

**United States District Court
Violation Notice**

(Rev. 1/2020)

Location Code A50	Violation Number W0874955	Officer Name (Print) KUHN	Officer No. SA0817
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YOU ARE CHARGED WITH THE FOLLOWING VIOLATION

Date and Time of Offense (mm/dd/yyyy) 11/29/2022 10:54 AM	Offense Charged <input type="checkbox"/> CFR <input checked="" type="checkbox"/> USC <input type="checkbox"/> State Code 16 U.S. Code § 703(a)
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Place of Offense
DISTRICT OF ARIZONA

Offense Description: Factual Basis for Charge HAZMAT
LAW VIOLATED: 16 U.S.C. 703(a) Migratory Bird Treaty Act (MBTA) It is unlawful at any time, by any means or in any manner, to possess, offer for sale or sell any Migratory bird, any part, nest or egg of any such bird.

DEFENDANT INFORMATION Phone: () -

Last Name DISBROW	First Name DAVID	M.I. W
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Street Address

City BUCKEYE	State AZ	Zip Code 85396	Date of Birth (mm/dd/yyyy) 946
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Drivers License No. 11111111	CDL <input type="checkbox"/>	D.L. State AZ	Social Security No. -6914
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<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Hair GRY	Eyes GRN	Height 511	Weight 250
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VEHICLE	VIN:	CMV <input type="checkbox"/>
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Tag No.	State	Year	Make/Model	PASS <input type="checkbox"/>	Color
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<p>APPEARANCE IS REQUIRED</p> <p>A <input checked="" type="checkbox"/> If Box A is checked, you must appear in court. See instructions.</p> <p>PAY THIS AMOUNT AT www.cvb.uscourts.gov</p>	<p>APPEARANCE IS OPTIONAL</p> <p>B <input type="checkbox"/> If Box B is checked, you must pay the total collateral due or in lieu of payment appear in court. See instructions.</p> <p>\$ Forfeiture Amount + \$30 Processing Fee</p> <p>\$ Total Collateral Due</p>
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YOUR COURT DATE

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address US MAGISTRATE JUDGE ARRAIGNMENTS ONLY 123 N. SAN FRANCISCO STREET FLAGSTAFF, AZ 86001	Date 05/07/2024
	Time 09:00

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or in lieu of appearance pay the total collateral due.

X Defendant Signature

Officer's Copy (Pink)



W0874955

STATEMENT OF PROBABLE CAUSE
(For issuance of an arrest warrant or summons)

I state that on November 29, 2022 while exercising my duties as a law enforcement officer in the _____ District of AZ

See attachment

The foregoing statement is based upon:

- my personal observation my personal investigation
- information supplied to me from my fellow officer's observation
- other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on:

03/06/2024 Kunta Kuhn
Date (mm/dd/yyyy) Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: **Camille D Bibles** Digitally signed by Camille D Bibles
Date: 2024.03.08 15:24:21 -07'00'
Date (mm/dd/yyyy) U.S. Magistrate Judge

HAZMAT = Hazardous material involved in incident; PASS = 9 or more passenger vehicle; CDL = Commercial drivers license; CMV = Commercial vehicle involved in incident

24-04137-MJ-01-PCT-CDB

Violation Number- W0874955
Class B Misdemeanor

STATEMENT OF PROBABLE CAUSE

On or about November 29, 2022, at about 10:54 a.m. in the District of Arizona, the following occurred:

The United States Fish and Wildlife Service (USFWS) received a complaint about an 'Indian' fan made of eagle tail feathers listed for sale on the e-commerce platform eBay. USFWS, SA Lisa Wilson reviewed the auction listing and observed that DAVONNIES was listed under Seller Information with the store link Arizona Importers. The user ID DAVONNIES was registered to David DISBROW with his phone number and location in Buckeye, Arizona 85396. The eBay listing described the item for sale as "Rare Authentic Navajo American Medicine Man Prayer Eagle Feathers Shanto AZ". Under Description it read, "The Importance of Eagle Feathers". And "The eagle is a highly protected bird under U.S. law, but special exceptions are made to allow Native Americans to possess, pass down, gift and acquire eagle feathers within specific conditions". Under Cover (UC) 815 accessed the listing on eBay and e-mail messaged DISBROW. DISBOROW told UC 815 that "Eagle feathers are sacred, if you read up about them and the Native Americans, they are not supposed to be sold outside the tribes...". On November 29, 2022, UC 815 purchased the eagle feather fan from DISBROW for a total price of \$2,371.60. The eagle feather fan was shipped United States Postal Service (USPS) to USFWS address in Chandler, Arizona. USPS, shipping label identified the sender as David DISBROW, XXXXX W La Vista Circle, Buckeye, Arizona 85396. The National Fish and Wildlife Forensics Laboratory (NFWFL), Forensic Scientist (FS), Ariel Woodward conducted a provisional identification/evaluation of the feathers describing the fan as made up of bald eagle (*Haliaeetus leucocephalus*) and golden eagle feathers (*Aquila chrysaetos*).

On January 29, 2024, USFWS, SA Krista Kuhn and SA Robert Fortiz went to DISBROW's home in Buckeye, AZ to conduct an interview. DISBROW told agents that he has an eBay store called Arizona Imports and that he sold the Navajo prayer fan on the eBay site. DISBROW confirmed that the eBay listing said, eagles are a highly protected bird under U.S. law. SA Kuhn asked DISBROW what allows him to sell eagle feathers on a prayer fan? DISBROW replied, " Just that my Grandson is native". DISBROW is not Native American, and he does not have a permit to possess eagle feathers. DISBROW told agents that he thought the feathers on the prayer fan were hawk feathers. DISBOROW later told agents that he wasn't sure if the feathers were eagle or hawk feathers. SA Kuhn told DISBROW that he wrote to the buyer that eagle feathers are sacred and not supposed to be sold outside the tribes. When asked why he sold the prayer fan knowing that he replied, "Because I did". DISBROW said, "She paid for it, so I sent it to her". Agents explained to DISBROW that eagles and hawks are both migratory birds and are protected by the Migratory Bird Treaty Act (MBTA).

On March 6, 2024, USFWS, SA, Kuhn and SA, Fortiz meet DISBROW at Jack in the Box in Phoenix, Arizona. DISBROW confirmed that his eBay store name is Arizona Importers, and his eBay Username is DAVONNIES. SA Kuhn showed DISBROW a picture of his eBay listing of the Navajo medicine man eagle feather prayer fan and asked if the prayer fan in the picture is the prayer fan that he sold on eBay. DISBROW said that it was the prayer fan that he sold. DISBROW explained to agents that he sold the prayer fan because his son asked him to sell the prayer fan and his son didn't have any money at the time. DISBROW is in violation of 16 USC 703(a) MBTA

LAW VIOLATED: 16 U.S.C. 703(a) MBTA, It is unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase , purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or egg of any such bird.

Conclusion

Based on the foregoing, the above-listed suspected was issued citation number W0874955.

The foregoing events occurred in the District of Arizona

The foregoing statement is based upon (check all that apply):

My personal observations

My personal investigation

Information supplied to me from my fellow officer's observations.

Investigation conducted by a fellow officer.

Other (explain above)

Pursuant to 28 U.S.C. § 1746(2), I declare that the foregoing is true and correct to best of my knowledge.

Executed on: 03/06/2024

Date (mm/dd/yyyy)

Krista Kuhn / #817

Officer's Signature/Badge Number

Probable cause has been stated for the issuance of a warrant.

Executed on: _____

Date (mm/dd/yyyy)

**Camille D
Bibles**

Digitally signed by
Camille D Bibles
Date: 2024.03.08
15:25:07 -07'00'

U.S. Magistrate Judge