

**A F F I D A V I T**

I, AKIL DAVIS, being duly sworn, hereby state as follows:

**INTRODUCTION**

1. I am a Special Agent ("SA") with the Federal Bureau of Investigation ("FBI") and have been employed by the FBI since January 2005. Prior to my employment with the FBI, I worked as a Police Detective for the Scottsdale Police Department in Scottsdale, Arizona, and I currently possess over nine years of law enforcement experience. Among my responsibilities is the enforcement of federal criminal statutes involving False Claims About Receipt of Military Medals pursuant to 18 U.S.C. § 704.

**PURPOSE OF AFFIDAVIT**

2. This affidavit is made in support of an application for a warrant to search the premises located at 2400 E. Powell Road, Palm Springs, California 92263 ("SUBJECT PREMISES") for evidence of violations of 18 U.S.C. § 704(b) and (d), False Claims About Receipt of Military Medals, including the Navy Cross.

3. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from various witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

**PREMISES TO BE SEARCHED**

4. The premises to be searched is identified in Attachment A and as follows:

The SUBJECT PREMISES is a single story, single family residence, tan in color, with white trim, and a reddish tile roof. The SUBJECT PREMISES is defined to include all the residence's appurtenances, as well as other outbuildings on the same property. The SUBJECT PREMISES is located on the north side of Powell Road in the city of Palm Springs, California. There appears to be a garage attached to the western portion of the residence. The garage has a white, wooden door. The numbers "2400" are located just above and to the right of the garage door. The numbers are dark in color and contrast with the white trim, to which they are affixed. There is a white mail box in front of the residence, near the curb. The front yard has a flag pole in the center of the lawn.

**ITEMS TO BE SEIZED:**

5. Based on the foregoing, I respectfully submit that there is probable cause to believe that the following items, which constitute evidence of violations of 18 U.S.C. § 704, False Claims About Receipt of Military Medals, will be found at the SUBJECT PREMISES:

a. Invoices, billings, notes, records, documents, programs, applications, photographs, writings, recordings, or

other materials indicating the purchase, receipt, wearing, solicitation, shipping, importing, exporting, certification, manufacture, sale, advertisement for sale, or attempted purchase of, or the trading, bartering, or exchange for anything of value for, service medals or badges awarded to the members of the United States military, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, or any other military accouterments.

b. Employment records, professional resumes, letters, awards, decorations, badges, medals, uniforms and other indicia of service in the United States military.

c. Employment records, professional resumes, letters, depicting certificates, or other military degrees.

d. Address records, day planners, telephone address books, calendars, mail matter, invoices, billings, and similar other documents tending to establish occupancy and/or control of the SUBJECT PREMISES.

**STATEMENT OF PROBABLE CAUSE**

6. The Navy Cross is the highest medal that can be awarded by the United States Department of the Navy and the second highest award given for valor, second only to the Medal of Honor. It is generally awarded for extreme gallantry and risk of life, beyond the call of duty, performed in combat with an enemy force. Title 10, United States Code, section 6242 provides, in pertinent part:

The President may award a Navy cross of appropriate

design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Navy or Marine Corps, distinguishes himself by extraordinary heroism not justifying the award of a medal of honor –

- (1) while engaged in an action against an enemy of the United States; [or]
- (2) while engaged in military operations involving conflict with an opposing foreign force[.]

7. On June 15, 2009, United States Navy Commander Colleen Solanga contacted FBI SA Mike Sanborn concerning a person possessing, wearing, and displaying several military awards and medals, including the Navy Cross.

8. Commander Solanga indicated that, earlier in the year, she had attended her high school reunion and noticed STEVEN BURTON ("BURTON") wearing a United States Marine Corps ("USMC") uniform displaying the Navy Cross and other awards and medals such as the Bronze Star and the Purple Heart. (The Bronze Star is awarded for heroic or meritorious achievement or service. The Purple Heart is awarded for being wounded or killed in action against an enemy of the United States.) BURTON's uniform also displayed the rank of Lieutenant Colonel. Suspicious, Commander Solanga approached BURTON and requested to take a photograph with him. Solanga provided the photograph to the FBI. (A redacted copy of this photograph is attached hereto as Exhibit 1.) Following the event, Commander Solanga confirmed with the United States Navy that BURTON had not been awarded the Navy Cross and

that he was not -- and had never been -- a United States Marine or a member of any branch of the United States armed services.

9. I have conducted Internet research concerning BURTON, and I have learned that, during August 2009, BURTON had "blogged" about being a Marine and, as such, receiving many commendations and awards. BURTON also "blogged" about the combat in which he engaged, his service in Afghanistan and Iraq, and, particularly, his combat in Fallujah. BURTON also posted a picture of himself standing on a beach at Coronado Island, California, wearing the dress uniform of the USMC. (A copy of this blog is attached as Exhibit 2.)

10. In the picture included in the blog, Exhibit 2 (an enlargement of which is attached as Exhibit 3), BURTON is wearing the rank of Gunnery Sergeant with the following awards and medals:

- a. Navy Cross;
- b. Legion of Merit;
- c. Navy & Marine Corps Medal;
- d. Bronze Star Purple Heart;
- e. Defense Meritorious Service Medal;
- f. Navy & Marine Corps Commendation Medal;
- g. Combat Action Ribbon;
- h. Navy & Marine Corps Presidential Unit Citation;
- i. Joint Meritorious Unit Award;
- j. Navy Meritorious Unit Commendation;
- k. Navy Sea Service Deployment Ribbon;

- l. Navy & Marine Corps Overseas Service Ribbon;
- m. Presidential Service Badge; and
- n. Office of the Secretary of Defense Identification Badge.

11. Using BURTON's name, date of birth, and Social Security Number, as provided to me by other investigating agents, I confirmed with Naval Criminal Investigative Service ("NCIS") Agent Bruce Rogers that BURTON is not a Marine or otherwise a member of any branch of the United States military. NCIS Agent Rogers also informed me that no person named Steven Burton has been awarded the Navy Cross since prior to September 11, 2001. NCIS Agent Rogers has also informed me that BURTON was not a current active duty or reserve Department of Defense ("DOD") employee.

12. On October 6, 2009, I conducted California Department of Motor Vehicles ("DMV") and California Employment Development Department ("EDD") research concerning BURTON. I learned:

- a. BURTON has a valid drivers license and has reported his residential address as the SUBJECT PREMISES.
- b. BURTON is the registered owner of 2008 Mazda which bears California license plate number 6FMV620 and is registered to BURTON at the SUBJECT PREMISES.
- c. BURTON is currently employed by Rababo Bank, located at 1181 E. Tahquitz Canyon Way, Palm Springs, California 92262.

13. I have conducted surveillance of the SUBJECT PREMISES

and have observed the 2008 Mazda registered to BURTON parked in the driveway of the SUBJECT PREMISES. In addition, at my request, officers of the Palm Springs Police Department contacted BURTON at the SUBJECT PREMISES on October 12, 2009, under the guise of conducting an identity theft investigation in which BURTON was a potential victim. BURTON identified himself to the police officers and indicated that he resided at the SUBJECT PREMISES.

14. FBI SA Mike Sanborn is assigned to the FBI's Washington, D.C., office. Among other duties, SA Sanborn is charged with investigating subjects suspected of violating 18 U.S.C. § 704. In his experience, SA Sanborn has investigated and/or interviewed numerous military impersonators. I spoke with SA Sanborn on the morning of October 22, 2009. SA Sanborn informed me that, in his experience, military impersonators and collectors of military memorabilia and accouterments place great value upon their collections, and that such collections are frequently maintained and stored in the impersonator's residence, buildings appurtenant to the impersonator's residence, or outbuildings on the same property as the impersonator's residence.

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CONCLUSION

15. Based upon the foregoing, I submit that there is probable cause to believe that the SUBJECT PREMISES contains evidence of violations of 18 U.S.C. § for evidence of violations of 18 U.S.C. § 704(b) and (d), False Claims About Receipt of Military Medals.

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AKIL DAVIS  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me  
this \_\_\_\_th day of October 2009.

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THE HONORABLE OSWALD PARADA  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**PREMISES TO BE SEARCHED:**

The premises to be searched is described as follows:  
The SUBJECT PREMISES is a single story, single family residence, tan in color, with white trim, and a reddish tile roof. The SUBJECT PREMISES is defined to include all the residence's appurtenances, as well as other outbuildings on the same property. The SUBJECT PREMISES is located on the north side of Powell Road in the city of Palm Springs, California. There appears to be a garage attached to the western portion of the residence. The garage has a white, wooden door. The numbers "2400" are located just above and to the right of the garage door. The numbers are dark in color and contrast with the white trim, to which they are affixed. There is a white mail box in front of the residence, near the curb. The front yard has a flag pole in the center of the lawn.

**ATTACHMENT B**

**ITEMS TO BE SEIZED:**

The items to be seized are identified as follows:

a. Invoices, billings, notes, records, documents, programs, applications, photographs, writings, recordings, or other materials indicating the purchase, receipt, wearing, solicitation, shipping, importing, exporting, certification, manufacture, sale, advertisement for sale, or attempted purchase of, or the trading, bartering, or exchange for anything of value for, service medals or badges awarded to the members of the United States military, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, or any other military accouterments.

b. Employment records, professional resumes, letters, awards, decorations, badges, medals, uniforms and other indicia of service in the United States military.

c. Employment records, professional resumes, letters, depicting certificates, or other military degrees.

d. Address records, day planners, telephone address books, calendars, mail matter, invoices, billings, and similar other documents tending to establish occupancy and/or control of the SUBJECT PREMISES.