

CRIMINAL COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
MAR 28 2012
CLERK, U.S. DISTRICT COURT
By Deputy

UNITED STATES OF AMERICA
V.
CLAYTON FREDERICK OSBON (1)

NO. 2:12-MJ-22

Complaint for violation of 49 U.S.C. Section 46504

NAME OF JUDGE OR MAGISTRATE	OFFICIAL TITLE	LOCATION
CLINTON E. AVERITTE	U.S. MAGISTRATE JUDGE	AMARILLO, TX

DATE OF OFFENSE	PLACE OF OFFENSE	ADDRESS OF ACCUSED
3/27/2012		

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:
On or about March 27, 2012, in the Amarillo Division of the Northern District of Texas, the defendant, Clayton Frederick Osbon, on an aircraft in the special aircraft jurisdiction of the United States, namely JetBlue Flight 191, departing New York, bound to Las Vegas, Nevada, did knowingly interfere and attempt to interfere with the performance of the duties of a flight crew member and flight attendant of the aircraft, and lessen the ability of the member and attendant to perform those duties, specifically, while the flight was in progress the defendant, who was the pilot of the aircraft, moved through the aircraft and was disruptive and had to be subdued and forcibly restrained from re-entering the cockpit. In violation of 49 U.S.C. § 46504.

BASIS OF COMPLAINANTS CHARGE AGAINST THE ACCUSED:
See Attached Affidavit.

MATERIAL WITNESSES IN RELATION TO THIS CHARGE:
John Whitworth

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.


SIGNATURE OF COMPLAINANT
OFFICIAL TITLE, Special Agent, FBI

Sworn to before me and subscribed in my presence.


SIGNATURE OF U. S. MAGISTRATE JUDGE¹

March 28, 2012
DATE

¹See Federal Rules of Criminal Procedure Rules 3 and 54

Affidavit

2:12-MJ-22

I, John Whitworth, after being duly sworn, depose and state as follows:

1. I have been employed by the Federal Bureau of Investigation (FBI) as a Special Agent since 1996. I am presently assigned to the Amarillo, Texas, office of the FBI. My duties include investigating alleged violations of the laws of the United States, to include Title 49, USC, Section 46504, interference with a flight crew.

2. The statements set forth in this affidavit are true and correct to the best of my knowledge. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from witnesses and other law enforcement officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this investigation. I make this affidavit in support of an arrest warrant for Clayton F. Osbon.

3. On March 27, 2012, I was notified that an aircraft had been diverted to the Amarillo airport. When I arrived at the airport, I observed a JetBlue Airbus A320 sitting on the tarmac. I learned from other law enforcement officials that the aircraft had been diverted to Amarillo and the pilot had been removed from the aircraft.

4. I personally interviewed the first officer (FO), another JetBlue pilot who was initially traveling as a non-revenue passenger, and two of the three flight attendants who worked the flight. According to those witnesses, the flight in question was flight 191 from New York's John F. Kennedy (JFK) Airport to Las Vegas, Nevada. The crew members told me that the captain, Clayton F. Osbon, showed up at JFK later than he should have for the flight and missed the crew briefing. Initially, he did not exhibit any bizarre behavior. As they were climbing out of JFK, Osbon said something to the FO about being evaluated by someone; the FO was not sure what Osbon meant. Osbon talked about his church and needing to "focus". Osbon asked the FO to take the controls and to work the radios. Osbon began talking about religion, but his statements were not coherent. The FO became concerned when Osbon said "things just don't matter". Osbon yelled over the radio to air traffic control and instructed them to be quiet. Osbon turned off the radios in the aircraft and started dimming his monitors. Osbon sternly admonished the FO for trying to talk on the radio. The FO became really worried when Osbon said "we need to take a leap of faith." Osbon started trying to correlate completely unrelated numbers like different radio frequencies, and he talked about sins in Las Vegas. At some point, Osbon told the FO "we're not going to Vegas". Osbon began giving what the FO described as a sermon.

5. Concerned with Osbon's behavior, the FO suggested to Osbon that they invite the off duty non-rev JetBlue captain to the cockpit. Instead, Osbon abruptly left cockpit to go to the forward lavatory. This occurred roughly 3-1/2 hrs into the scheduled five hour flight.

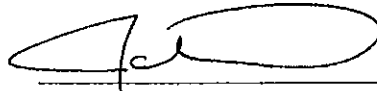
6. Osbon did not follow the company's security protocol when leaving the cockpit, which alarmed the rest of crew. When the flight attendants met with him at the front galley to find out if anything was wrong, Osbon aggressively grabbed a flight attendant's hands. Osbon banged on the lavatory door and told a female passenger who was inside that he needed to go to the bathroom.

7. The FO tasked a flight attendant to bring the non-rev captain to the cockpit while Osbon was in the forward lavatory. The non-rev captain assisted the FO the rest of the flight. Osbon came out of the lavatory and began talking to flight attendants but was not making sense. Osbon mentioned "150 souls on board". Osbon walked to the back of aircraft. On his way, he stopped and asked a male passenger if he had a problem. Osbon sprinted back to the forward galley, and the flight attendants gave chase. The flight attendants had already notified certain passengers they may need their help. Osbon started trying to enter his code in order to re-enter the cockpit, and he banged on the door hard enough that the FO thought he was coming through the door. The FO and non-rev captain locked the cockpit door from the inside. The FO announced over the PA system an order to restrain Osbon. The flight attendants were already trying to stop Osbon from entering his code. Several passengers jumped in to help and brought Osbon down in the forward galley. One female flight attendant suffered bruised ribs during the struggle. According to one of the passengers who assisted, Osbon said "pray fucking now for Jesus Christ". Osbon also yelled jumbled comments about Jesus, September 11th, Iraq, Iran, and terrorists. He also yelled "Guys, push it to full throttle".

8. The FO declared an emergency and diverted the aircraft to Amarillo. The flight attendants elected to have the aircraft land without having the assisting passengers return to their seats, because the flight attendants felt they could not risk letting Osbon get up off the floor. The aircraft landed with passengers still restraining Osbon in the galley.

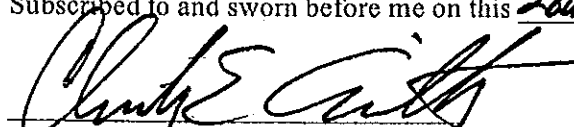
9. The FO, the non-rev captain, and both flight attendants I interviewed all told me that Osbon's actions interfered with their duties.

10. Based on the information set forth in the preceding paragraphs, I have probable cause to believe that Osbon interfered with the duties of the flight crew of JetBlue flight 191 on March 27, 2012.




John Whitworth
Special Agent
Federal Bureau of Investigation

Subscribed to and sworn before me on this 28th day of March, 2012.



THE HONORABLE CLINTON E. AVERITTE
UNITED STATES MAGISTRATE JUDGE



Christy L. Drake
Assistant U.S. Attorney