

What's a Guy to Do When He Is Attacked By a Six-Point Buck? --- Mr. Gutowski Says He Defended Himself, but This Tale Is More Tangled Than That

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MANISTEE, Mich. -- Five weeks ago, **David Gutowski**, a self-employed painter in this little town, killed a six-point buck with his bare hands and a brown leather belt.

After strangling the white-tailed deer, Mr. Gutowski gutted it and hung it in his garage to skin it. Then a state conservation officer came to confiscate the animal. She explained that Michigan has seasons for killing deer legally with guns or bows-and-arrows. There is no season for garroting deer.

Hearing that angered Mr. Gutowski, 41 years old, a burly man in a crew cut and goatee. He had killed deer before, he told the officer, but never in self-defense. He wanted the head on his wall and the venison in his freezer. "Please don't take that deer," he told the officer. "You don't know what happened."

This was his story: Around noon on Oct. 30, Mr. Gutowski took a break from a painting job and went looking for stray fishing lures along the shore of Manistee Lake. The lake hugs the eastern edge of this town of 6,586 people in Michigan's northern lower peninsula. Mr. Gutowski grew up here and has hunted and fished in the area most of his life.

As he crunched across clam shells on the beach in his paint-flecked tennis shoes, he heard stirring in the brush along the bank. He turned to see a buck staring at him. He tried to scare it away by roaring and stamping his feet, he said, but the deer lowered its head and charged. Mr. Gutowski said he caught it by the antlers and it drove him back into the frigid lake. He hung on, desperate to avoid being gored, as the two spun down the beach and up the bank, past an overturned rowboat and into a clearing littered with driftwood. The buck fell and Mr. Gutowski scissored it between his legs. It squealed and snorted while Mr. Gutowski whacked it with chunks of driftwood and gouged its eye with a branch.

Then, with the antlers in one hand, Mr. Gutowski slipped off his belt, looped it around the deer's neck and pulled. Grunting with exertion, Mr. Gutowski told it, "You're mine."

When the deer seemed dead, Mr. Gutowski let go of his belt and walked toward his Dodge minivan, which was parked several hundred yards away. He said he hadn't gone far when he heard something at his back and wheeled to see the buck moving at him, the belt flapping at its throat. Mr. Gutowski snatched the belt and forced the deer down. He stepped on the belt and yanked so hard that the buckle broke.

Lying nearby was a pair of two-by-fours nailed together. Mr. Gutowski picked them up and swung them down on the buck's head like an ax. "I don't know how many times I hit him," he said. When the animal stopped quivering, he loaded it into his minivan.

There were no witnesses.

That evening, Mr. Gutowski reported the killing to the state Department of Natural Resources. His girlfriend, Lisa Hankins, went to Kmart for a \$14 hunting tag. The buck was hanging in Mr. Gutowski's garage, minus its organs, when DNR field officer Carla Soper arrived. Mr. Gutowski showed her scrapes and bruises on his wrists and a knuckle. He said he had fought for his life. She told him he had every right to defend himself, but no legal right to the deer. It was bow season, but he hadn't used a bow. Mr. Gutowski cut the hanging carcass down with a swipe of his filet knife. Ms. Soper hauled it away in a DNR pickup truck, the belt still cinched around the deer's neck.

The next day, Mr. Gutowski's story shared the front page of the Manistee News Advocate with articles on Halloween and terrorism. Ms. Soper relayed the tale to Lt. Dean Molnar at the DNR's district office in Cadillac. Both officers were skeptical.

Deer in the wild usually flee when humans come near, Lt. Molnar says. If a healthy buck did attack, a man could easily be hurt or killed by a hoof or an antler. "I wouldn't want to have to fight a deer," says the lieutenant, a trim 45-year-old in a gray-and-olive DNR uniform. "They are one powerful animal."

There were possible explanations. The buck was in rut, the weeks-long mating season, and rutting deer "get a little crazy," Lt. Molnar says. Also, an injured or sick animal might defend itself if it felt threatened.

Normally, the DNR would have given the meat to a needy family and forgotten about it. But Lt. Molnar sent Mr. Gutowski's kill for a DNR laboratory examination.

Killing an animal illegally is a misdemeanor in Michigan, punishable by fines and restitution up to \$2,000, loss of hunting privileges, and at least five days in jail. Lt. Molnar didn't think Mr. Gutowski had done anything illegal, but he says "the story was so wild, we wanted to make sure we thoroughly investigated."

Lt. Molnar also was under fire for refusing to give Mr. Gutowski the deer. More than a dozen Manistee folks called the lieutenant to berate him, he says, and Mr. Gutowski told the News Advocate, "I'm going to call my congressman. I have every right to that deer." Big Al's Pizza put up a sign reading, "DNR, give back the deer."

At the Rose Lake Wildlife Disease Laboratory in East Lansing, Dan O'Brien donned coveralls, rubber gloves and knee-high rubber boots to perform the post-mortem. The veterinarian spends most of his time investigating infectious diseases in wild animals. Occasionally the DNR requests a necropsy when poaching is suspected.

Dr. O'Brien X-rayed Mr. Gutowski's deer, then skinned it and carved it into pieces. At 158 pounds, it weighed about 40 pounds less than Mr. Gutowski does. The veterinarian guessed its age at 18 months, based on its baby teeth.

The forensic evidence supported much of Mr. Gutowski's story. The deer's left eye was nearly obliterated. Bleeding in the animal's brain indicated repeated blows to the head. Bruising and bleeding around the neck suggested the animal had been choked. Dr. O'Brien determined the proximate cause of death to be strangulation.

But there was more. X-rays showed that the deer's left hind leg had been broken so badly that the bone had torn through muscle. The right side of the pelvis also was broken, with muscle sheared off the bone. It was the kind of damage typically inflicted by an automobile.

A check with the Manistee police revealed that a deer had been hit the day before Mr. Gutowski's encounter, not far from where he killed the buck. Steven Kott of Manistee had been driving to work when he heard something slam into his pickup. He stopped and saw a deer with antlers struggling off the road, dragging its hind legs. It disappeared into the brush along Manistee Lake. The truck sustained \$1,859 in damage.

Dr. O'Brien's two-page report concluded that the deer probably would have died from the injuries to its hindquarters. It would have had minimal use of its hind legs and been in great pain, the veterinarian says.

Lt. Molnar concluded that Mr. Gutowski's story was essentially true, although he doubted that the deer could have charged. "Maybe it felt like it was cornered and maybe it felt like it was trying to defend itself," he says. "It may have stepped toward him." The lieutenant doesn't believe Mr. Gutowski knew the deer was injured.

Mr. Gutowski says he resents the implication that he took advantage of a wounded animal. "That deer kicked the crap out of me," he says. "He threw me around like I weigh five pounds."

Lt. Molnar issued a "highway kill" permit that lets Mr. Gutowski keep the animal. Only its antlers remain. Mr. Gutowski plans to have them mounted on a plaque with the belt he used to kill the young buck.