

FILED

UNITED STATES DISTRICT COURT

for the

2016 SEP 23 AM 8:51

Northern District of Texas

U.S. DEPT. OF JUSTICE  
U.S. DISTRICT COURT  
FILED  
[Signature]

United States of America

v.

Case No.

5-16MJ00053

Jerry Ba Nguyen

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 22, 2016 in the county of Lubbock in the Northern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 49, United States Code, Section 46504	Interference with Flight Crew Members and Attendants

This criminal complaint is based on these facts:  
see attached affidavit in support of complaint.

Continued on the attached sheet.

[Signature]  
Complainant's signature  
Jeff Fleshman, FBI Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: 9/23/14

[Signature]  
Judge's signature

City and state: Lubbock, Texas

William R. Eichman, II, 364th District Court Judge  
Printed name and title

## AFFIDAVIT IN SUPPORT OF COMPLAINT

I, Jeffrey R. Fleshman, Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, being duly sworn, do depose and state as follows:

1. I am a duly appointed Special Agent of the FBI and have been employed as such since October 2005. I am currently assigned to the Dallas Division, Lubbock Resident Agency (RA) of the FBI, where my duties include investigating alleged violations of the laws of the United States, to include Title 49, United States Code, Section 46504, Interference with Flight Crew Members.

2. The statements set forth in this affidavit are true and correct to the best of my knowledge. The information does not necessarily come from my personal observations and investigation, but was primarily obtained from other law enforcement officers and witnesses. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include each and every fact known to law enforcement as a result of our investigation, rather just the facts sufficient to establish there is probable cause for the requested warrant. I make this affidavit in support of an arrest warrant for Jerry Ba Nguyen.

3. On September 22, 2016, I was notified that American Airlines flight number 2542 from Ontario, California, to Dallas/Fort Worth International Airport, Texas, had been diverted to Lubbock Preston Smith International Airport at approximately 5:21 a.m. local time. The flight was diverted due to a disruptive passenger that had forced the Captain to declare an emergency. The passenger was identified as Jerry Ba Nguyen.

4. According to statements from the flight crew, Nguyen came to the attention of one of the flight attendants as the plane was leaving the gate when he informed her that he believed the SIM card had been taken from his phone. Nguyen appeared agitated and began walking towards the front of the aircraft as it was preparing to take off. Flight attendants were able to calm him down initially and the plane was able to depart.

5. After takeoff, Nguyen's erratic behavior continued. Nguyen continued to mumble incoherently about the SIM card being stolen from his phone and began making suicidal statements. Nguyen also made statements that the police were not his friends and the U.S. Government was responsible for the September 11, 2001, terrorist attacks.


6. According to the flight crew, Nguyen's strange ramblings and refusal to remain seated were making other passengers on the plane nervous. Nguyen was asked to remain in his seat by the flight crew on multiple occasions, but refused to comply with their instructions.

7. The flight attendants became so concerned about Nguyen's behavior, they recruited several passengers to assist with physically restraining Nguyen in the event it became necessary.

8. Upon final approach, Nguyen walked to the front of the aircraft and began banging on and kicking the cockpit door. Nguyen was subdued by passengers at the request of the flight crew and then restrained with flex cuffs provided by the flight attendants.

9. The Captain declared an emergency and diverted the flight to Lubbock Preston Smith International Airport, where it landed safely. Upon landing, Nguyen was removed from the aircraft and taken into custody by the Lubbock International Airport Police.

10. Based on my training and experience, and the information provided to me throughout this investigation, I have probable cause to believe that on or about September 22, 2016, in the Lubbock Division of the Northern District of Texas, and elsewhere, Jerry Ba Nguyen, defendant, on an aircraft in the special aircraft jurisdiction of the United States, namely, American Airlines Flight number 2542 departing Ontario, California, and while in flight to Dallas/Fort Worth International Airport, 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 did lessen the ability of the member and attendant to perform those duties, by assaulting and intimidating the flight attendant and flight crew member, specifically the defendant refused to comply with instructions from flight attendants and attempted to forcibly enter the cockpit.



Jeffrey R. Fleshman  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 23<sup>rd</sup> day of September 2016.



WILLIAM R. EICHMAN, II  
364th DISTRICT COURT JUDGE

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for the Northern District of Texas

U.S. DISTRICT COURT [Signature]

United States of America v.

Jerry Ba Nguyen Defendant

Case No. 5-16MJ00053

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay (name of person to be arrested) Jerry Ba Nguyen who is accused of an offense or violation based on the following document filed with the court:

- Indictment, Superseding Indictment, Information, Superseding Information, Complaint, Probation Violation Petition, Supervised Release Violation Petition, Violation Notice, Order of the Court

This offense is briefly described as follows:

On or about September 22, 2016, in the Lubbock Division of the Northern District of Texas, and elsewhere, Jerry Ba Nguyen, defendant, on an aircraft in the special aircraft jurisdiction of the United States, namely, American Airlines Flight number 2542 departing Ontario, California, and while in flight to Dallas/Fort Worth International Airport, 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 did lessen the ability of the member and attendant to perform those duties, by assaulting and intimidating the flight attendant and flight crew member, specifically the defendant refused to comply with instructions from flight attendants and attempted to forcibly enter the cockpit

Date: 9/23/16

[Signature] Issuing officer's signature

City and state: Lubbock, Texas

William R. Eichman, II, 364th District Court Judge Printed name and title

Return

This warrant was received on (date) 09/23/16, and the person was arrested on (date) 09/22/16 at (city and state) Lubbock, Texas.

Date: 09/23/2016

[Signature] Arresting officer's signature

Jepp Fleshman, FBI Special Agent Printed name and title