

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of California

FILED
APR 22 P 2:05
RICHARD W. WICKING
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

United States of America)

v.)

VINAY POCHAMPALLY)

Case No.

3 14 70549 JCS

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 April 15, 2014 in the county of San Mateo in the Northern District of California, the defendant(s) violated:

Code Section

49 U.S.C. Sec. 46506(1) and
18 U.S.C. Sec. 113(a)(5)

Offense Description

Whoever, within the special aircraft jurisdiction of the United States . . . is guilty of an assault shall be punished as follows . . . Simple assault, by a fine under this title or imprisonment for not more than six months.

Maximum Penalties:
6 months imprisonment
\$5,000 Fine
5 years probation

This criminal complaint is based on these facts:

See Attached Affidavit of FBI Special Agent Bianca N. Betz

Continued on the attached sheet.

Complainant's signature

Bianca Betz

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/22/14

Judge's signature

City and state: San Francisco, California

Honorable Joseph Spero

Printed name and title

AFFIDAVIT OF BIANCA N. BETZ

I, BIANCA N. BETZ, being duly sworn, state as follows:

I. Introduction and Qualifications of Affiant

1. I am a Special Agent of the Federal Bureau of Investigation (“FBI”) and have been so employed since 2011. I am currently assigned as an agent splitting my time between the Palo Alto Resident Agency and the San Francisco International Airport Resident Agency, where I investigate counterintelligence matters along with violations of federal law within the airport, on-board aircraft, and violations involving an airport nexus. I have received formal training at the FBI Academy in Quantico, Virginia, as well as continuous field training. Prior to becoming a Special Agent, I served in the U.S. Navy as an Intelligence Officer.
2. I respectfully submit this Affidavit in support of a Criminal Complaint charging VINAY POCHAMPALLY with simple assault within the special aircraft jurisdiction of the United States, in violation of Title 49, United States Code, Section 46506(1) and Title 18, United States Code, Section 113(a)(5).
3. The facts set forth in this Affidavit are based on my own personal knowledge, knowledge obtained from other individuals, and information gained through my training and experience. Because this Affidavit is submitted for the limited purpose of establishing probable cause for the arrest of POCHAMPALLY, I have not included each and every fact known to me about this case. Rather, I have set forth only the facts that I believe are necessary to support the lawful arrest of the individual listed in this Affidavit.
4. Where statements made by other individuals (including other law enforcement officers and civilian witnesses) are referenced in this Affidavit, such statements are described in sum and substance and in relevant part only. Similarly, where information contained in reports and other documents or records are referenced in this Affidavit, such information is also described in sum and substance and in relevant part only.

II. Applicable Law

5. Title 49 U.S.C. § Section 46506(1) provides, in relevant part, “An individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that if committed in the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18) would violate section 113 . . . of title 18, shall be fined under title 18, imprisoned under that section or chapter, or both.”

Title 18 U.S.C. § 113(a)(5) provides, in relevant part, “Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows . . . Simple assault, by a fine under this title or imprisonment for not more than six months.”

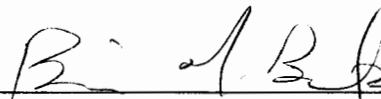
III. Facts Constituting Probable Cause

6. I learned the following from speaking with members of the flight crew of British Airways Flight #285, passengers onboard British Airways Flight #285, as well as conferring with other law enforcement officers:
 - a. On or about April 15, 2014, POCHAMPALLY was a passenger on British Airways Flight #285 which was in flight, en route to San Francisco International Airport (SFO) from London Heathrow Airport (LHR). Approximately two hours into the flight, POCHAMPALLY, who was assigned to seat 36G, positioned himself in the gap behind row 37 and in front of the bulkhead of the galley and restroom area. While in that gap, POCHAMPALLY inserted his hand, palm-side down, into the shirt of the female passenger seated in 37J, who at that time was sleeping. POCHAMPALLY's hand was underneath the passenger's shirt and undergarments for approximately four to five minutes, making skin-to-skin contact in the breast and upper chest area of the passenger, before she awoke.
 - b. When the female passenger in 37J awoke to find POCHAMPALLY's hand inside her shirt touching her breast area, POCHAMPALLY quickly removed his hand and ran away down the aisle. Multiple passengers witnessed the incident and notified the British Airways flight crew of what had just occurred.
 - c. The flight crew of British Airways Flight #285 confronted POCHAMPALLY after being notified of the incident. British Airways flight crew members found POCHAMPALLY to be intoxicated and gave him verbal commands to move to an alternate seat where he stayed for the remainder of the flight.

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IV. Conclusion

7. For the foregoing reasons, I respectfully submit that there is probable cause to believe that VINAY POCHAMPALLY has violated Title 49, United States Code, Section 46506(1) and Title 18, United States Code, Section 113(a)(5). I therefore respectfully request a warrant for his arrest on this charge.



BIANCA N. BETZ
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before
me this 12th day of April, 2014.



HON. JOSEPH SPERO
UNITED STATES MAGISTRATE JUDGE