

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 18-182
v.	*	SECTION: "H"
JOEL MICHAEL BANE	*	VIOLATIONS: 49 U.S.C. § 46504
	*	
	*	
	*	

FACTUAL BASIS

If this matter had proceeded to trial, the United States would have proved through the introduction of competent testimony and admissible evidence, the facts below to support the allegations charged by the Government in the Bill of Information now pending against defendant **JOEL MICHAEL BANE** for intimidating and interfering with the duties of flight crew members and flight attendants, in violation of Title 49, United States Code, Section 46504.

On or about October 13, 2017, the defendant, **JOEL MICHAEL BANE** ("BANE"), flew on Southwest Airlines flight number 208 from Chicago, Illinois to New Orleans, Louisiana. During the flight, flight attendant K.B. served **BANE** three alcoholic beverages. Near the end of the flight, **BANE** got up out of his seat, walked towards the front gallery of the airplane, and asked K.B. and another flight attendant, J.H., for another liquor drink. K.B. and

JK
JK
JK

J.H. told **BANE** that the liquor kits were closed for the remainder of the flight. **BANE** became angry and argued with K.B. and J.H. regarding the liquor policy. K.B. told **BANE** to take a seat so that the flight attendants and flight crew could prepare for landing. **BANE** refused to take a seat. K.B. would testify that **BANE** asked K.B. what she was going to do about his refusal to sit.

K.B. called the captain to report **BANE**'s conduct. The captain made an announcement directing all passengers to take their seats "or I'm going to ask security to greet you when we land." The captain repeated, "Sit down right now. We'll handle any customer issues that you may have when we land. Please take your seats now for safety, thank you." K.B. would testify that **BANE** responded, "That captain has no authority over me," and persisted in refusing to sit. A video taken from a cellular telephone captures the captain's announcement and **BANE**'s refusal to sit.

The pilots then called a third flight attendant, N.T., from the flight deck, and asked N.T. if **BANE** was still standing and if he was acting belligerent. N.T. stated that **BANE** was still standing. N.T. then went to the front gallery to try to convince **BANE** to sit. A passenger's cellular phone video depicts several people going up to talk to **BANE**, though the content of their conversation is not audible. J.H. would testify that **BANE** stated that he had served in Iraq and Afghanistan, and the flight crew, including the captain, would be nothing for **BANE** to handle. N.T., J.H., and K.B. would testify that **BANE** threatened to put N.T. "in a body bag."

All of the aforementioned conduct occurred on an aircraft in flight in the special aircraft jurisdiction of the United States.

Eventually, **BANE** took a seat and the plane landed at Louis Armstrong International Airport in New Orleans, Louisiana. A jet bridge operator advised law enforcement that there

was an inebriated passenger on the incoming plane who was being disruptive on the flight. The operator stated that the passenger was large and very muscular and that four or five officers would be needed to remove the passenger from the plane.

When the plane was on the ground, the doors to the plane opened, and Jefferson Parish Sheriff's Office ("JPSO") Deputy Carl Cade and Kenner Levy District Police Captain Vincent Yetta got onto the airplane to escort **BANE** off. **BANE** initially followed the officers towards the exit of the plane, but stopped near the door by the cockpit. Captain Yetta ordered **BANE** to get off the plane, and **BANE** refused, yelling, "Move me!" Captain Yetta attempted to push **BANE** towards the door of the plane, and **BANE** yelled, "You can't push me!" and pushed Captain Yetta into a corner, where a flight attendant was standing. This interaction is captured on video from two different passengers' cellular phones.

Captain Yetta would testify that **BANE** then struck him in the face. Deputy Cade would testify that he attempted to get **BANE** off of Captain Yetta, and **BANE** struck Deputy Cade in the face. Additional officers assisted in removing **BANE** from the aircraft. **BANE** further resisted arrest while on the jet bridge, shouted profanities, and refused orders to get onto the ground and to put his hands behind his back. As a result, officers deployed their Tasers to subdue **BANE**. This resistance is captured on the officers' body camera footage. **BANE** was advised of his rights and taken into custody.

One
JJ
NVC

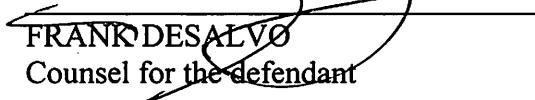
This proffer of evidence is not intended to constitute a complete statement of all facts known to the Government, but rather is a minimum statement of facts intended to prove the necessary factual predicate for the guilty plea. The limited purpose of this proffer is to demonstrate that there exists a sufficient factual and legal basis for **JOEL MICHAEL BANE**'s plea of guilty to the Bill of Information charging him with violating Title 49, United States Code, Section 46504.



MARIA M. CARBONI
Assistant United States Attorney

9/12/2018

Date



FRANK DESALVO
Counsel for the defendant

9/12/18

Date



JOEL MICHAEL BANE
Defendant

9-12-18

Date