



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

PTH:NCG
F. #2021R01005

*271 Cadman Plaza East
Brooklyn, New York 11201*

January 13, 2022

By E-mail

The Honorable Vera M. Scanlon
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, New York 11201

Re: United States v. Nixon et al.
Criminal Docket No. 21-633

Dear Judge Scanlon:

The government respectfully submits this letter in advance of the arraignments on the indictment of defendants Jordan Nixon, Janessa Torres, and Johara Zavala in the above-captioned case, which is scheduled for January 13, 2022, to request that the Court order the bail conditions detailed below. The defendants have been charged in a one-count indictment with assaulting an airline security officer in a jetway at John F. Kennedy International Airport (“JFK Airport”), in violation of Title 49, United States Code, Section 46503. Due to the serious nature of this case, the Court should order the bail conditions set forth below.

I. Background

On September 22, 2021, defendants Jordan Nixon, Janessa Torres, and Johara Zavala arrived at JFK Airport to travel to San Juan, Puerto Rico. Although they were originally scheduled to travel on Delta flight DL639 departing at 8:10 a.m. that morning, their reservation was changed to flight DL806 scheduled to depart at 12:55 p.m. As surveillance videos and receipts from restaurants and bars at JFK Airport show, between at or around 9:00 a.m. and the flight’s scheduled departure at 12:55 p.m., the three defendants ordered approximately nine alcoholic beverages.

The three defendants arrived at Gate B42 towards the end of the boarding process for Delta flight DL806 (the “Flight”). When they arrived at the gate, the gate agent (“Employee-1”) and the secondary gate agent for the Flight (together, the “Gate Agents”) both noticed that Zavala was having difficulty walking and appeared to be disoriented. The

Gate Agents asked the three defendants if Zavala needed assistance, and Torres declined assistance. After speaking with the defendants, Employee-1 could smell the odor of alcohol on Nixon. Nixon was also holding a clear to-go cup filled with an orange beverage, which smelled like alcohol.

Employee-1 notified the Flight crew of the defendants' apparent intoxication, and a member of the Flight crew informed the Captain and the First Officer of the Flight. A member of the Flight crew and the Captain exited the airplane and observed the three defendants; they determined that all three defendants should be denied boarding because they were acting belligerent, one of the defendants was refusing to wear her mask properly, and Zavala was visibly disoriented and possibly intoxicated. A member of the Flight crew requested that the airline ground security officer come to the jetway to assist with removing the defendants because they were not in compliance with Delta policy regarding passenger suitability to fly.

The airline ground security officer ("Employee-2"), accompanied by Employee-1, arrived at the jetway and advised the three defendants that they would not be permitted to board the Flight, but that they would be provided the opportunity to rebook on a later Delta flight the same day. When Employee-2 asked the defendants to leave the jetway, they refused and proceeded to yell and curse at Employee-2. Nixon began to tap on Employee-2's head and removed his radio, which had been clipped on his person. Nixon then struck Employee-2 repeatedly with his radio as he struggled unsuccessfully to regain control of it. When Employee-1 tried to intervene to assist Employee-2, Zavala punched Employee-1 in the face, which caused Employee-1 to return to the gate to request additional assistance. At or around the time that Employee-1 left, Employee-2 fell to the ground, and all three defendants hit and kicked Employee-2 with their feet and fists while he was on the floor. Torres stepped on the head and face of Employee-2, causing his upper lip to bleed. Employee-2 also received blows to the nose, causing bleeding and swelling. When Employee-2 attempted to retreat to gain assistance from the Flight crew, the defendants pulled him back by his vest, tearing the vest apart.

The Flight crew was eventually able to pull Employee-2 behind the glass doors to the jetway, which the Flight crew had to hold shut to prevent further harm to Employee-2. The three defendants continued to scream and strike at the Flight crew as they attempted to hold the doors closed. Employee-1 and Employee-2 were both treated at a hospital for their injuries. Neither Employee-1 nor Employee-2 have returned to work since they were attacked by the defendants.

II. Bail Conditions Are Necessary

Due to the serious nature of this offense, bail conditions are necessary for each of the defendants. Release on personal recognizance or on an unsecured appearance bond would not reasonably assure the defendants' continued appearance and may endanger the safety of others and of the community. Accordingly, the government requests that the Court order the pretrial release of the defendants subject to the combination of conditions set forth below. 18 U.S.C. § 3142(c)(1).

As an initial matter, Nixon and Zavala have shown that they require bail conditions to ensure their appearance. On or about September 22, 2021, the defendants were arrested and arraigned on related state charges arising out of the incident in this case, and they were released on a personal recognizance bond. On January 5, 2022, at the last status conference in the state case (which has since been dismissed), Nixon and Zavala did not appear; only Torres and her attorney appeared. Due to Nixon's and Zavala's failure to appear for a court-ordered status conference, a combination of bail conditions is necessary to assure the defendants' continued appearance.

In addition, the nature of the crime here is serious. Each of the defendants, after being told they were not permitted to board the Flight, violently attacked Employee-2, an airline security officer. Multiple eyewitnesses will testify that the three defendants continued to attack Employee-2, even when others intervened to assist him. Zavala also punched Employee-1 in the face.

Due to the factors above, the government respectfully requests, at a minimum, the following bail conditions with respect to each defendant to reasonably assure their appearance and to protect the safety of others and the community:

1. A \$50,000 bond co-signed by at least one financially responsible suretor;
2. Restrict travel to New York City and Long Island, unless otherwise approved by Pretrial Services.
3. Report to Pretrial Services as directed.
4. Be subject to random home and employment visits.

III. Conclusion

For the foregoing reasons, the above bail conditions should be imposed to reasonably assure the defendants' continued appearance and to ensure the safety of the community.

Respectfully submitted,

BREON PEACE
United States Attorney

By: /s/ Nina C. Gupta
Nina C. Gupta
Assistant U.S. Attorney
(718) 254-6257