
**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA : Honorable Madeline Cox Arleo
: :
v. : Mag. No. 12-8140
: :
BAWER AKSAL : **CRIMINAL COMPLAINT**
: :

I, Jason Carley, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about August 20, 2012, in the District of New Jersey and elsewhere, Defendant Bawer Aksal:

in the special aircraft jurisdiction of the United States, did knowingly and intentionally engage in a sexual act, within the meaning of Title 18, United States Code Section 2246(2)(C), with another person while that other person was incapable of appraising the nature of the conduct and physically incapable of declining participation in, and communicating unwillingness to engage in, that sexual act,

in violation of Title 18, United States Code, Sections 2242(2) and Title 49, United States Code, Section 46506.

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 ATTACHMENT A

continued on the attached page and made a part hereof.



Jason Carley, Special Agent
Federal Bureau of Investigation

Sworn to before me and subscribed in my presence,
August 21, 2012 at Newark, New Jersey

THE HONORABLE MADELINE COX ARLEO
UNITED STATES MAGISTRATE JUDGE



Signature of Judicial Officer

ATTACHMENT A

I, Jason Carley, a Special Agent with the Federal Bureau of Investigation, having conducted an investigation and having spoken with other individuals, have knowledge of the following facts. Because this Complaint is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause. All statements included herein are in substance and in part:

1. On or about August 20, 2012, Defendant BAWER AKSAL was a male passenger aboard United Flight 306 (the "Flight"), departing from Phoenix, Arizona at approximately 4:30 p.m. and arriving at Newark Liberty International Airport at approximately 12:00 a.m.

2. Defendant BAWER AKSAL was seated in or around seat 24E (a middle seat) next to a female passenger (the "Victim") who was seated in or around seat 24F (a window seat). Defendant BAWER AKSAL was unknown to the Victim, who was flying unaccompanied.

3. At some point during the Flight, the Victim fell asleep. Sometime thereafter, and while the aircraft was still in flight over the United States, the Victim awoke to find one of Defendant BAWER AKSAL's hands inside her shirt touching her breast and his other hand down her shorts, with his fingers penetrating her vaginal opening and anus.

4. After she woke up, Defendant BAWER AKSAL, who was breathing heavy, whispered to the Victim, "Kiss me." The Victim demanded that Defendant BAWER AKSAL get off of her and slammed down the armrest between them. Defendant BAWER AKSAL removed his hands, sat back in his seat and closed his eyes.

5. The passenger seated in or around seat 24D (the "Aisle Passenger") noticed the commotion and asked the Victim if she needed to get up. The Victim responded affirmatively and walked to the back of the plane with the Aisle Passenger where she reported to a flight crew member what had occurred.

6. After the Flight landed, the Aisle Passenger was interviewed by law enforcement officers. The Aisle Passenger stated, among other things, that he had observed that, while the Victim appeared asleep and motionless, Defendant BAWER AKSAL's arm was under the jacket that was draped across the Victim's legs.

7. Upon landing, law enforcement officers also interviewed Defendant BAWER AKSAL who, after receiving Miranda warnings, admitted to, among other things, penetrating the Victim's vaginal opening with his fingers but claimed the Victim forced his hand into her vagina.