

United States District Court

DISTRICT OF COLORADO

UNITED STATES OF AMERICA

v.

CHRISTINA ELIZABETH SZELE

Woodside, New York

CRIMINAL COMPLAINT

CASE NUMBER: 08-mj-01117

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

THE U.S. ATTORNEY CHARGES THAT:

COUNT ONE

On or about June 17, 2008, CHRISTINA ELIZABETH SZELE, the defendant herein, in the State and District of Colorado and while on JetBlue Airways Flight 643, an aircraft in the special aircraft jurisdiction of the United States, by assaulting and intimidating Paul Whyte and Dorotea Negoescu, both flight attendants on JetBlue Airways Flight 643, interfered with the performance of the duties of said flight attendants and lessened the flight attendants ability to perform their duties, *ALL IN VIOLATION OF 49 U.S.C. §§ 46506 AND 46504.*

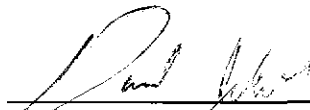
COUNT TWO

On or about June 17, 2008, CHRISTINA ELIZABETH SZELE, the defendant herein, in the State and District of Colorado and while on JetBlue Airways Flight 643, an aircraft in the special aircraft jurisdiction of the United States, committed an act that if committed in the special maritime and territorial jurisdiction of the United States, as defined in section 7 of the title 18 would violate Title 18, United States Code, Section 113(a)(5), to wit: CHRISTINA ELIZABETH SZELE did knowingly assault Paul Whyte,

in violation of Title 49 United States Code, Section 46504, and Title 49 United States Code, Section 46506 and Title 18 United States Code, Section 113(a)(5). I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

See Affidavit attached hereto and herein incorporated by reference

Continued on the attached sheet and made a part hereof: Yes No



Signature of Complainant - S.A. Darryl Jelinek
Federal Bureau of Investigation

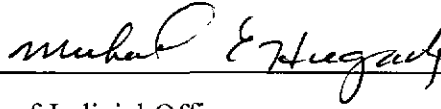
Sworn to before me, and subscribed in my presence

6/18/08 at Denver, Colorado

Date

City and State

Michael E. Hegarty
United States Magistrate Judge
Denver, Colorado



Name and Title of Judicial Officer

Signature of Judicial Officer

ATTACHMENT 2

AFFIDAVIT IN SUPPORT OF COMPLAINT

Your affiant, Special Agent Darryl Jelinek, states that I have been employed with the Federal Bureau of Investigation (FBI) since 2006. Since 2007, I have been assigned to the Rocky Mountain Safe Streets Task Force and the Denver International Airport (DIA) where I investigate Federal crimes which include violations of Title 49 and 18 of the United States Code.

On June 18, 2008, the following information was provided to me by Special Agent Joel E. Nishida of the FBI. Special Agent Nishida has been employed with the FBI in the same capacity since 1988. Since 2001, he has been assigned to the DIA where he also investigates Federal crimes which include violations of Title 49 and Title 18 of the United States Code.

On June 17, 2008, the Transportation Security Administration at the DIA notified Special Agent Nishida that JetBlue Airways flight 643 was diverting to the Denver International Airport due to a passenger caught smoking onboard the flight. This passenger caused a disturbance when confronted about smoking on the flight. Flight 643 was originally scheduled to fly from New York, New York, to San Francisco, California.

Special Agent Nishida responded to the DIA where he conducted interviews, collected written statements, and conducted record checks.

From Special Agent Nishida's interviews and the written statements he collected, I submit there is probable cause to believe that JetBlue Airways passenger Christina Elizabeth Szele, age 35, a resident of Woodside, New York, violated Title 49 United States Code Section 46504, Interference with Flight Crew Members and Attendants and

Title 18 United States Code Section 113(a)(5) and Title 49 United States Code Section 46506, Simple Assault.

Specifically, on June 17, 2008, Szele, while a passenger onboard JetBlue Airways flight 643, smoked at her seat; yelled obscenities and racial epithets; while being restrained for the second time with flex cuffs punched flight attendant Paul Whyte in the left jaw; and interfered with and lessened Whyte's and the cabin crew's ability to perform their flight attendant duties causing the flight to be divert to the DIA.

John Shanahan was interviewed by Special Agent Nishida. Shanahan was the Captain onboard JetBlue Airways flight 643. This flight was scheduled to fly from New York to San Francisco. The flight was an Airbus A320 aircraft bearing United States Aircraft Registration Number N595JB. The flight had a crew of five and 145 passengers.

Shanahan decided to divert his flight to the DIA due to a disruptive passenger later identified as Christina Szele. During about a 30 minute period, the crew told him Szele was caught smoking at her seat. She was moved to the front and a JetBlue Ground Security Coordinator sat next to her. Shanahan was also told Szele tried to get up and swore and yelled. At one point, Shanahan looked at the passenger cabin through his aircraft's closed circuit television system. He saw crew members holding Szele by the arms. When the crew told Shanahan that Szele was still uncontrollable and was scaring the passengers, he took the crew's advice and decided to divert the aircraft. Shanahan diverted the flight when it was about 300 miles east of Denver. Shanahan thought Szele interfered with his flight crew's ability to perform their duties because she was non-compliant and physically and verbally abusive after repeated warnings. The crew devoted their time to her rather than performing their duties.

Paul Whyte was interviewed by Special Agent Nishida. Whyte was a flight attendant onboard flight 643. During the flight to San Francisco, Whyte saw passenger Szele smoking a cigarette while seated in seat 10F. He snatched the cigarette from her mouth and told her she was endangering everyone on the flight. Szele accused Whyte of punching her in the mouth. Whyte did not touch Szele.

Szele sat in an emergency exit row. Whyte told her she for safety reasons, she had to move. Szele was reseated in seat 1A. She began to kick and scream. Whyte then told her because of her actions, she had to be restrained. He placed a pair of flex cuffs on Szele with her hands in front.

While towards the back of the aircraft to gather more information as to what happened, Whyte was told that Szele got out of her flex cuffs. He returned to the front row and tried to get a second pair of flex cuffs on Szele. While doing so, she used a closed fist, possible her right hand, to punch Whyte in the left jaw. Whyte believed Szele intentionally punched him. While Whyte got the flex cuffs on her, Szele used a lot of profanities and racial epithets. She called Whyte a "dumb mother fucker" and said, "You fuckin' nigger." Whyte also felt threatened because Szele said, "I'm going to get you" and she threatened to kill Whyte.

Throughout the rest of the flight, Szele kicked the bulkhead wall in front of her and stomped on the floor.

During his six years as a flight attendant, Whyte never encountered such a disruptive passenger as Szele. Whyte was assaulted by her and felt threatened by her. She interfered with and lessened his ability to perform his duties as a flight attendant; specifically, while he dealt with her, he could not refill other passengers' beverages,

check the passenger cabin by conducting walk throughs, and check the lavatories. Whyte estimated he spent 15 minutes with Szele from the time he took the cigarette from her mouth to the time he placed the second set of flex cuffs on her.

Special Agent Nishida interviewed Naomi Garcia. Garcia was a flight attendant onboard flight 643. During the flight, flight attendant Dorotea Negoescu told her she took a cigarette and a book of matches from Szele while Szele waited to use the lavatory. Later, passengers told the crew that Szele caused a disturbance at her seat. Garcia found Szele nonchalantly smoking at her seat. Whyte took the cigarette from her. Szele jumped up and yelled at him.

Szele was then moved to the front of the aircraft. Whyte placed flex cuffs to secure Szele's hands. Szele later got them off and threw them at Garcia hitting her in the chest. Whyte returned. Szele called Whyte a "nigger," "fuckin' black nigger," and a "black mother fucker." Garcia also saw Szele hit Whyte in the left jaw. At about this time, Garcia began to have an asthma attack. She returned to the back of the aircraft to get her inhaler.

After Szele was secured with a second pair of flex cuffs, she kept rocking back and forth in her seat and swore during the rest of the flight.

During the flight, Garcia served one Szele one vodka drink. She did not think Szele was intoxicated.

Garcia felt it would be an understatement that Szele interfered with the crew's ability to perform their duties. During her six year career as a flight attendant, Garcia never experienced such a disturbance that Szele caused during this flight. She noted the passengers were also afraid of Szele.

In a written statement provided to Special Agent Nishida from passenger David Stone, he wrote, "I was sitting in 11C, one row behind and across from the woman... Later, she returned to her seat and was speaking to herself. I then heard and smelled a match strike. I smelled cigarette smoke, leaned forward and saw the lit cigarette in her hand."

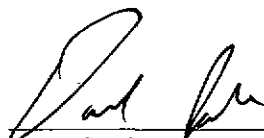
In a written statement provided to Special Agent Nishida from passenger Jason Caron, who was seated in seat 1D, he wrote, "The passenger in question was completely out of line. She was disruptive beyond control. She was putting the plane in danger by thrashing about. The flight attendants thankfully were able to restrain her and keep her from harming other passengers. They did a very good job in keeping order and keeping other passengers safe."

Passenger Christina Elizabeth Szele was interviewed in a holding cell at the Airport Bureau of the Denver Police Department at the DIA. Prior to going to the airport, she drank two beers at home. While onboard flight 643, she was served three vodka drinks by the crew. She has a "high tolerance" with alcohol and felt fine during her interview.

Szele did not remember smoking in her seat onboard the flight. If she did, she had to have been drunk during the flight. She blamed the crew for serving her the three vodka drinks. Szele did not remember hitting anyone. She did not remember hitting a black flight attendant. If she did, he must have hurt her because she is not a violent person. Szele normally curses a lot. She often uses the "F" word. Szele remembered being flex cuffed. She thought she was being abused by the crew. She showed red marks on her wrists that were the result of being flex cuffed.

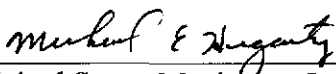
The term "Special Aircraft Jurisdiction" of the United States includes a civil aircraft of the United States or another aircraft in the United States. JetBlue Airways flight 643 was operating as a civil aircraft of the United States or alternatively, another aircraft in the United States during the incident in question. The flight was an Airbus A320 aircraft bearing United States Aircraft Registration Number N595JB which was scheduled to fly from New York to San Francisco with a diversion to Denver. Szele was onboard this aircraft in the "Special Aircraft Jurisdiction" of the United States.

By this affidavit and application, I respectfully request that this Court issue an arrest warrant for Christina Elizabeth Szele.



Darryl Jelinek, Special Agent
Federal Bureau of Investigation

SWORN TO BEFORE ME THIS
18th Day of June 2008



United States Magistrate Judge

(Rev. 04/07)

DATE: June 18, 2008

DEFENDANT: CHRISTINA ELIZABETH SZELE

YOB: 1973

ADDRESS (CITY/STATE): In custody

COMPLAINT FILED? YES NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? YES NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: Count 1: Title 49, United States Code, Section 46504, Interference with flight attendants

Count 2: Title 49 United States Code, Section 46506, Simple Assault (punishable by Title 18, United States Code, Section 113(a)(5))

LOCATION OF OFFENSE (COUNTY/STATE): Denver County, Colorado

PENALTY: Count 1: NMT 20 years imprisonment, NMT \$250,000 fine, or both, \$100 special assessment. NMT 5 years supervised release.

Count 2: NMT 6 months imprisonment, NMT \$10,000 fine, or both, \$25 special assessment. NMT 1 year supervised release.

AGENT: S.A. Darryl Jelinek
Federal Bureau of Investigation

AUTHORIZED BY: Joseph Mackey
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

 X will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** or **is not** applicable to this defendant. **(Circle one)**

OCDETF CASE: Yes X No