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Episode 281: Big Fish
Air Date: August 16, 2024

PHOEBE JUDGE: (As narrator) This episode contains language that may not be suitable for everyone. Please use discretion.

UNNAMED OK, Phoebe talk to Jason. See if you guys can hear each other.

ENGINEER:

PHOEBE JUDGE: Yes, I can hear him. Jason, you can hear me?

JASON I can hear you.

FISCHER:

PHOEBE JUDGE: Good.

JASON Yep.

FISCHER:

PHOEBE JUDGE: Well, Jason, thank you very much for doing this.

JASON Yeah, no problem. Am I always going to be able to hear myself?

FISCHER:

PHOEBE JUDGE: [LAUGHS] Would you rather not?

JASON It's bad enough hearing me once.

FISCHER:

PHOEBE JUDGE: (As narrator) This is Jason Fischer. He runs fishing tournaments on Lake Erie, not far from where he lives, outside of Cleveland.

JASON These are not full-time gigs. These are just kind of part-time, labor of love type deal. I grew up, competitive,

FISCHER: played sports, played some college baseball. So I like to be competitive. And that later on in life, you get old, you get fat, you get washed up, you got to find something else to do.

PHOEBE JUDGE: How old are you?

JASON I'm 39.

FISCHER:

PHOEBE JUDGE: You just called yourself old and fat and you're 30-- I'm 40.

JASON Well, in sports terms, you're not playing real good baseball, football, wrestling when you're 39 years old. You got

FISCHER: to do something else.

PHOEBE JUDGE: But you can hold a rod?

JASON Yeah. Yeah, fishing is pretty low impact on the body.

FISCHER:

PHOEBE JUDGE: (As narrator) The tournaments that Jason Fischer runs are walleye tournaments. He says about 100 teams usually participate. Lake Erie is the best place in the world to fish walleye right now. Lake Erie is the smallest and the shallowest of the Great Lakes.

But it also has the most fish. Warm water and lots of plankton make it a good place for fish like yellow perch, trout, bass, and walleye. Walleye have sharp little teeth. They grow to be between 2 and 3 feet long. And earlier this summer, the Ohio House of Representatives signed a bill naming the walleye the official state fish of Ohio.

JASON FISCHER: Our tournaments are five fish. You can weigh any five fish that you catch. And your team it's a joint five fish, so you bring your five biggest fish to the scales. And at the end of the day, you stack up and see who wins.

PHOEBE JUDGE: And what are the prizes? What are people trying to win?

JASON It's always different.

FISCHER:

PHOEBE JUDGE: \$500, \$5,000?

JASON FISCHER: I would say on average, the winner is going to take home about \$500 to \$8,000. And then the guys always have big fish side pots and overall side pots. So that'll generate another couple thousand as well. So I mean, on an average tournament, if you win and then you win the bonuses along with it, I'd bet you could win probably 15 to 18,000 on a good day.

PHOEBE JUDGE: That's a lot of money.

JASON It's a solid day's work, in my opinion.

FISCHER:

PHOEBE JUDGE: (As narrator) At the end of a tournament on September 30, 2022, Jason was weighing in each team's fish. The winners that day would take home a \$5,000 prize. And the team that had performed the best over the entire season would take home almost \$30,000. Each team entered their five biggest fish to be weighed on a small stage in a parking lot.

Fishing teams were standing around watching, and Jason was emceeding, telling the crowd the weights for each team's fish.

JASON (At tournament) 743. 743. You got-- what is it? 2?

FISCHER:

PHOEBE JUDGE: (As narrator) One of the last teams to weigh in was boat number 12, Jake Runyan and Chase Cominsky.

PHOEBE JUDGE: Were they well-known in the fishing community?

JASON FISCHER: Yeah, these guys had been-- they've been around. They were around a while. They had competed in not only our tournament but other tournaments for years. So the guys knew them. All of our anglers knew them. They had won I want to say the previous two if not three events.

PHOEBE JUDGE: (As narrator) But fishing isn't always about talent. It's luck too.

JASON You know, you can be a good angler. You could be the best angler. But at the end of the day, you still have to catch the fish. And there's a huge variable there. So we could all be in the same spot using the same bait, doing the same thing, but that doesn't mean that the same person is always going to catch the biggest, best fish of the day. So it drew a lot of suspicion.

PHOEBE JUDGE: (As narrator) Jake Runyan went up onto the stage with their five heaviest fish. He put their biggest one on the scale.

JASON And in my head, I'm like, OK, probably 4 to 5 pound fish based on the fish I get to look at every day. And they put the big fish on the scale and it's 7.90, I think. And I'm just sick to my stomach. I'm like, there's no way that's an 8-pound fish.

The whole place-- and I'm not even kidding you-- there's not a single word being said except for, yeah, right. BS. And it was just an awkward silence.

PHOEBE JUDGE: (As narrator) Jake Runyan then put all five of their fish on the scale. Jason announced their team's total weight, 33 pounds, 5 pounds heavier than any other team's catch.

JASON So Jake walks off stage. I'm trying to gather my thoughts as an MC, so to speak, and just wrap up the event because they now won the tournament. They won the team of the year championship.

They would win our season-long big fish title. There's a lot of things that they won on the day, so I'm just trying to do my best with it. And I start to hear some grumblings in the crowd. And I'm like, I have to do something about this.

PHOEBE JUDGE: (As narrator) As Jake started to walk away with the fish, Jason called out to him and asked him to come back to the side of the stage.

JASON He looks at me, and he's like, are you serious? And I'm like, yeah, I have to check them out. So I pull the fish out. **FISCHER:** And I just looked to see if the fish has color, if it looks lively. It might even be alive because these guys all have live wells in their boats. So I take a look at the fish and I'm like, it looks dead, lack of color.

So I put my hands on the fish, and I squeeze the fish. And I instantly with my thumb, I instantly felt that inside one of these fish was just a hard object.

PHOEBE JUDGE: (As narrator) Jason asked someone to get him a knife.

JASON I'm actually slicing these fish open pretty aggressively because I'm pissed. I know exactly what's going on. And **FISCHER:** as soon as I open that fish up, I see these sinkers, these lead weights fall out of this fish.

And right then and there, the reaction is just all emotion. I basically, grab the weight. And I tell everybody, I tell all my anglers that there's weights in the fish.

JASON (At tournament) We got weights in fish!

FISCHER:

MAN 1: There we go!

[ANGRY SHOUTING]

PHOEBE JUDGE: (As narrator) I'm Phoebe Judge. This is *Criminal*.

[ANGRY SHOUTING]

MAN 1: Where'd he go?

[MUSIC PLAYING]

JASON FISCHER: It was essentially like a mob scene. I mean, these guys, it went from silence to just kind of chaos all at the same time.

PHOEBE JUDGE: (As narrator) Inside the fish were lead weights about the size of eggs and also walleye fillets.

JASON FISCHER: (At tournament) A fileted fish. Look it. It's a walleye fillet.

JASON FISCHER: What I think is they probably put the fillets inside the fish to pad the heavy lead weights that they had in there. I mean, a 12-ounce weight if you're holding a fish or feeling a fish, it would be pretty obvious. So I think that the fillets were just padding.

PHOEBE JUDGE: So what had they done, stuffed this stuff down the fish's throat?

JASON FISCHER: Yes, kind of sickening. Still thinking about it, sickening.

PHOEBE JUDGE: What did the team do? What did they do?

JASON FISCHER: Well, Chase ran. He went he went to his truck. And from what I understand, he basically just got in his truck and shut the door and stayed there. He didn't leave. I don't know as if there was people around his truck, or maybe he couldn't back out. I'm not sure I wasn't there.

But Jake just sat there and just the anglers just let out all of their frustrations of the year or years past. Just, cheaters! And it's over. You'll never fish again. And these guys they prided themselves on being the best. And it was a big to-do. And they basically just let it all loose and let Jake know exactly how they felt about him.

MAN 2: (At tournament) Do you have anything to say, Jake?

PHOEBE JUDGE: (As narrator) And then someone called the police.

MAN 1: Call the cops!

MAN 3: Call the cops.

[ANGRY SHOUTING]

[MUSIC PLAYING]

PHOEBE JUDGE: (As narrator) We'll be right back.

In 1984, a man was found shot to death in a boat on the banks of a lake in Grand Prairie, Texas. His name was Danny Ray Davis, and he was about to appear in front of a federal grand jury. He'd been suspected of cheating in a fishing tournament where he'd won \$50,000, and he agreed to testify against several other men who were also believed to have cheated in tournaments across the state.

They were all accused of bringing in big fish from Florida, keeping them in tanks, and then secretly moving them into lakes in floating cages the night before fishing tournaments. The Dallas County Medical examiner's office ruled Danny Ray Davis's death as suicide, but his family believed he was murdered in order to stop him from testifying. Another fisherman who is a witness in the investigation had told police that he feared for his life and that he, quote, "wouldn't live until sundown" if the people in the cheating ring knew that he was cooperating.

A few months later, four men involved in the cheating scheme were convicted in federal court for transporting wildlife across state lines. And later that year, Texas became the first state to criminalize cheating in fishing contests. It became a misdemeanor to cheat or help someone cheat. And if the tournament prize money was worth more than \$10,000, it became a felony.

In the 1970s and '80s, fishing tournaments started offering bigger and bigger prizes. One columnist wrote, "it's gotten too big for its britches." A well-known bass fisherman told a reporter that, quote, "When you get a 100,000 dollar prize, it invites the criminal element in."

PHOEBE JUDGE: How big of a problem is cheating in fishing tournaments?

JASON FISCHER: I don't think it's very big or widespread. This is these guys' names on the line, and they don't want to be booted from the society, essentially. These are all their friends. They fish against the same people weekend after weekend. It's hard competition, but you're not seeing people blatantly cheat.

I do feel that there are rule violations, whether it's carelessness or ignorance or kind of just, well, that rule doesn't really matter, so I'm not going to follow it. But I don't think cheating is widespread.

PHOEBE JUDGE: So when you started running the tournament, you weren't particularly concerned about cheating?

JASON FISCHER: No, actually, I was not concerned with cheating. I did, however, enforce the mandatory polygraph testing.

PHOEBE JUDGE: (As narrator) Polygraph testing in fishing dates back to the mid 1970s. In 1974, the American Bass Fisherman's World Open in Florida, which offered \$100,000 prize, gave polygraph tests to its top 10 finalists. The man who administered the test, named Ben Bennett, said when he heard that a fishing tournament wanted to use his services, "I thought it was some kind of practical joke or something."

He said he was, quote, "sure no one in the business has ever been given such an assignment." He asked each finalist four questions and said that he would definitely know if someone cheated. One finalist said, "I thought it might make me nervous, but it didn't." He added, "It's probably something tournaments need."

Everyone passed. More and more efficient competition started making polygraph tests mandatory. "Those tall fish tales may be over," one article read in 1975. Quote, "Even fishing, in this post-Watergate world, has fallen under the heavy hand of the reformer," said another.

But polygraphs are controversial. Many states don't allow polygraph evidence in court. In 1998, in a Supreme Court ruling, Justice Clarence Thomas wrote, "There is simply no consensus that polygraph evidence is reliable."

And the National Research Council wrote that people can alter their physiological responses during polygraph tests through, quote, "cognitive or physical means." But they're still widely used in fishing tournaments today.

A writer for "Game and Fish" magazine wrote in 2016, "It is believed that polygraph tests help deter cheaters, much as speed checked by radar signs help discourage speeding." Many tournaments, including Jason Fischer's, require that winners pass a polygraph test in order to claim their prize.

PHOEBE JUDGE: Do you have faith in polygraphs?

JASON FISCHER: They're a tool. I do believe that they work. They're obviously not 100% I don't think anything is 100%. But they're a deterrent. These are more on the honor system.

We don't have people in their boats. So we do polygraph as truth verification. So they'll go out there and ask, did you abide by tournament rules? Did you abide by state rules and regulations? Et cetera. Did you catch the fish legally?

And we basically run that off what the anglers want to see. And as of right now, the anglers are with polygraph testing and random testing. They'd like to keep it honest.

PHOEBE JUDGE: (As narrator) The year before Jason Fischer started running one of his tournaments, a winning team was disqualified after failing a polygraph test. It was their third recent tournament win, and they were set to take home more than \$300,000 for the year. The team was made up of Jake Runyan and Chase Cominsky.

After Chase failed a polygraph test, their team was disqualified, and the tournament's prize, an expensive boat, went to the second-place team. Jake told a reporter that they were hiring an attorney and that, quote, "We would never cheat."

JASON FISCHER: I'm fully aware of his failed polygraph at another competition. However, I basically just treat people how I would want to be treated. And without any real proof of what went wrong or what was violated, I still allowed them to fish my events despite the failed polygraph because again, like I said, there's a big difference between violating a rule and blatantly cheating.

PHOEBE JUDGE: (As narrator) But then at that 2022 competition, Jason Fischer found lead weights in Jake Runyan and Chase Cominsky's fish.

JASON FISCHER: Everybody was chirping, call the police. Call the police. So somebody did call the police. And then they basically treated it as a crime scene essentially, videotaped all the fish and the sinkers and they took reports on the whole thing.

PHOEBE JUDGE: (As narrator) Officers from the Ohio Division of Wildlife prepared a report for the Cuyahoga County prosecutor. He told a reporter, "I take all crime seriously, including attempted felony theft at a fishing tournament."

Jake Runyan and Chase Cominsky were indicted on felony and misdemeanor charges of attempted grand theft, possession of criminal tools, unlawful ownership of wild animals, and cheating. In Ohio, cheating is illegal. From bingo to Little League to spelling bees to fishing tournaments, it's a first-degree misdemeanor unless the potential gain is over \$1,000. Then it becomes a felony.

Chase Cominsky and Jake Runyan initially pleaded not guilty but changed their plea minutes before their trial began in March of 2023. In return, prosecutors agreed to drop the criminal tools charge, as well as the attempted grand theft charge.

Both men lost their fishing licenses for up to three years and were forced to forfeit their boat. During their sentencing hearing, both men said they were sorry.

CHASE (In court) I just want to apologize to you, Your Honor. I apologize to my family, my friends, my fishing community.

COMINSKY: I'm so embarrassed, super embarrassed.

PHOEBE JUDGE: (As narrator) The judge in the case said, "at the end of the day, you're convicted felons and cheaters." And he sentenced both men to a year of probation, a \$2,500 fine, and 10 days in jail.

PHOEBE JUDGE: Were you surprised that these guys were given jail time for cheating in a fishing tournament?

JASON Quite frankly, I am surprised. The way things work nowadays, not a lot of people get jail time for crimes other

FISCHER: than violent crimes. There's a lot of serious things. And so to see fishing and basically a cheating story take the headlines here in Cleveland was shocking to me.

I'm glad that the court system and the Division of Wildlife and everybody took notice of how big of a deal this was to these anglers, and they wanted to set a precedence that, hey, we take this seriously, and this is what could happen to you.

Tournament fishing I'm not going to say it makes the world go round, but with Lake Erie being the walleye capital of the world, it's big business. These anglers come from all over. They spend money at our hotels, our gas stations, our restaurants.

The actual park that we were fishing at that day makes a parking fee. If we were to lose tournament fishing, it's taking away a lot, not just within the bait shops and the tackle shops up and down the lake. It's the restaurants. It's the hotels. It's the gas stations which ultimately trickle out and ripple effect into the whole economy of Ohio.

PHOEBE JUDGE: Has this whole thing changed the way that you run your tournaments now?

JASON We cut open the fish at the end of the day. It's almost comedy because these anglers know that they're not going

FISCHER: to find anything in their fish. And they almost want to cut the fish open to prove that they were out there being the best. We do have some metal detectors and things like that. But again, these anglers that do this day in and day out. They know that they're doing it the right way.

PHOEBE JUDGE: Metal detectors. You pass the fish through, and you can tell if something's in its stomach.

JASON [CHUCKLES] It's not like you're walking into the airport with the TSA check. We have the metal detector wands. It

FISCHER: would be kind of cool to have the anglers with that 360 scan you get at the airport to have their fish. But we don't have that kind of a budget.

PHOEBE JUDGE: (As narrator) We'll be right back.

[MUSIC PLAYING]

In 2012, a 29-year-old man won a bass fishing tournament in the UK. He turned in a 13-pound fish and won 800 pounds, more than \$1,000 as his prize.

But then another fisherman noticed something odd about the winning fish. It had unique markings on its head. He'd seen it before, and he said he recognized it from the local aquarium. When he told the tournament organizers, he says they laughed at him.

So the next morning, he went to the aquarium and looked at the tank where he thought he'd seen the fish before. The fish wasn't there. The winner eventually admitted that he'd stolen the fish out of its tank. He pleaded guilty to burglary and fraud charges and was sentenced to 100 hours of community service.

In 2018, two men turned in several bass in a fishing tournament at Lake Powell in Utah that also didn't look quite right.

PHOEBE JUDGE: What was it that seemed suspicious about the fish that this team was turning in?

HAL STOUT: Yeah, the reason the organizers of the tournament called was because when you're dealing with fish all from the same lake, they tend to look fairly similar. I mean, you have fish that are littler and fish that are bigger, but they're usually in about the same body condition as far as fat and skinny goes.

PHOEBE JUDGE: (As narrator) Hal Stout worked as an investigator for the Utah Division of Wildlife Resources for more than 20 years.

HAL STOUT: Fish are an interesting animal because they can grow and then they can shrink depending on their food sources. And so once they've grown large, their head grows with their body. But the head, because it's bony, doesn't shrink. So you end up with sometimes fish with big heads and skinny bodies.

And so the fish at the time at Lake Powell were long and skinny with bigger heads. The fish that were turned in by these individuals were fat fish with little heads. And they just didn't match up physiologically with the fish at Lake Powell.

PHOEBE JUDGE: (As narrator) The tournament organizers also noticed that the fish had bright red fins.

HAL STOUT: Which is not normal. They're usually not red at all.

PHOEBE JUDGE: (As narrator) When Hal Stout arrived at the tournament, he looked at the unusual fish. He then talked with one of the fishermen who had turned them in.

HAL STOUT: I told him that I believed the fish had been held in captivity. The theory behind the red fins was that the fish were stressed for a period of time, which caused the reddening to the fins.

I was thinking that it was likely that the fish had been held in captivity and then transported to Lake Powell. And then probably released into the lake in cages so that they could bring the fish back up. And he flat out denied everything and almost challenged us to try to catch him. He said, there's no way you can prove what you're saying.

And I told him that I thought that there might be a way that we could prove it through the science of stable isotopes.

PHOEBE JUDGE: (As narrator) Stable isotope analysis is used in a lot of different fields. Using an instrument called a mass spectrometer, biologists can measure the types of carbon or nitrogen atoms inside of bones, hair, and teeth to learn more about an animal's migratory patterns or diet.

The FDA has also used stable isotope analysis to detect food fraud like mislabeled wines or diluted maple syrup. And forensic scientists have used the technique to try to identify unknown remains by narrowing down where a person might have lived before their death.

HAL STOUT: And they can, for example, tell that maybe this individual was from the northwestern part of the United States because of the water that the person had been drinking that now is found in molecules in the hair.

PHOEBE JUDGE: (As narrator) Hal Stout had learned about stable isotopes when he was getting his master's degree in forensic science.

HAL STOUT: And my idea was that we might be able to use something similar from the water where the fish had been living to show that water is different than Lake Powell, and it would have stable isotope ratios that are different than fish that live in Lake Powell was the theory. And I didn't know for sure at the time that we could or couldn't, but it was an idea.

PHOEBE JUDGE: So you were kind of bluffing a little bit?

HAL STOUT: I was definitely bluffing at the beginning. But it was based in some science that I knew a little bit about, and I thought that it would be worth a try. And I thought it would sound really good to him and probably help him want to just tell me the truth. But it didn't work that way.

PHOEBE JUDGE: If I had heard we're going to look at the stable isotopes, I think it would have turned me.

HAL STOUT: It would have me too. It would've scared me, I think. But he had ice in his veins.

PHOEBE JUDGE: (As narrator) Hal Stout started asking around, talking to labs about testing the fish.

HAL STOUT: And I also spoke with our fisheries biologists that work for the Utah Division of Wildlife. And they told me some interesting things that they had done with fish otoliths and stable isotopes.

PHOEBE JUDGE: What is an otolith?

HAL STOUT: An otolith it means basically ear rock. And it's a crystal that forms in the inner ear of a fish. And they look just like a kind of a jagged, clear crystal. And they float around in the inner ear of the fish. And it's what gives the fish equilibrium and helps it know how to stay upright.

PHOEBE JUDGE: (As narrator) They decided they could test the otoliths to figure out what body of water the fish came from.

HAL STOUT: We suspected that the area where they would have caught the fish was probably not terribly far away. And so it narrowed down our list of areas that have largemouth bass of that size.

And so one of those places being Quail Creek Lake State Park. And that state park is interesting because when you enter the state park, you check in your boat at the entrance station. And they keep a log of who was on the lake.

And so we went down and got the log for the days preceding the tournament. And we noticed that our suspect and his boat had been on the lake on Thursday in the evening.

PHOEBE JUDGE: (As narrator) Two days before the tournament.

HAL STOUT: So we sampled fish from Quail Lake reservoir, and we had the evidence fish that we had seized. And we also sampled some more fish from Lake Powell, and we sent the otoliths in.

PHOEBE JUDGE: And what did you find?

HAL STOUT: We found that it was a very clear isotopic ratio that delineated the fish from Lake Powell and the fish from Quail Creek reservoir. And we also found that the evidence fish had the same isotopic ratio as the fish from Quail Creek reservoir. And so it ended up being like a 1 in so many billion chance that those fish came from anywhere other than Quail Creek reservoir.

PHOEBE JUDGE: (As narrator) The two men were charged with tampering to influence a contest, unlawful release of wildlife, and captivity of protected wildlife.

HAL STOUT: Once they were faced with the totality of the evidence, they just pled guilty.

PHOEBE JUDGE: (As narrator) They had to pay a fine and do community service. They also temporarily lost their hunting and fishing licenses. It was the first time that anyone had ever been prosecuted in Utah for cheating in a fishing tournament.

HAL STOUT: It is a big deal to transport wildlife illegally. And also, it's basically the same as theft. It may not sound the same, but it's very similar to stealing \$2,500 from someone.

PHOEBE JUDGE: Why do you think people cheat at fishing competitions? I mean, is it just for the money?

HAL STOUT: I think that it's not for the money. I think it's more for the ego and more for the status, because most of these individuals have a fair amount of money. You wouldn't think that they would be throwing everything on the line for \$2,500.

But these particular individuals have been very successful placing in the top three, I believe, in the last eight tournaments that they had entered. And so it was pretty coincidental that they had done so well. We suspected that they probably had done this before.

PHOEBE JUDGE: You must have been kind of proud of yourself. You got to use a little ingenuity.

HAL STOUT: Well, it was fun to put science to work and use something that maybe we hadn't looked at before. Not so much proud of myself, but it was I had fun, I should say that. It was just a really enjoyable case.

[MUSIC PLAYING]

PHOEBE JUDGE: (As narrator) Criminal is created by Lauren Spohrer and me. Nadia Wilson is our senior producer. Katie Bishop is our supervising producer. Our producers are Susannah Roberson, Jackie Sojico, Lilly Clark, Lene Sillesen, and Megan Cunnane.

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PHOEBE JUDGE: (Outside) This is about the third week of fishing, and I've caught nothing. I don't think I would cheat, but once you've been out here for a long time and you're not getting any fish, and you brought one in, that was maybe just a little under the size you were supposed to take, I can see the appeal. I caught a fish. Just kidding.

[LAUGHS]