

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the District of Colorado

United States of America)
v.)
MUHAMMAD ABU TAHIR)

Case No. 10-mj-01001

Defendant

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 of 01/08/2010 in the county of El Paso in the State and District of Colorado, the defendant violated 49 U. S. C. § 46504, an offense described as follows:

On AirTran Airways Flight 39, an aircraft in the special aircraft jurisdiction of the United States, assault or imitmidate a flight crew member or flight attendant of the aircraft, interfere with the performance of the duties of the member or attendant or lessen the ability of the member or attendant to perform these duties.

This criminal complaint is based on these facts:

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet.

Martin H. Daniell III (signature)
Complainant's signature
Martin H. Daniell III, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: January 11, 2010 at 1:15 p.m. (signature)
Judge's signature

City and state: Denver, Colorado.
MICHAEL J. WATANABE
U.S. MAGISTRATE JUDGE
DISTRICT OF COLORADO

AFFIDAVIT

I, Martin H. Daniell III, Special Agent of the Federal Bureau of Investigation (FBI), Denver Division, being duly sworn, state as follows:

1. I have been employed by the FBI for over 10 years. My duties include investigating violations of Federal law and collecting evidence pertaining to these violations. On January 8, 2010, in my capacity as the FBI's Airport Liaison Agent for Colorado Springs Municipal Airport (COS), I responded to COS with other FBI Agents and Task Force Officers (TFOs) to investigate a crime that had occurred onboard an aircraft in the special aircraft jurisdiction of the United States. Through my own investigation, and that of the aforementioned Agents and TFOs, the following facts were developed:

2. AirTran Airways Flight 39 from Hartsfield-Jackson Atlanta International Airport (ATL) to San Francisco International Airport (SFO) diverted to COS due to the actions of one of the passengers, Muhammad Abu Tahir, who became intoxicated and unruly during the flight.

3. During the flight, Tahir consumed at least five airplane-size bottles of wine he was served by the flight crew attending him. After being served three of these bottles of wine, the flight attendant assisting Tahir refused to serve Tahir any more wine. Tahir became upset and went to the Senior Flight Attendant requesting more wine and the Senior Flight Attendant provided him one more airplane-size bottle of wine. Tahir quickly drank this bottle of wine while still standing in the galley area with the Senior Flight Attendant then Tahir returned to his seat. Once at his seat, Tahir rang his call bell and requested another bottle of wine. When Tahir's request was initially denied, Tahir became increasingly upset and began arguing with the Senior Flight Attendant. Tahir was eventually given a fifth airplane-size bottle of wine, which he drank quickly.

4. Tahir then went to the aircraft lavatory. After a few minutes, the door flew open and Tahir placed his shoes and socks outside the door, and closed the door again. A short time later, Tahir again opened the lavatory door revealing that he was shaving with no shirt on. The flight attendants knocked on the lavatory door advising him other passengers needed to use the lavatory and encouraged him to leave the lavatory. Tahir refused to leave the lavatory and started yelling at the flight attendant that he was being disrespected.

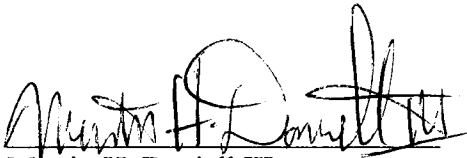
5. The flight attendant notified the Captain and Senior Flight Attendant of Tahir's behavior. The Captain advised the flight attendant to ask an able-bodied person to assist the flight attendants. The flight attendant requested one of the passengers to stand outside the lavatory occupied by Tahir in case the passenger's assistance was needed. Despite the presence of the flight attendant and passenger, Tahir continued yelling at the flight attendant and refused to obey the flight crew. At one point, while attempting to calm Tahir, the Senior Flight Attendant was grabbed on the arms and hands by Tahir. Tahir released his grasp on her after one of the assisting passengers interceded.

6. Based on Tahir's belligerent and aggressive behavior and refusals to comply with the instructions of the flight attendant, a carbon dioxide fire extinguisher was brought to the rear of the aircraft for potential use against Tahir and two beverage carts were repositioned in the cabin - one in the rear of the aircraft to contain Tahir and the other in the front of the aircraft to protect the cockpit. Because of Tahir's actions and behavior, the Captain diverted the flight to Colorado Springs. The aircraft landed while Tahir remained inside the lavatory.

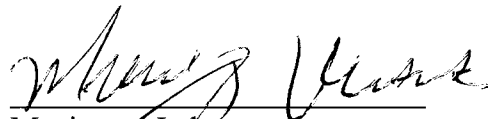
7. Tahir's actions required the flight crew to re-direct their attentions and efforts toward Tahir; thereby interfering with the flight attendants' performance of their duties and lessening the ability of the flight attendants to perform their duties. Following the flight's arrival in Colorado Springs, Tahir was removed from the aircraft and detained by officers from the Colorado Springs Police Department.

8. After being advised of and waiving his *Miranda* rights, Tahir told your affiant that when the flight attendants denied his request for food (which was being served to business class but Tahir was seated in coach class), he thought the flight attendants were being disrespectful to him. Tahir thought he drank six airplane-size bottles of wine. Tahir admitted becoming angry and raising his voice and pointing his finger at the flight attendant but denied touching the flight attendant. Tahir did not believe his actions upset any of the other passengers. Tahir indicated he spent more than two hours in the lavatory.

9. Based upon my investigation to date, I believe Tahir has violated Title 49, U.S. Code, Section 46504, Interference with Flight Crew Members and Attendants.


Martin H. Daniell III
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before
me this 11th day of January, 2010 At 1:15 pm


Magistrate Judge
District Court of Colorado

MICHAEL J. WATANABE
U.S. MAGISTRATE JUDGE
DISTRICT OF COLORADO

DEFENDANT: Muhammad Abu Tahir

YOB: 1963

ADDRESS: El Paso County Jail

COMPLAINT FILED? Yes No

If Yes, MAGISTRATE CASE NUMBER _____

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? Yes No
If No, a new warrant is required

OFFENSE(S): Count One: Interference with Flight Crew, 49 U.S.C. § 46504.

LOCATION OF OFFENSE: El Paso County, Colorado

PENALTY: Count One: NMT 20 years imprisonment, \$250,000 fine, or both; NMT 3 years supervised release; \$100 Special Assessment.

AGENT: Martin Daniell, III
Special Agent, FBI

AUTHORIZED BY: Kasandra R. Carleton
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less

THE GOVERNMENT

will seek detention in this case

The statutory presumption of detention **is not** applicable to this defendant.

OCDETF CASE: Yes No