something that's
8 been in place as long as you've been involved with the Fish and Game.

9 JERRY HUGO: I've been an officer for over 20 years and this is how they
10 still run it. Yeah, again it's the element of surprise that's our best key until we get
11 more manpower from the legislature, we're not, we can't be on a shift basis and
12 be out there a regiment exact time period so. It's up to us, and we know. It take a
13 years or two in your patrol area. And you know when you need to be there and
14 when you don't need to be.

15 MR. PALMER: Okay. Regarding your social contacts with Mark and
16 Julie. Would it be fair to say you've been to their home three times?

17 JERRY HUGO: Yeah, and you'd be more than welcome to look at here
18 these uh the times I recall being in contact with them. To their home? Yeah,
19 probably three or four times I could look exactly here. Once after golfing, once
20 after, once at Thanksgiving. Went at their house after a banquet. So it looks like
21 four times.

22 MR. PALMER: Four times?

23 JERRY HUGO: Yeah.

1 DAVE OVERMAN: Uh we do. My wife and I have a daughter the day
2 after Mark and Julie. That Brielle was born. Brielle was born on the 23rd, our
3 daughter was born on the 24th.

4 MR. SMITH: And have you seen Mark and Brielle together?

5 DAVE OVERMAN: I have. On a several occasions.

6 MR. SMITH: What kind of occasions?

7 DAVE OVERMAN: Um, Mark's had her at the regional office in Coeur
8 d'Alene. When he had to come in and process paperwork, he brought her with
9 him. I do the same things with my daughter. Take our, both of our daughters have
10 gone with us on boat rides on the lake. (inaudible). They get along really well
11 together in fact. My mother and father and law live in Pinehurst, and Brielle and
12 Jayden have a bedroom at my in-laws house.

13 MR. SMITH: So Brielle spent some time at your in-law's house?

14 DAVE OVERMAN: Yeah, she does.

15 MR. SMITH: And have you seen the Bowen Family all together. Mark,
16 Julie, and Brielle?

17 DAVE OVERMAN: Uh, I haven't had a lot of time with them interacting
18 at all. Like only in their house, while Mark and Julie were married. And I don't
19 take my work to another house another officer's home, or try not to. So to
20 actually go there.

21 MR. SMITH: Uh.

22 DAVE OVERMAN: Only a couple times.

23

1 MR SMITH: And have you seen him interact with these other children
2 that as well as Brielle?

3 JERRY HUGO: Yeah

4 MR SMITH: When was that?

5 JERRY HUGO: Well, Thanksgiving for sure. And I think that was the
6 last time we had dinner over there. Brielle was crawling around on the floor.
7 They had some concerns that she was going to fall down the stairs and had a
8 barrier up there. And Mark just kept chasing her while we were visiting. There
9 was two or three couples, three couples in the front room and we were just
10 visiting. And Mark was interacting mostly with them. I've had some interaction
11 with Danielle, a fair amount with Braylen, and Mark and over the years. And not
12 much with Marquel. Playing a little bit of basketball with him outside there.
13 That's about it.

14 MR SMITH: Has Mark brought Braylen on drive alongs at work?

15 JERRY HUGO: Yeah. When we have specific non enforcement type of
16 patrols, where he could come out with us on snow machine patrols. He went with
17 us on that. And actually got to see wolves. He was pretty excited about that.
18 And we went on an ATV trip once. And then had to hike the rest of the way into
19 some high mountain lakes and patrol for checking for licenses on fisherman. And
20 that's about it. I've never never have seen out in the fall for enforcement
21 situations.

22 MR SMITH: Were those trips where Braylen was there, were those trips
23 that the department encouraged the family to go?

1 JERRY HUGO: Yeah, I mean, supervisors want us to maintain safety at
2 all times and I think they also know when it's prudent to when not to bring family
3 members. Often times we'll float the river, and we'll take our kids. I used to take
4 my daughters all the time. We kinda know when it's a safety concern and when
5 it's not. It helps to maintain that bond with your kids to take them out in the
6 words and be a part of the experience out there. We work a lot so we take every
7 opportunity we can to have our kids along with us on, seeing wild life, you name
8 it, I could a hundred things that we do with our children (inaudible).

9 MR SMITH: You're job, are you a field officer?

10 JERRY HUGO: That's correct yes.

11 MR SMITH: Same as Mark?

12 JERRY HUGO: Same as Mark.

13 MR SMITH: And do you have to work on the computer to do your job.

14 JERRY HUGO: Mm hmm.

15 MR SMITH: How much time?

16 JERRY HUGO: Uh unfortunately more and more. As time goes on. Uh,
17 probably well it depends on the time of year. When you have high emphasis
18 times of year, the fall, big fishing season, portions of the year. The spring, bear
19 and turkey open, where you're out in the field but, and you have regularly do time
20 and time accounting and a bunch of other things. But there's off times of year
21 that you have to be in there a lot doing paperwork of all kinds. There's more
22 administrative and report writing. It can account for an entire week. Actually put
23 an entire week in your office just working on the computer. I don't like to do

1 JERRY HUGO: That's the high point of the year.

2 MR PALMER: Okay (inaudible).

3 JERRY HUGO: Well it's it's an accrued thing so at the highest point,
4 which is usually right after hunting season, right now, you'd probably get around
5 a hundred hours of overtime.

6 MR PALMER: Is that per month?

7 JERRY HUGO: No.

8 MR PALMER: Per.

9 JERRY HUGO: Through the full calendar year. If you started in January
10 and went clear through.

11 MR PALMER: In 12 months you're maybe getting a hundred hours of
12 overtime correct? In a 12 month period.

13 JERRY HUGO: Yes, by the time December 1, most of the off season
14 times.

15 MR PALMER: And in the past that's got as high as over three hundred.

16 JERRY HUGO: Yeah we used to work a lot. That's why we take our kids
17 with us a lot so we can actually spend time with them and be with them in the
18 field. So we can enjoy.

19 MR PALMER: Thanks, no further questions.

20 JUDGE FRIEDLANDER: Mr. Smith?

21 MR SMITH: Mr. Hugo. You're talking about your time correct?

22 JERRY HUGO: My time correct.

23 MR SMITH: Right.