

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

v.

ELECTRONIC
CRIMINAL COMPLAINT

JASON WILLIAM KUNKEL AND
DONALD JUSTIN DAVIS

CASE NUMBER: 18-04267 MJ-DMF

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

COUNT 1

On or about December 5, 2017, in the District of Arizona, the defendants, Jason William KUNKEL and Donald Justin DAVIS, did knowingly and unlawfully shoot and kill one (1) Mexican gray wolf (*Canis lupus baileyi*), in violation of the Endangered Species Act, Title 16, United States Code, §§ 1538(a)(1)(B), 1538(a)(1)(D), 1538(a)(1)(G); and Title 18, United States Code, § 2.

I further state that I am a sworn law enforcement officer with the U.S. Fish and Wildlife Service, Office of Law Enforcement, and that this Complaint is based on the following facts:


See attached Affidavit incorporated herein.

Continued on an attachment sheet and made a part hereof: ☒ Yes ☐ No

REVIEWED BY: /s/ AUSA Camille D. Bibles

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

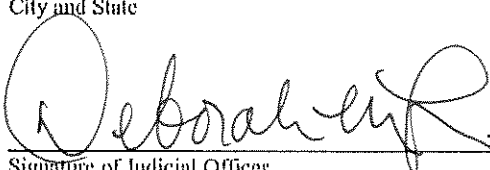
Robert Romero, Special Agent, US F&WS
Complainant's Name and Title


Complainant's Signature
8/16/2018
Date

X Sworn by Telephone

8/16/18 at 3:42 p.m.
Date/Time

DEBORAH M. FINE, U.S. Magistrate Judge
Name & Title of Judicial Office

Flagstaff, Arizona
City and State

Signature of Judicial Officer

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

ELECTRONICALLY-SUBMITTED AFFIDAVIT

I, Robert Romero, being duly sworn, hereby depose and state as follows:

I. INTRODUCTION

1. I am a Special Agent with the United States Department of Interior, Fish and Wildlife Service (“the Service” or “USFWS”), Office of Law Enforcement, and am therefore an “investigative or law enforcement officer...” of the United States within the meaning of Title 16, United States Code, Section 3375. As such, I am a Federal Law Enforcement Officer within the meaning of Rule 41(a), Federal Rules of Criminal Procedure. I have been so employed for nearly twenty-three years. During that time, I have worked as a Special Agent (“SA”) in the Chandler Office of Law Enforcement, Chandler, Arizona. Prior to my employment as a Special Agent with the Service, I served as an USFWS Refuge Operations Specialist within the Division of Refuges, for five years. I also have a Bachelor of Science degree in Wildlife Science from New Mexico State University (1991), and am a graduate of the Criminal Investigator Training Program and the USFWS Special Agent Basic School at the Federal Law Enforcement Training Center (1995). As part of my current duties, I investigate violations of federal criminal laws, including violations of the Migratory Bird Treaty Act, 16 United States Code § 703.

2. I have personally conducted an investigation into this matter, have spoken with other investigators familiar with the investigation, and reviewed their reports. The current criminal investigation has identified two individuals, Jason William Kunkel, a resident of Peoria, Arizona, and Donald Justin Davis, a resident of Phoenix, Arizona, and this affidavit is

submitted to support the filing of criminal charges against Kunkel and Davis. In particular, I have probable cause to believe that Kunkel and Davis unlawfully killed a Mexican gray wolf (*Canis lupus baileyi*) during a public elk hunt in Arizona Game and Fish Department (AGFD), Game Management Unit (GMU) 1, in violation of 16 USC §§ 1538(a)(1)(B), 1538(a)(1)(G), 1538(g), 1540(b)(1) and 18 USC § 2(a).

II. APPLICABLE LAWS

3. The Endangered Species Act, 16 USC § 1538(a)(1)(B), makes it unlawful for any person subject to the jurisdiction of the United States to take any such species within the United States or the territorial sea of the United States.

4. The Endangered Species Act, 16 USC § 1538(a)(1)(G), makes it unlawful for any person subject to the jurisdiction of the United States to violate any regulation pertaining to such species ... of fish or wildlife listed pursuant to section 1533 of this title and promulgated by the Secretary pursuant to authority provided by this chapter. Title 50 Code of Federal Regulations, Section 17.11, lists all species protected under the Endangered Species Act, and identifies Mexican gray wolves in portions of Arizona to be part of an experimental population which is further regulated by Title 50 Code of Federal Regulations, Section 17.84(k). More specifically, Title 50 Code of Federal Regulations, Section 17.84(k)(5), prohibits the take of any Mexican wolf in the experimental population, except as provided in paragraph (k)(7) of this section which is not applicable to this particular instance.

5. The Endangered Species Act, 16 USC § 1538(g), makes it unlawful for any person subject to the jurisdiction of the United States to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this section.

6. The Endangered Species Act, 16 USC § 1540(b)(1), states in part that any person who knowingly violates any provision of this chapter, or of any regulation issued in order to implement subsections (a)(1)(B), (G), and (g) of section 1535 of this title shall, upon conviction, be fined not more than \$50,000 or imprisoned for not more than one year, or both.

7. Principals, 18 USC § 2(a), states that whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

III. STATEMENT OF PROBABLE CAUSE

8. On December 6, 2017, I received information from Arizona Game and Fish Department (AGFD), Wildlife Manager (WM) Sam Williams that an uncollared Mexican gray wolf was reported to have been shot and killed in the Apache-Sitgreaves National Forest during an active bull elk hunt in GMU 1.

9. WM Williams had received a complaint from a reporting party (RP1) who was hunting bull elk in the same GMU who stated that two (2) individuals, identified only as "Jason" and "BJ," had killed a wolf near Dipping Vat Spring (northwest of the junction of Arizona Highways 273 and 261). The RP1 also described a third person in the hunting party who was the father of either "Jason" or "BJ," and provided physical descriptions of all subjects and particulars relative to the vehicles that were parked in the subjects' camp.

10. RP1 told WM Williams that they saw a picture of a dead Mexican gray wolf on a cell phone that belonged to "BJ" which showed the dead wolf in a meadow, and another picture of "Jason" posing with the wolf. According to RP1, "Jason" shot the wolf from a distance of approximately 200 yards.

11. WM Williams described that on December 1, 2017, he had spoken to RP1 who stated that his hunting party/family had observed a Mexican gray wolf that appeared to be stalking young kids in the camp that afternoon. RP1 asked at what point the wolf could be shot. WM Williams said that he explained to RP1 that if the wolf was acting in a manner that constituted an immediate and real threat of human physical harm and/or death that deadly force is authorized, however the incident would have to be reported to AGFD immediately for further investigation.

12. On the same date AGFD Investigator (INV) James Chandler searched the AGFD Sportsman's database and identified two (2) subjects, Jason William Kunkel and Donald Justin Davis, who matched the descriptions provided by the reporting party, and who had each drawn bull elk hunt permits for GMU 1. INV Chandler provided the intelligence to WM Williams who provided the details to your affiant.

13. On the same date, AGFD INV Chandler and WM Williams reported to the intersection of Arizona Highway 261 and Forest Road (FR) 8070I where they met RP1 and a second reporting party (RP2). Both RPs escorted the officers down FR 8070I to two (2) camp sites near the location of the alleged mortality where they recounted the past days' events for the officers.

14. RP1 and RP2 described where they had been camped and where the subjects were camped, a distance of approximately 50 yards. RP2 described the afternoon of December 1, 2017, when a Mexican gray wolf was crouched about 30 yards behind a large log from young kids who played in their camp. RP2 stated that he drove into camp and began to yell at the wolf which he was able to scare away.

15. The RPs stated that they told all occupants of the neighboring (subject) camp about their wolf encounter and that the others were aware of a wolf in the immediate area. Additionally, both RPs said that on December 5, 2017, Kunkel and Davis contacted them to tell the RPs that they had killed the wolf. Both RPs described that they were shown cell phone pictures of a dead wolf, including a picture of KUNKEL posing with the dead animal.

16. According to the RPs, Kunkel and Davis told them that the dead wolf was laying [near a green livestock water drinker a short distance away] in case the RPs were interested in the wolf hide. During this conversation, the RPs advised Kunkel and Davis that they should report the wolf killing to AGFD, however Kunkel and Davis returned to their camp and left the area early the next morning.

17. On the same date, after the RPs left the scene, INV Chandler and WM Williams initiated an investigation of the scene and documented/collected evidence associated with the mortality of the wolf to include a camp fire ring, tire impressions, footwear impressions, blood stained rope, blood samples, a business card, crushed aluminum can, fixed knife blade, blue clothe samples and elk hair.

18. The female wolf carcass was found at the GPS waypoint location of N 33°55.546, W 109°24.931 where it was laying on its left side facing away from Kunkel's and Davis' camp. The wolf had a large blood stain and wound consistent with a high velocity bullet exit on its right upper side just forward of the right hip. A large bloodstain was also documented in the grass approximately 18-26 inches behind the wolf's hind feet.

19. Officers documented snow on top of a bloodstain near the wolf and on the wolf's paws to determine the time of death which was determined to be the morning of December 5, 2017, based on evidence, RPs statements, and local weather patterns.

20. GPS waypoints were used to confirm the distance from the subject's camp to the wolf carcass to be 164 yards.

21. On the same day, USFWS Conservation Law Enforcement Officer (CLEO) Robert Fortiz and I conducted an in-person interview of the RPs. RP1 said that they had met with AGFD officers at the scene earlier that afternoon and provided all details to the officers while they were all in the field.

22. RP1 went on to say that on December 1, 2017, a wolf had been seen "crouched down" about 20-30 yards from his young daughters while they were in their family hunt camp. RP1 described the location of the family hunt camp to be near Dipping Vat Springs. RP1 said they reported the incident to AGFD WM Williams who informed them that if the wolf was an immediate threat to [human] life that it could be killed, and the take had to be immediately reported to AGFD.

23. RP1 said that on December 5, 2017, Kunkel and Davis walked over to the RPs camp and asked if them if they would want [Kunkel and Davis] to kill a wolf if it came into the RP's camp. The reply was "yeah," and Kunkel and Davis said, "Well, we got him." Kunkel and Davis said that the wolf was a "little ways off" when they shot it.

24. RP1 was told by one of the subjects that the wolf was shot from their camp at a distance of approximately 200 yards, and RP1 was shown a cell phone picture of one of the subjects posing with the dead wolf. RP1 was told that the wolf was "right over there" if they

wanted to see it, but RP1 declined and recommended that Kunkel and Davis report the killing to AGFD.

25. The RPs gave Kunkel and Davis an opportunity to report the take the evening/night of December 5, 2017, and tried to re-contact the subjects the following morning to verify if they did, but the subjects had broken camp and had left the scene. The RPs then attempted to find the wolf carcass without success and made the decision to report the take to AGFD.

26. RP1 described Kunkel to be approximately 5'2" tall, 120 lbs. with a goatee who drove a grey, 4-door Dodge pickup truck with a "PSE" sticker on the back window. Davis was described to be over 6'00" tall and thin, and drove a newer 4-door Toyota Tundra with a lift. The older male, determined to be Davis' father, was thought to be a retired Phoenix police officer who lives in Idaho.

27. Both RPs were certain that the animal they had seen near their camp and the one in the cell phone picture shown to them by the subjects was in fact a Mexican gray wolf. Both RPs also confirmed that the wolf did not have a collar.

28. RP1 once again summarized the conversation with the subjects on how the subjects shot the wolf. RP1 was told that Davis asked Kunkel if his gun was loaded. Kunkel said, "No," and Davis told him to go load it. According to RP1, Kunkel asked Davis if he saw an elk nearby, and Davis said, "No, it's a wolf, shoot it." Kunkel then shot the wolf from the subjects' camp.

29. On December 2, 2017, CLEO Fortiz, INV Chandler and I revisited the crime scene at Dipping Vat Spring. INV Chandler described how the scene was processed the previous day

and where all evidence was documented and/or collected. All officers searched and evaluated the crime scene, and I collected two (2) more evidentiary items to include a partial boot lace and a plastic knife before all officers left the scene.

30. On December 28, 2017, I interviewed Jason KUNKEL at his residence, 7526 W. Sweetwater Avenue, Peoria, Arizona 85381, regarding his involvement with the death of a Mexican gray wolf, later identified as wolf #1675, near Dipping Vat Spring on the Apache-Sitgreaves National Forest on December 5, 2017.

31. Kunkel confirmed that he was hunting elk (*Cervus canadensis*) in AGFD GMU 1 by Big Lake with his friend [Donald Justin Davis] and Davis' dad, Don Davis who lives in Wyoming. Kunkel described where he and Davis were camped for their elk hunt and he used maps provided by me to positively identify the camp location adjacent to Dipping Vat Spring.

32. He said that both he and Davis had AGFD licenses and permits to hunt elk, and that Davis was the only one who harvested an elk during the hunt. Kunkel said that Davis harvested his bull elk on Monday (December 4, 2017). According to Kunkel, Davis took his elk to camp that evening to skin it out, and that on Tuesday (December 5, 2017), Davis took the elk carcass to Miller's [Southwestern] Processing in Alpine, Arizona. On Wednesday (December 6, 2017), Davis returned to Miller's [Southwestern] Processing to pick up the elk head. He said that on Tuesday evening (December 5, 2017) the weather changed and it snowed while they were at camp. Kunkel said that he and Davis broke camp and left the area on Wednesday morning (December 6, 2017).

33. Kunkel said that he was new to hunting and had previously only hunted Coue's white-tailed deer (*Odocoileus virginianus couesi*) and Mule deer (*Odocoileus hemionus*).

34. Kunkel said that a wolf had come into camp three times during the time that they were there. He said that the first wolf encounter happened at the neighboring camp on Saturday (December 2, 2017) when he and Davis were out hunting. Kunkel said that someone in the neighboring camp told him and Davis that the wolf was stalking two young girls that were playing in their camp. He said the wolf was chased off and that someone from the neighboring camp reported the incident to the AGFD. He said that one of the occupants of the neighboring camp told Kunkel and Davis that AGFD allegedly let the person know that if the wolf came into camp and was causing harm to "put it down." Kunkel said that the discussion about AGFD was speculative and he was unsure of whether any wolf killing would have to be reported to AGFD.

35. He stated that on a different night (Monday, December 4, 2017), Davis had seen the same wolf in their camp near a tree where Davis' harvested elk head hung. Kunkel said that Davis saw the wolf when he walked around a truck, and the wolf "darted off" immediately. Kunkel said he told the neighboring camp about Davis' encounter with the wolf and stated that they never saw the wolf again from that point.

36. He recounted daily activities and changed his previous statement, and said they all saw the wolf on the day they broke camp and were leaving the area. Kunkel said that when he last saw the wolf, "it was alive." He went on to describe that Davis was leading the caravan out of the camp area, and he called Kunkel on his cell phone to tell Kunkel that he could see the wolf coming into the same area. Kunkel said that he acknowledged Davis' observations and told Davis he saw the wolf too. According to Kunkel they discussed why the wolf kept returning to the area.

37. At this time during the interview, I asked Kunkel to show me pictures of the wolf, because I was completely aware that the wolf was dead and that I was there to investigate an endangered species crime. I advised Kunkel to be truthful when answering questions, and Kunkel then made an admission to killing the wolf, stating, "It came into camp and I shot it."

38. Kunkel said that he and Davis had returned to their camp after an unsuccessful morning elk hunt. Kunkel said that he had put his gun away, and later Davis told him "the wolf is coming through." Kunkel stated that he retrieved his gun and "put [the wolf] down." He said that he thought he could kill the wolf if it came to their camp, and stated, "I'm the one that shot it and put it down there, and that was it." He said that he had not been truthful about killing the wolf beforehand because he was scared about the ramifications.

39. Kunkel said that he estimated the distance of the wolf from his camp to be approximately 150-200 yards, and that when he shot it, the wolf was "not endangering anyone." He described moving past a tree near their campsite and shooting the wolf from a position on the two track road that lead to their camp.

40. He said he knew it was a wolf when he shot it based on everyone's description of the animal. Kunkel stated that he could see the wolf clearly at 150 yards, and he and Davis knew it was a wolf by the way it walked and its tail characteristics. He said that Davis told him that it was the same wolf that Davis had previously seen in their camp.

41. Kunkel said that he was scared after he shot the wolf because that was the first time he had shot at anything alive. He said that he and Davis walked up to the dead wolf and took pictures with the wolf.

42. He stated that he and Davis had a conversation about what to do next after they walked back to their camp. According to Kunkel, he and Davis decided not to report the wolf killing to AGFD, and further agreed not to talk about it with each other nor to anyone else in the future.

43. Kunkel agreed that he knew that by killing the wolf he had committed a crime, and said that after he shot the wolf he knew something would “come back on me.” Kunkel admitted that although he felt that way, he never reported the incident to anyone.

44. He told your affiant that on his drive back home, he thought to himself, “I shot a wolf and something’s gonna happen. Now I wait.” Kunkel further stated that he had mistakenly listened to others who were supposedly told by AGFD that they could kill the wolf if it was in camp, and he knew that when he shot the wolf it was not in camp and it happened to be endangered. Kunkel figured if he called AGFD on his way home that it would already look bad because he had left the scene and he risked going to jail. He said he was also worried about losing his AGFD hunting license as a result of killing the wolf.

45. Kunkel said that Don Davis walked down to the wolf carcass with Kunkel and Davis and shook his head in disappointment. Don Davis asked them both, “What are you guys doing?” Kunkel said the elderly Davis told him and Davis to think about what they needed to do from that point. Don Davis told Kunkel that he could not tell Kunkel what to do, but that Kunkel knew the difference between right and wrong, suggesting that Kunkel report the incident.

46. He said that he and Davis told the neighboring camp that “we put the wolf down,” and someone from the other camp told Kunkel that if he had not killed it, they would have if it

came back. Kunkel said that he was not advised by the other camp to report the incident to AGFD, nor was he advised to get rid of any pictures. According to Kunkel he did not show anyone pictures of the dead wolf, but that he and Davis described where the wolf carcass was left.

47. Kunkel confirmed that the wolf died immediately after he shot it. He said that after he shot and killed the wolf that it took him a while before he wanted to walk down to it. He explained that the situation became awkward when he, Davis and Don Davis walked to the dead wolf. Kunkel said that he felt the most awkward because he was the one who pulled the trigger.

48. Kunkel described the wolf kill site and his shooting position using maps provided by the affiant and said that he used a .30-06 caliber Remington rifle with a scope to shoot the wolf. Kunkel said he shot the wolf one time from a standing position and that Davis picked up the spent shell casing for Kunkel to keep as a memento of his first kill.

49. I obtained written consent from Kunkel to view photos of the dead wolf on Kunkel's Samsung Galaxy Note 8 mobile device. Kunkel showed your affiant a total of five (5) photos, three (3) of which included Kunkel posing with the dead wolf. Kunkel then texted me a total of six (6) photos (one (1) of the photos was mistakenly texted twice).

50. Kunkel agreed to voluntarily surrender his hunting rifle (Remington, Model 770, bolt action, chambered for .30-06 Springfield cartridge, Serial Number M72012356, with 3-9 X 40 scope) to me and retrieved it from his master bedroom closet. The rifle was stored inside a soft-sided rifle case with two (2) magazines containing a total of seven (7) rounds of ammunition.

51. Kunkel searched his personal hunting gear and multiple clothing drawers in his master bedroom for the spent shell casing, however he could not find it. Kunkel said he would continue to look for the casing and notify me if he found it.

52. I explained how the investigation/prosecution would proceed and provided Kunkel with copies of the Consent to Search and Property Receipt forms that Kunkel and I both signed, then concluded the interview.

53. On the same day, Service SA Tony Vowell conducted a field interview of Donald Justin Davis at his residence, 4041 East Cholla Canyon Drive, Phoenix, Arizona 85044, in reference to the unlawful take wolf #1675.

54. Davis confirmed that he and Kunkel were both licensed by AGFD in GMU 1 for a bull elk hunt from December 1 – December 7, 2017, and that he had harvested an elk during the hunt. Davis used maps provided by SA Vowell to mark the location of their camp and a neighboring camp near Dipping Vat Spring.

55. When asked if they had problems with any predators coming into their camp, Davis said that the neighboring camp had complained about a wolf coming into that camp. He said that he had not seen a wolf from his camp, and explained that the wolf that was seen by the neighboring camp had been within ten feet of two young girls playing in their camp.

56. Davis stated that he and Kunkel had seen several wolves during their hunt, and that because he was an avid outdoorsman, he was able to identify wolves from coyotes (*Canis latrans*). Davis described that wolves were bigger than coyotes and that wolf ears were shaped a little different and larger than coyote ears. According to Davis, none of the wolves he saw

during his elk hunt were collared, and neither he nor Kunkel had any safety concerns with the wolf that was reported to be near their campsite.

57. Davis denied having shot and killed wolf #1675, and stated that he believed Kunkel killed the wolf. Davis indicated that he had stepped away from camp and did not observe Kunkel shoot the wolf. Davis said that he heard the gunshot, and after returning to camp, Kunkel excitedly told Davis that he killed the wolf and they proceeded to approach the dead wolf.

58. Davis said that he was familiar with the reintroduction of Mexican gray wolves and that he knew that shooting and killing of wolves in Arizona was different than in Idaho where they can be hunted. He said that he did not believe that Mexican gray wolves could be hunted in Arizona. Davis was aware that wolves in Arizona were listed as endangered species at one time, but that he was not sure of their current status. He further agreed that the wolves could not be killed unless the wolf was an immediate threat to human life.

59. Davis described the rifle used by Kunkel to kill the wolf as a Remington, .30-06 caliber rifle with a scope, and said that the wolf was killed at a distance of approximately 50 yards as the wolf was approaching their camp. Davis repeated that he was not with Kunkel when he shot the wolf, and further stated that they never had a conversation as to whether to shoot the wolf if they felt their lives were in danger.

60. Davis said that his father, Don Nelson Davis, used Kunkel's phone to take "trophy" pictures of Kunkel with the dead wolf. Davis then used a map provided by SA Vowell to mark the location of the dead wolf. SA Vowell subsequently concluded the interview.

61. On January 8, 2018, Davis was re-interviewed SA Vowell and I after he voluntarily made a request on January 2, 2018, to speak with SA Vowell. The second interview took place at Davis' residence which your affiant described in paragraph 54 of this affidavit.

62. Davis provided new details relative to the killing of wolf #1675 by Kunkel. He said that on December 5, 2017, after he, Kunkel and Don Davis returned to camp from a trip to the meat processor, there was a group discussion as to whether or not to break camp and leave the area based on the fact that it began to snow. Davis said that he left the campsite briefly, and when he walked back he saw a wolf near the green water tank (associated with Dipping Vat Spring).

63. According to Davis, he and Kunkel made noise but the wolf continued to approach their camp. At that time, Davis asked Kunkel if Kunkel's rifle was loaded and where the magazine for the rifle was. Davis then retrieved Kunkel's rifle with magazine from Davis' truck and handed it to Kunkel.

64. At the time Kunkel had his rifle aimed in on the wolf, Davis was not concerned for his safety. Davis said that Kunkel asked Davis and Don Davis if he (Kunkel) should shoot the wolf, and that the Davis' said it was up to Kunkel to make that decision. Kunkel then proceeded to shoot and kill the wolf.

65. Davis said he congratulated Kunkel by shaking his hand, and the three of them approached the dead animal where pictures of Kunkel with the wolf were taken. Davis stated that Kunkel was the only person who touched the wolf, and when they asked Kunkel what he wanted to do with the wolf, Kunkel said that he wanted to leave it where it was.

66. Davis said that prior to Kunkel shooting, he and Kunkel both knew that the animal was Mexican gray wolf. Furthermore, Davis had informed Kunkel well before Kunkel killed wolf #1675 that Mexican gray wolves were, in fact, endangered species.

67. Davis said that Kunkel showed the neighboring campers the pictures of the dead wolf approximately 1-4 hours after Kunkel killed the wolf and only after the occupants returned to their camp previously unoccupied camp. Davis said the other campers were congratulatory towards Kunkel and did not mention anything about reporting the wolf killing to anyone. Davis also stated that the others did not object to the killing of the wolf.


68. Davis told your affiant and SA Vowell that he knew it was wrong for Kunkel to kill the wolf and said that he did not report the killing to authorities because he felt that that was Kunkel's responsibility. Agents explained the ramifications of Endangered Species Act violations and concluded the interview with Davis.

69. On February 13, 2018, your affiant received final forensic examination reports from the National Fish and Wildlife Forensics Laboratory in Ashland, Oregon that confirmed that the animal shot and killed by Kunkel was a Mexican gray wolf, and that the cause of death was from a gunshot.

70. Based on the foregoing, I have probable cause to believe that on or about December 5, 2017, in the District of Arizona, Jason William Kunkel and Donald Justin Davis did unlawfully kill a Mexican gray wolf (*Canis lupus baileyi*) in violation of the Endangered Species Act, 16 USC §§ 1538(a)(1)(B), 1538(a)(1)(G), 1538(g), 1540(b)(1) and Principals, 18 USC § 2(a).


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

8/16/2018
Executed on (Date)


Robert Romero, Special Agent
U.S. Department of Interior,
Fish and Wildlife Service

X Sworn by Telephone

Date/Time: 8/16/18 at 3:42 p.m.


Deborah M. Fine
United States Magistrate Judge