

AO (Rev. 5/85) Criminal
Complaint

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

vs.

CASE NUMBER: 8:18MJ1254 TGW

COLBY ISSAC HILLEARY

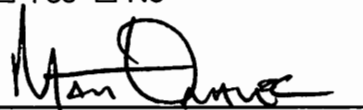
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about March 2, 2018, in the Middle District of Florida, and elsewhere, the defendant, COLBY ISSAC HILLEARY, on an aircraft in the special aircraft jurisdiction of the United States, namely, American Airlines flight #299, bound for Dallas, Texas, from Ft. Lauderdale, Florida, and diverted to and landing in Tampa, Florida, did knowingly interfere, and attempt to interfere, with the performance of the duties of a flight attendant of the aircraft, and lessen the ability of the attendant to perform those duties, by assaulting and intimidating the flight attendant, in violation of Title 49, United States Code, Section 46504.

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 ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: Yes No



Signature of Complainant
Matthew J. Oravec

Sworn to before me and subscribed in my presence,

March 2, 2018

at

Tampa, Florida

THOMAS G. WILSON
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

I, Matthew J. Oravec, a Special Agent with the Federal Bureau of Investigation, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”), duly appointed according to the law and acting as such, and have been employed by the FBI since 1995. As a FBI Special Agent, I am an “investigative or law enforcement officer” within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18.

2. I am currently assigned to the FBI Tampa Division and I primarily investigate violations of federal law occurring at Tampa International Airport.

3. The information in this affidavit is based upon my interview with the victim and my review of relevant reports. I submit this affidavit in support of a criminal complaint for Colby Isaac **Hilleary** for interfering, or attempting to interfere with the performance of the duties of a flight attendant of the aircraft, and lessening the ability of the attendant to perform those duties, by assaulting and intimidating the flight attendant in violation of 49 U.S.C. § 46504.

4. This affidavit is intended to show that there is probable cause for the requested complaint and does not purport to contain every fact of the investigation, only the necessary facts to support the arrest of **Hilleary**.

PROBABLE CAUSE

5. On March 2, 2018, American Airlines flight #299 departed from Ft. Lauderdale, Florida to its planned destination of Dallas, Texas. However, shortly after take-off, passenger Colby Issac **Hilleary** left his seat and ran up to the front of the aircraft. Flight attendant L.L. confronted **Hilleary** and told him that he needed to return to his seat. Flight attendant L.L. stated that **Hilleary** said, "the plane is going the wrong way" and "there are no pilots on the plane." Flight attendant L.L. told **Hilleary** that there were pilots flying the plane and that the plane was currently over the water but would turn and head towards Dallas, Texas shortly. Flight attendant L.L. advised that **Hilleary** appeared very agitated and did not seem to be all there. At some point, flight attendant L.L. asked **Hilleary** if he was on drugs, which **Hilleary** replied in the negative. Flight attendant L.L. was then able to convince **Hilleary** to return to his seat.

6. Once seated, flight attendant L.L. recounted that **Hilleary** continued behaving loudly and in a disruptive manner. Flight attendant L.L. approached **Hilleary** in his seat in an attempt to address his concerns and calm

him down. However, upon arriving, **Hilleary** continued his erratic behavior. **Hilleary** stated that, "The plane has been hijacked". Flight attendant L.L. told **Hilleary** that he was not making any sense and that he needed to calm down and remain seated. Flight attendant L.L. advised that **Hilleary** became increasingly agitated. Flight attendant L.L. told **Hilleary** that he was not running the show.

7. Flight attendant L.L. stated that **Hilleary** then jumped up from his seat and physically attacked him and stated, "I am running the show." Flight attendant L.L. advised that his wife was working on-board the flight with him. She came up to assist, as did several other passengers. However, flight attendant L.L. received a punch to his face from **Hilleary** before other passengers could subdue **Hilleary**.

8. Flight attendant L.L. advised that once he was able to break free, he made an overhead announcement for any able-bodied male passenger to come forward to help assist with an unruly passenger. Flight attendant L.L. then notified the Captain. The Captain declared a level 3 emergency, which is an event that involves significant risk to passenger life and safety. The plane was then diverted for a landing in Tampa, Florida.

9. Passenger E.M stated that he observed **Hilleary** run to the front

of the plane for some unknown reason. Upon returning to his seat, **Hilleary** began speaking aloud about the plane going the wrong way and began to disrupt the passengers around him. Passenger E.M. alerted the flight crew about **Hilleary's** behavior. Upon returning to his seat, passenger E.M. observed the flight attendant talking to **Hilleary** and then **Hilleary** "tusseling" with the crew. Passenger E.M. helped to restrain **Hilleary** until the crew came with the cuffs.

10. Passenger A.B. stated that he was sitting in 13-D when he heard the flight attendant scream for help. Passenger E.B. ran to the back of the plane and helped subdue the passenger. The passenger (**Hilleary**) was resisting. They placed him face down, until he could be cuffed. Once cuffed, they escorted **Hilleary** to the back of the plane.

11. Tampa International Airport (TIA) police officers received the emergency call at approximately 5:45pm. After landing at TIA, TIA police officers boarded the plane. They observed that **Hilleary** had been flex-cuffed and was seated in the rear of the plane. They then escorted **Hilleary** off the plane.

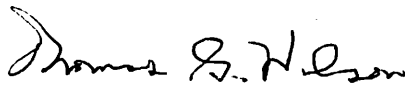
12. Based on the facts set forth in this affidavit, I submit that there is probable cause to believe that Colby Issac **Hilleary** interfered, or attempted to interfere with the performance of the duties of a flight attendant of the aircraft, and lessened the ability of the attendant to perform those duties, by assaulting and intimidating the flight attendant in violation of 49 U.S.C. § 46504.

FURTHER AFFLIANT SAYETH NAUGHT.



Matthew J. Oravec, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 2nd day of March 2018.



THOMAS G. WILSON
United States Magistrate Judge