

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
 AT Wrangell

COMPLAINT

Related Search Warrant(s): 1KE-24-167SW

| | | |
|--|--|------------|
| State of Alaska, | | |
| Plaintiff, | | |
| VS. | | |
| David Alan Vest | | |
| Defendant 1 of 1. | | |
| Date of Birth: 8/20/1976 | AP SIN: 6556000 | |
| Operator License Number: 6556000 | | |
| State: <input checked="" type="checkbox"/> AK <input type="checkbox"/> | CDL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Mailing Address: 82 Higgins Spur | | |
| City: Ketchikan | State: AK | ZIP: 99901 |

1WR-24-00030CR

CASE NO. 1

STATEMENT OF CHARGES:

COUNT I

| Defendant(s) | ATN | CTN | Date Offense | Offense Location |
|---|--|-----|---|------------------|
| David Alan Vest | 117061074 | 001 | 08/16/2024 | Wrangell |
| Statute/Reg/Ordinance (from UOCT) | Offense Title | | Modifier | |
| AS 16.10.055 | Interference with commercial fishing gear | | <input type="checkbox"/> Attempt - AS 11.31.100 <input type="checkbox"/> Solicitation - AS 11.31.110 <input type="checkbox"/> Conspiracy - AS 11.31.120 <input type="checkbox"/> Gang-Related - AS 12.55.137 | |
| Class: Misdemeanor | | | | |
| DV Related: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Motor Vehicle Used in Commission of Offense – AS 28.15.181(a) | | | |
| If Traffic Offense: <input type="checkbox"/> Highway Work Zone <input type="checkbox"/> Traffic Safety Corridor | | | | |
| Commercial Vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, type: <input type="checkbox"/> >26,000 lbs. <input type="checkbox"/> >15 passengers <input type="checkbox"/> Hazardous Materials | | | |

The complainant states that on or about the 2024 summer commercial Dungeness crab season and also specifically on 16th day of August, 2024, at or near Wrangell, David Alan Vest, did unlawfully interfere with commercial fishing gear when he willfully pulled commercial Dungeness crab pots belonging to another commercial fisherman that resulted in an economic loss.

All of which is a misdemeanor offense, being contrary to AS 16.10.055 and against the peace and dignity of the State of Alaska.

COUNT 2

| Defendant(s) | ATN | CTN | Date Offense | Offense Location |
|---|--|-----|---|------------------|
| David Alan Vest | 117061074 | 002 | 08/16/2024 | Wrangell |
| Statute/Reg/Ordinance (from UOCT) | Offense Title | | Modifier | |
| 5 AAC 32.110(1) | Fishing seasons for registration area A | | <input type="checkbox"/> Attempt - AS 11.31.100 <input type="checkbox"/> Solicitation - AS 11.31.110 <input type="checkbox"/> Conspiracy - AS 11.31.120 <input type="checkbox"/> Gang-Related - AS 12.55.137 | |
| Class: Misdemeanor | | | | |
| DV Related: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Motor Vehicle Used in Commission of Offense – AS 28.15.181(a) | | | |
| If Traffic Offense: <input type="checkbox"/> Highway Work Zone <input type="checkbox"/> Traffic Safety Corridor | | | | |
| Commercial Vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, type: <input type="checkbox"/> >26,000 lbs. <input type="checkbox"/> >15 passengers <input type="checkbox"/> Hazardous Materials | | | |

The complainant states that on or about 16th day of August, 2024, at or near Wrangell, David Alan Vest, did unlawfully commercially fish for Dungeness crab during the closed season.

All of which is a misdemeanor offense, being contrary to 5AAC 32.110(1) and against the peace and dignity of the State of Alaska.

COUNT 3

| Defendant(s) | ATN | CTN | Date Offense | Offense Location |
|---|--|-----|---|------------------|
| David Alan Vest | 117061074 | 003 | 08/16/2024 | Wrangell |
| Statute/Reg/Ordinance (from UOCT) | Offense Title | | Modifier | |
| AS 11.46.130(a)(1) | Theft in the second degree | | <input type="checkbox"/> Attempt - AS 11.31.100 <input type="checkbox"/> Solicitation - AS 11.31.110 <input type="checkbox"/> Conspiracy - AS 11.31.120 <input type="checkbox"/> Gang-Related - AS 12.55.137 | |
| Class: Felony | | | | |
| DV Related: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Motor Vehicle Used in Commission of Offense – AS 28.15.181(a) | | | |
| If Traffic Offense: <input type="checkbox"/> Highway Work Zone <input type="checkbox"/> Traffic Safety Corridor | | | | |
| Commercial Vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, type: <input type="checkbox"/> >26,000 lbs. <input type="checkbox"/> >15 passengers <input type="checkbox"/> Hazardous Materials | | | |

The complainant states that on or about 16th day of August, 2024, at or near Wrangell, David Alan Vest, did unlawfully comitt the offense of theft in the second degree when he committed theft as defined in AS 11.46.100 and the value of the property is \$750 or more buy less than \$25,000.

All of which is a Class C Felony offense, being contrary to AS 11.46.130(a)(1) and against the peace and dignity of the State of Alaska.

COUNT 4

| | | | | |
|---|--|-----|---|------------------------|
| Defendant(s) | ATN | CTN | Date Offense | Offense Location |
| David Alan Vest | 117061074 | 004 | 08/16/2024 | Ketchikan and Wrangell |
| Statute/Reg/Ordinance (from UOCT) | Offense Title | | Modifier | |
| AS 11.56.610(a)(1) | Tampering with physical evidence | | <input type="checkbox"/> Attempt - AS 11.31.100 <input type="checkbox"/> Solicitation - AS 11.31.110 <input type="checkbox"/> Conspiracy - AS 11.31.120 <input type="checkbox"/> Gang-Related - AS 12.55.137 | |
| Class: Felony | | | | |
| DV Related: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | <input type="checkbox"/> Motor Vehicle Used in Commission of Offense – AS 28.15.181(a) | | | |
| If Traffic Offense: <input type="checkbox"/> Highway Work Zone <input type="checkbox"/> Traffic Safety Corridor | | | | |
| Commercial Vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No | If Yes, type: <input type="checkbox"/> >26,000 lbs. <input type="checkbox"/> >15 passengers <input type="checkbox"/> Hazardous Materials | | | |

The complainant states that on or about 16th day of August, 2024, at or near Wrangell and Ketchikan, David Alan Vest, did unlawfully commit the offense of Tampering with physical evidence when he removed physical evidence with the intent to impair its verity or availability in an criminal investigation.

All of which is a Class C Felony offense, being contrary to AS 11.56.610(a)(1) and against the peace and dignity of the State of Alaska.

Probable Cause Statement: See Affidavit

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

I certify under penalty of perjury that the foregoing is true.

8/16/2024
Date

Mark Finso
Complainant's Signature

Mark Finso Alaska State Trooper
Type or Print Name and Title

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT Wrangell_____

**AFFIDAVIT by Police Officer
In Support of Complaint**

Related Search Warrant(s): 1KE-24-1675W

| | | | |
|---|-----------------|-------------------|--|
| State of Alaska, | | Plaintiff, | |
| vs. | | | |
| David Alan Vest | | Defendant 1 of 1. | |
| Date of Birth: 8/20/1976 | AP SIN: 6556000 | | |
| Operator License Number: 6556000 | | | |
| State: <input checked="" type="checkbox"/> AK <input type="checkbox"/> CDL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| Mailing Address: 82 Higgins Spur | | | |
| City: Ketchikan | State: AK | ZIP: 99901 | |

1WR-24-00030CR

CASE NO.

| Defendant(s) | ATN | CTN(s) | Date Offense | Offense Location |
|-----------------|-----------|---------|--------------|------------------|
| David Alan Vest | 117061074 | 001-004 | 12/16/2019 | Wrangell |

I, Mark Finses, an Alaska State Trooper

attest to the following and state:

During July and August of 2024, the Alaska Wildlife Troopers received separate complaints from Steven Thomassen, a commercial Dungeness crabber. Thomassen said that he suspected the captain of F/V Silver Surfer of tampering with his commercial Dungeness crab gear by pulling and taking the crab out of the pots. He also said he was missing pots and was suspicious of the captain of the F/V Silver Surfer of possibly stealing them. Thomassen said he fishes with Trilogy pots that have the initials "TJT" welded on one of the weight bars. During Thomassen's second complaint, he offered to leave 13 of his pots in the water in fishing condition for the Troopers to observe. Those pots were left in the area of Stone Island in fishing District 7B. On 8-14-2024 Trooper Kyle Feuge traveled to Stone Island and positioned himself to observe that gear for the time frame from 8-14-2024 to the morning of 8-16-2024. Trooper Feuge could observe several of Thomassen's buoys/pots and several of David Vest's buoys/pots in which he fished from the F/V Silver Surfer. Thomassen's buoys were all red, white, and blue in color and Vest's buoys were orange in color. Commercial Dungeness crab buoys are required to be all the same color configuration for a permit holder per regulation. The fishing season for this location (District 7B) was open from 0800 hours on June 15th to 2359 hours on August 15th. On August 15 at 2235 hours, Trooper Feuge observed the F/V Silver Surfer arrive in the area. He observed Vest and a crewman, later identified as Craig Newman, operating Dungeness crab pots up to the 2359 closure. After the season closed, Trooper Feuge observed Vest and Newman continuing to operate Dungeness crab gear until 0206 hours from the F/V Silver Surfer. At that

time the F/V Silver Surfer departed the area and Trooper Feuge went to his camping tent. After about two hours, Trooper Feuge heard a vessel engine in the area. He observed the F/V Silver Surfer had returned to the area operating Dungeness crab gear. Trooper Feuge observed Vest retrieve one of Thomassen's red, white, and blue buoys on board the F/V Silver Surfer and pull the Dungeness crab pot attached to that buoy up from the bottom and on board his vessel. Trooper Feuge then observed Vest cut the line with a knife near the crab pot, throw the buoy and line back into the water, then attach his own line to pot, and keep it on the deck of the F/V Silver Surfer. This observation was recorded on video. Trooper Feuge also observed Vest retrieve more of his own pots from the F/V Silver Surfer at that time. At 0509 hours, Trooper Feuge informed me that the F/V Silver Surfer was heading in the direction of Ketchikan.

On August 16th at approximately 0840 hours, Trooper Cody Litster arrived on scene to pick up Trooper Feuge and survey Thomassen's pots. Trooper Litster and Feuge were able to find a total of three buoys with line attached that had been cut at the end. Those buoys and lines were retrieved and transported to Ketchikan.

On August 16th at around 0900 hours, I contacted the United States Coast Guard and asked for their assistance by escorting the F/V Silver Surfer to Air Marine Harbor for search and seizure. The USCG responded to Camano Point via their patrol vessel and escorted the F/V Silver Surfer to Air Marine Harbor. While in transit, they video captured Vest on the back deck of the F/V Silver Surfer dump a trash can full of Dungeness crab overboard. The USCG informed Vest not to throw anything else overboard. This act of destroying physical evidence of commercial crabbing and the ability to examine crab by the Troopers is tampering with physical evidence.

On August 16th at around 1145 hours, the F/V Silver Surfer and USCG arrived at Air Marine Harbor. Shortly thereafter I was granted search warrant 1KE-24-167SW to search and seize the F/V Silver Surfer and any commercial Dungeness crab gear. I responded and conducted an interview with Vest and then Newman. Vest said he couldn't get his pots out of the water by the end of the season because the USCG had a hold on his vessel. He said he wasn't allowed to leave the dock, however, decided to go anyways. One of the USCG members on scene verified to me that was true and the F/V Silver Surfer was not allowed to leave the dock in Ketchikan. Vest said he fished in the dark after the closure but could not find all his pots, so he came back to the area at first light and continued to pull his pots today. This demonstrates commercial fishing during the closed season for Dungeness crab. Vest also said he retrieved three of the pots belonging to Thomassen and kept them. He first said they all got caught in the prop of his boat and then decided to keep them anyways. I informed him we had video of him pulling and keeping one pot and then changing the line out to his. Vest admitted this was true. At the same time, Trooper Chadd Yoder inspected a total of six Trilogy pots located on the back deck of the F/V Silver Surfer and placed them on the dock. All six had the initials "TJT" welded onto the weight bars on the bottom of the pots. Vest said he may have caught the other two or three pots in his prop earlier in the season and just decided to keep them. Vest said someone had cut the lines on some of his crab pots, so he didn't have a problem keeping these. The value of one of this style of Trilogy pot is \$300 and the total value of all six is \$1800. This act and total value demonstrate the Theft in the second-degree charge. Operating or pulling and taking the three pots during the middle of the commercial Dungeness crab season demonstrate the Interference with commercial fishing gear charge by Thomassen sustaining the economic loss of that gear and the loss of fishing time with that gear. Pulling and taking the three pots on August 16th demonstrates an economic loss of that gear.

I interviewed Craig Newman immediately after interviewing Vest. Newman said he was the crewmember for Vest. He said he wasn't sure when the season closed for sure but thought it might have been today at midnight and not yesterday. Newman said he handed down coils of line and buoys to Vest after Vest cut the lines and buoys off of Thomassen's pots. He agreed that as a crewman he does what the captain tells him to do and didn't make decisions while on a commercial fishing boat. Newman said Vest is the one that pulls all the gear and measures the crab. He said that he shares the vessel operating responsibility with Vest, however, Vest operates the F/V Silver Surfer from pot to pot when deciding which pots pull. Newman said he often hands the boat hook to Vest as they approach a pot. He said he also operates the boat when it drifts too far away from a pot during the retrieving process. Newman said he did not have a crewmember's license for this year.

The F/V Silver Surfer was seized along with all the crab gear on board. The Dungeness Crab were measured, total numbers documented, and returned to the ocean.

VRA CERTIFICATION. I certify that this document and its attachments do not contain (1) the name of a victim of a sexual offense listed in AS 12.61.140 or (2) a residence or business address or telephone number of a victim of or witness to any crime unless it is an address used to identify the place of the crime or it is an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.

8/16/2024
Date

Mark Finnes
Complainant's Signature

Mark Finnes Alaska State Trooper
Type or Print Name and Title

Subscribed and sworn to or affirmed before me at _____, Alaska, on _____.

(SEAL)

Notary Public or other person authorized to administer oaths.
My commission expires: _____

UNDER AS 09.63.020 A NOTARY IS UNAVAILABLE AND I CERTIFY UNDER PENALTY THAT THE FOREGOING IS TRUE ON THIS 16th DAY OF

August, 2024 IN Ketchikan, ALASKA.

Mark Finnes
Officer's printed name

Mark Finnes
Officer's Signature