

UNITED STATES DISTRICT COURT

for the

District of Colorado

United States of America)

v.)

MARCUS COVINGTON)

Case No. 12 -mj - 01104 -MJW

Defendant(s)

CRIMINAL COMPLAINT

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 8/19/12, in the State and District of Colorado, and on an aircraft in the Special Aircraft Jurisdiction of the United States, defendant herein, Marcus Covington by intimidating a flight crew member and a flight attendant on JetBlue Flight 677 interfered with the performance of the duties and lessened the ability of the crew member and flight attendant to perform those duties.

All 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 Affidavit attached hereto and herein incorporated by reference, which is continued on the attached sheet and made a part hereof.

s/Martin H. Daniell III
Complainant's signature

Martin H. Daniell III, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: August 20, 2012 at 10:52 a.m.

City and state: Denver, Colorado

Handwritten signature of Michael J. Watanabe

Judge's signature

Michael J. Watanabe U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Martin H. Daniell III, Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, deposes and states under penalty of perjury that the following is true to the best of my information, knowledge and belief.

Your affiant is a Special Agent (SA) for the Federal Bureau of Investigation (FBI) and has been so for over thirteen years. Your affiant is currently assigned as the FBI Airport Liaison Agent at Denver International Airport (DEN) and investigates violations of federal law that occur at the airport, as well as crimes that occur in the Special Aircraft Jurisdiction of the United States.

On August 19, 2012, at approximately 11:05pm, your affiant was advised by the FBI Denver Switchboard that JetBlue Flight 677 en route from John F. Kennedy International Airport (JFK) to Los Angeles International Airport (LAX) was diverting to DEN due to an unruly male passenger who had groped a female passenger. Your affiant responded to DEN, Gate A-37, where he met JetBlue Flight 677, an Airbus A-320 with approximately 150 passengers onboard, and was advised by officers from the Denver Police Department (DPD) that Marcus Covington, the unruly passenger, had struggled when they detained him and he had been transported to one of the DPD holding cells at DEN. Through an examination of statements written by the flight crew and passengers onboard JetBlue Flight 677, as well as officers from the DPD, and clarifying questioning, your affiant discovered the following:

Covington was intoxicated and some of his fellow passengers complained he was making them nervous because he was walking up to their seats and saying things to them that did not make sense. Due to his behavior, the passengers seated next to Covington asked to be reseated

away from him. At one point during the flight, Covington was waiting to use the forward lavatory behind Passenger A.P., a 27 year old pregnant female. During this time, Covington swung around in front of Passenger A.P. so he was facing her. He then ran his hands up the front of her body going from her crotch up to her breasts. He started with the back of his hands, but turned his hands with his palms facing her as he ran his hands over her breasts. She pushed him away and she got behind the flight attendant that had come up behind her. She then went into the lavatory where she remained crying for approximately five minutes before returning to her seat. Covington's assault on Passenger A.P. was witnessed by Passenger M.A., a 24 year old female.

Following the assault on Passenger A.P., 31 year old female Flight Attendant T.W., while at her assigned work position in the forward galley of the aircraft, asked Covington if he was going to be able to stay seated because he was making other passengers uncomfortable. He told her to get away from him ("to bounce"), that he didn't want her near him. Because of Covington's intimidation, Flight Attendant T.W. left the forward galley and was unable to perform her duties there.

As a result of Covington's behavior, FBI SA Scott Garriola, who was travelling on the flight as a passenger, was asked by the flight crew to assist in dealing with Covington. Following consultation with SA Garriola, the Captain of Flight 677 diverted the aircraft to DEN and Garriola sat next to Covington to ensure Covington remained under control until the aircraft was safely at the gate. Passenger C.E., who also assisted in keeping Covington under control, observed Covington take at least eight pills of an unidentified substance during the final portion of the flight.

Upon the aircraft's arrival at the gate, Covington was escorted off the plane in handcuffs. While DPD Officers were attempting to get Covington to sit in a chair, he kicked at, and spit on,

them while threatening to kill them. He was placed in a DPD holding cell and when your affiant attempted to interview him regarding his behavior on Flight 677, he stated he wanted to consult with his attorney prior to any questioning.

Based upon the above information, probable cause exists to believe Marcus Covington has violated, Title 49, U.S.C. Sections 46504 and 46507, by interfering with Flight Attendant T.W. as she was attempting to perform her duties and subjecting Passenger A.P. to abusive sexual contact.

I, Martin H. Daniell III, Special Agent, being duly sworn according to law, depose and say that the facts stated in the foregoing affidavit are true and correct to the best of my knowledge, information and belief.

s/Martin H. Daniell III
Martin H. Daniell III
Special Agent, FBI

Sworn to before me this 20th day of August, 2012. at 10:52 a.m.



United States Magistrate Judge

Affidavit reviewed and submitted by James R. Allison, Assistant United States Attorney.

DEFENDANT: Marcus Covington

YOB: 1979

ADDRESS (CITY/STATE): Chicago, Illinois

OFFENSE(S): Interference with flight crew members and attendants

LOCATION OF OFFENSE (COUNTY/STATE): Aircraft Jurisdiction of the United States

PENALTY: NMT 20 years imprisonment; NMT \$250,000 fine, or both;
NMT 3 years Supervised Release

AGENT: Martin H. Daniell III

AUTHORIZED BY: James R. Allison
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention **is** applicable to this defendant. **(Circle one)**

OCDETF CASE: Yes No