

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

United States of America )

v. )

Oliver Charles Halliday Gee )

Case No.

3:16-mj- 1302 -JBT

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 2, 2016, in the county of Duval in the Middle District of Florida, the defendant(s) violated:

Code Section 49 U.S.C. § 46504 Offense Description Assault or intimidation of flight crew or flight attendant

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Complainant's signature

Special Agent Edward E. Figueroa

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/03/2016

Judge's signature

City and state: Jacksonville, Florida

Joel B. Toomey, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT**

I, EDWARD E. FIGUEROA, Special Agent, Federal Bureau of Investigation, being duly sworn, hereby depose and state:

**I. Background**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since October 2008. I have been assigned to the FBI Jacksonville Field Office in the Middle District of Florida since May 2014, and my present assignment is the Violent Crime squad. During my FBI career, I have participated in investigations involving public corruption, white collar crime, drugs, violent crime, federal firearm offenses, human trafficking and violations of federal transportation laws and crimes committed aboard aircraft. I have also participated in physical and electronic surveillance, execution of search and arrest warrants, and debriefings of informants and criminal subjects.

2. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts which I believe are necessary to establish probable cause for the requested criminal complaint.

3. Based on my personal participation in this investigation as case agent, as well as my conversations with the other co-case agents and various law enforcement officers assisting in this investigation, I submit that the facts contained herein demonstrate there is probable cause to believe that Oliver Charles Halliday GEE (GEE) committed a violation of Title 49, United States Code, Section 46504, Interference with Flight Crew Members and Attendants.

## II. Probable Cause

4. On November 2, 2016, I responded to the Jacksonville International Airport (JIA) after notification of a disturbance aboard an aircraft. JIA is located in Duval County, Jacksonville, Florida. This affidavit is based on information orally conveyed to me by Corporal Daniel McCrory of the Jacksonville Aviation Authority Police, who was present during each of the interviews described in this affidavit.

### A. Interview of Purser Lars Marschall

5. Corporal McCrory participated in an interview of Purser Lars Marschall, who was the head of the cabin crew aboard Condor flight 2115 traveling from Cancun, Mexico to Frankfurt, Germany. Marschall informed Corporal McCrory that he had been notified by other flight attendants attending Condor flight 2115 that, before take-off, GEE had demanded to be served alcohol and had exhibited a very aggressive demeanor. Marschall stated that he had anticipated that GEE would be a problem passenger, so he notified Captain Manuel Neusch that GEE was a "special customer."

6. Marschall stated that, approximately sixty to ninety minutes into the flight, Marschall was notified by the flight attendants that GEE had threatened to kill another passenger and had threatened and intimidated a three-year old child. Marschall stated that he communicated with Captain Neusch that the problem was escalating. Marschall observed GEE insulting the other flight attendants, using obscene language, and acting aggressively. According to Marschall, GEE then began removing his clothes and exposed his penis. Marschall stated that at that time he believed GEE was preparing to urinate in the cabin.

7. Marschall stated that he made an overhead call for an able-bodied

passenger to assist him in controlling GEE. According to Marschall, a passenger named Patrick Schlegel volunteered to assist. Marschall and passenger Schlegel attempted to escort GEE to the lavatory so that he would not urinate in the cabin. During this time, GEE slapped Marschall with an open hand on his right ear. GEE also struck Marschall with an open hand on the right thigh. Marschall observed GEE slap passenger Schlegel twice on the left cheek with an open hand.

8. Marschall then notified Captain Neusch that the problem was an emergency and that Captain Neusch should land the aircraft immediately. Marschall and passenger Schlegel restrained GEE in his seat and GEE resisted them. Marschall and passenger Schlegel had to remain standing throughout the landing procedures to keep GEE restrained, putting each of them at risk of bodily injury. Marschall and passenger Schlegel were only able to be seated just before the flight touched down in Jacksonville.

9. Additionally, Marschall was prevented from performing his duties as purser, including ensuring the safety of the passengers, especially during landings, because he was consumed with controlling GEE. Marschall could not sit in his jump seat during the landing, because he had to be near GEE, so he was unable to communicate with the flight deck. Further, he had to delegate his duties to secure and open the aircraft door after landing, due to GEE's disruption. Marschall stated that he was concerned about the location of the flight because, given that Condor flight 2115 was an intercontinental flight, much of the flight was over water. Thus, the situation had escalated further while the aircraft was over the Atlantic Ocean, an immediate landing site may not have been available.

10. Marschall stated that, ordinarily, Condor flight crews try to give verbal warnings followed by a written warning to passengers who are being disruptive, but in this instance there was no opportunity to provide a written warning, due to GEE's behavior.

*B. Interview of Passenger Patrick Schlegel*

11. Corporal McCrory also interviewed passenger Patrick Schlegel, who stated that he had been a passenger on Condor flight 2115 and had volunteered to help when an individual who he believed to be the captain (but who, based on my understanding of the sequence of events in this case appears to be purser Lars Marschall) made an announcement requesting help from any able-bodied passenger to assist with an unruly passenger. Schlegel stated that he had been trained in mixed martial arts.

12. Schlegel described GEE as very aggressive. Schlegel stated that he and Marschall had escorted GEE to the lavatory because GEE had taken off his pants, exposed his penis, and announced his intention to urinate in the cabin. Schlegel stated that while he was escorting GEE, GEE slapped Schlegel twice in the left cheek with an open right hand and once in the left shoulder. Schlegel also stated that GEE told Schlegel that GEE would kill him and GEE knew people in Mexico who would kill Schlegel for him. GEE also claimed to have served a prison sentence in Mexico. Schlegel stated that he had had to stand to keep GEE in his seat as the plane landed almost right up to the last minute before the aircraft touched down in Jacksonville.

*C. Interview of Captain Manuel Neusch*

13. Corporal McCrory interviewed Condor Airlines Captain Manuel Neusch

who advised the following: Neusch stated that he was the captain of Condor flight 2115 and had been notified near the beginning of the flight by purser Lars Marschall that GEE could be a problem passenger. According to Captain Neusch, within sixty to ninety minutes into the flight, Neusch was notified that GEE's behavior had gotten worse, and that GEE was being aggressive and assaultive.

14. Captain Neusch stated that he later received a further communication from purser Marschall informing him that GEE had assaulted the flight crew and a passenger and had dropped his pants. Captain Neusch stated that he believed that having GEE on the flight at this point was an undue safety risk, as GEE had assaulted a member of the crew. Captain Neusch stated that Marschall urged him to land the aircraft. Captain Neusch stated that another factor in his decision to land the aircraft immediately was that the flight path from Cancun to Frankfurt was largely over water. Thus, if the situation escalated while the aircraft was over water, there would be limited places to land. Captain Neusch stated that he notified air traffic control that he had an onboard emergency, needed to land, and needed to have law enforcement officers meet the aircraft. According to Captain Neusch, air traffic controllers advised him that Jacksonville International Airport was the closest airport which could accommodate the aircraft, which was a Boeing 767. Captain Neusch stated that it was necessary to burn fuel off before landing to get the landing weight correct.

*D. Arrest of GEE*

15. Upon arrival at JIA, GEE was met by the airport police and was removed from the aircraft and detained.

16. A Special Agent of the FBI who had responded to the scene contacted

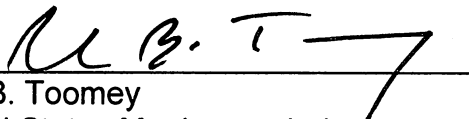
Assistant United States Attorney Tysen Duva to notify him of the incident, and Duva authorized the arrest of GEE. GEE was placed in custody and transported to the Duval County Pretrial Detention Facility.

This completes my affidavit.



Edward E. Figueroa  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me  
This 3 day of November, 2016



Joel B. Toomey  
United States Magistrate Judge