

FILED IN OPEN COURT

3-22-2016

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CLERK, U S DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

CASE NO. 3:16-cr-29-J-32JBT

JOSEPH MICHAEL SHARKEY

**NOTICE OF MAXIMUM PENALTY, ELEMENTS OF OFFENSE,
PERSONALIZATION OF ELEMENTS AND FACTUAL BASIS**

COMES NOW the United States of America, by and through the undersigned Assistant United States Attorney, stating as follows:

A. MAXIMUM PENALTIES

The defendant has expressed a desire to enter a plea of guilty to Count One of the Indictment, which charges the defendant with assault on a flight attendant, in violation of 49 U.S.C. § 46504. Count One carries a maximum sentence of up to 20 years imprisonment, a fine of up to \$250,000, or both imprisonment and a fine, a term of supervised release of not more than three years, and a special assessment of \$100. A violation of the terms and conditions of supervised release carries a maximum sentence of not more than two years imprisonment as well as the possibility of an additional term of supervised release.

B. ELEMENTS OF THE OFFENSES

The elements of the offense in Count One, a violation of Title 49, United States Code, Section 46504 are:

- First: The defendant was on an aircraft in flight in the United States;
- Second: The defendant knowingly assaulted or intimidated a flight-crew member or flight attendant of the aircraft; and
- Third: The assault or intimidation interfered with or lessened the ability of the crew member or flight attendant to perform his duties.

C. PERSONALIZATION OF ELEMENTS

1. Do you admit that on January 31, 2016, you were on Jet Blue Flight 715, an aircraft that was in the special aircraft jurisdiction of the United States because it was in flight in the United States?
2. Do you admit that while Jet Blue Flight 715 was in flight, you knowingly assaulted and intimidated R.S., a flight attendant, by disobeying his commands that you stay in your seat, and by kneeling R.S. in the groin?
3. Do you admit that your actions interfered with and lessened the ability of R.S. to perform his duties?

D. FACTUAL BASIS

1. Purpose

The following facts are set forth to aid the Court in making an inquiry to satisfy it that there is a factual basis for the plea of guilty in accordance with Rule 11(f), Fed. R. Crim. P. The government reserves its right to provide all relevant information concerning the defendant and the offenses committed to the Probation Office and the Court for sentencing purposes.

2. Facts

On January 31, 2016, Joseph Michael Sharkey, the defendant herein, was a passenger on Jet Blue Flight 715, which departed Reagan National Airport and flew to Jacksonville International Airport ("JIA"). JIA is located in Duval County, Florida, in the Middle District of Florida. The following incident occurred within the special aircraft jurisdiction of the United States because it occurred while aircraft Jet Blue 715 was in flight in the United States. Approximately 20 minutes prior to landing at JIA, the defendant attempted to place another passenger in a headlock. That passenger was in the seat behind the defendant's seat. The defendant was standing up in the aisle, alongside the other passenger. The defendant's actions intimidated the flight attendant R.S. Flight attendant R.S. grabbed the defendant and freed the other passenger from the headlock. After that had occurred, the defendant was instructed by flight attendant R.S. to take a seat toward the front of the aircraft, and to stay seated. R.S. was one of two flight attendants on duty on Flight 715. After the defendant initiated contact with the other passenger a second time, the other passenger was relocated to a seat toward the rear of the aircraft. Thereafter, when R.S. checked on the defendant, the defendant rose up and said, in substance, that he (the defendant) was going to exit the aircraft, which was still in flight. But R.S. blocked his egress and told him to sit down. The defendant then did not sit down but rather became combative. These actions intimidated R.S. During the altercation, the defendant pulled R.S. by his wrists and kneed R.S. in the groin,

which was painful but did not cause injury. But the defendant's actions cause^d R.S. to fear imminent bodily harm. The other flight attendant and other passengers assisted R.S. in subduing the defendant and placing the defendant in flex cuffs. After that occurred, the defendant was placed back in his seat and belted. Then R.S. repeatedly checked on the defendant at his seat until the flight had landed. During the last 20 minutes of the flight, when these events occurred, the defendant appeared to be obviously intoxicated. After the aircraft landed, the defendant was removed from Flight 715 by airport police, at the request of the captain. The defendant's actions lessened the ability of the flight attendant to perform his assigned duties related to the procedures to be followed by flight attendants prior to landing. During the course of the flight, the defendant had ordered four alcoholic beverages.

Respectfully submitted,

A. LEE BENTLEY, III
United States Attorney

By:

s/



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CERTIFICATE OF SERVICE

I hereby certify that on March 22, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

Susan Good Yazgi, AFPD.

I hereby certify that on March 22, 2016, a true and correct copy of the foregoing document and the notice of electronic filing were sent by United States Mail to the following non-CM/ECF participant(s):

None.

s/ 
DALE R. CAMPION
Assistant United States Attorney