

QAO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

Southern DISTRICT OF Texas

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Robert Wade Prince

Case Number: H-10-123 M

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

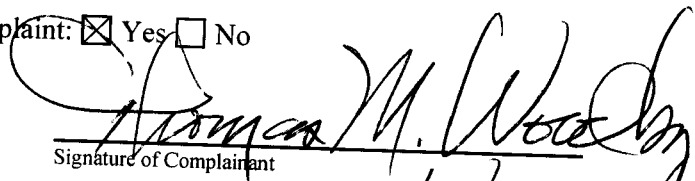
On or about February 13, 2010 in Harris County, in the Southern District of Texas defendant did,
knowingly interfere with flight crew members and attendants by assaulting or intimidating a flight crew member or flight attendant of the aircraft within maritime and territorial jurisdiction; knowingly assault, resist or impede arrest from officers and interfere with duties of the employees.

in violation of Title 49 United States Code, Section 46504 and Title 18 United States Code, Sections 111 and 113.

I further state that I am a(n) Special Agent of the Federal Bureau of Investigation and that this complaint is based on the following facts:

See attached Affidavit in support of Criminal Complaint.

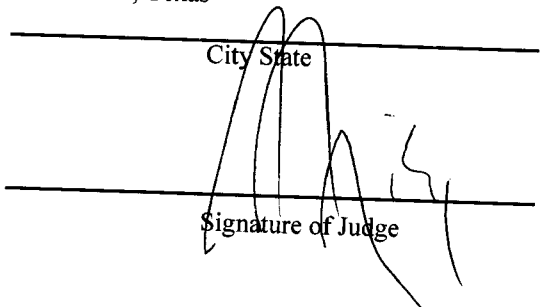
Continued on the attached sheet and made a part of this complaint: Yes No


Signature of Complainant
THOMAS M. WOODBY
Printed Name of Complainant

Sworn to before me and signed in my presence,
2-15-2010 at
Date

Houston, Texas
City State

Judge Mary Milloy United States Magistrate Judge
Name of Judge Title of Judge


Signature of Judge

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Thomas M. Woodby, having been first sworn on oath, does duly depose and state as follows:

I am a Special Agent of the Federal Bureau of Investigation and have been so employed for over 24 years. I am currently assigned to the Houston Division of the Federal Bureau of Investigation (FBI) at GEORGE BUSH Intercontinental Airport and serve as the Airport Liaison Agent Coordinator.

This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint and therefore contains only a summary of the relevant facts. I have not included each and every fact known by me concerning the individuals and events described herein. The information contained in this affidavit is based on my firsthand knowledge of the facts as well as information obtained through victim/witness interviews conducted by me or other Law Enforcement Officers or Special Agents of the FBI and a review of various records.

On February 13th, 2010 at approximately 10:15AM , I was contacted by Continental Airlines (CO) corporate security officials and Transportation Security Administration (TSA) agents and advised of an incident onboard CO flight #59 which was inbound to Houston from Amsterdam. It was initially reported that a flight attendant had been assaulted by a passenger onboard the flight and further that the passenger had to be restrained by a Federal Air Marshal (FAM). The flight landed in Houston at approximately 1:45PM and subsequent interviews of the crew, several passengers and FAM Jonathan Gash indicated the following:

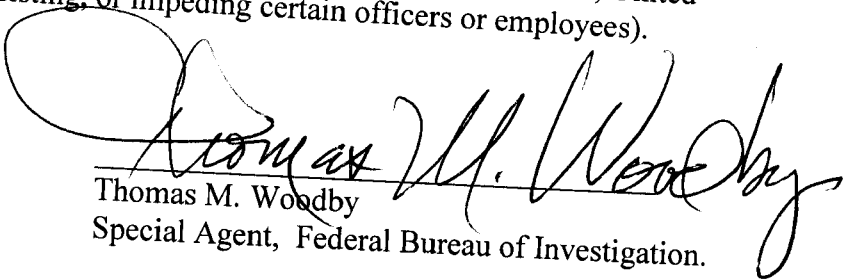
Approximately three hours into the flight to Houston, Continental Flight Attendant (FA) Kathy Bening advised that the passenger seated in 45K (identified as ROBERT WADE PRINCE, w/m, dob 11/20/62) began intermittently yelling "hoo-rah". When she opened the curtain (from the designated crew resting area behind his seat) to see what was the matter, no verbal communication with Prince occurred. Approximately 30 minutes later, he began yelling again and she opened the curtain once again to see if something was wrong and to ask him to please stop yelling. Prince responded that he had been to "Saudi Arabia for nine months" . When she closed the curtain between her rest area and the rear passenger compartment again, Prince pulled the curtain open and grabbed her left arm. FA Bening pulled her arm away when Prince stated "I'm not going to rape you". Prince then grabbed her arm again (a second time), stated again that he was not going to "rape her" when FA Mike Compton came from the aft galley and told Prince to let go of her arm and calm down. FA Compton stepped between seats 45F and 45L and once again closed the curtain. Both FAs noted that Prince kept saying that he had been in Saudi Arabia. FA Bening moved to the front of the plane and had no further contact with Prince. She noted in her interview that when Prince grabbed her arm it was done in a manner that was "strong and painful".

Lead FA Patrick Hayes then asked Federal Air Marshal Jonathan Gash (who was still at this time in an undercover capacity) if he would change seats with the female passenger seated

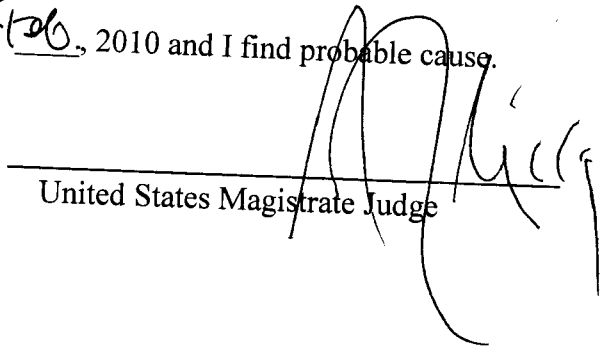
next to Prince (Jessica Schmutz) as she had made it known to the FAs she did not want to sit next to him as he was touching her legs and elbowing her and being very loud. Prince stated to FAM Gash when he tried to sit next to him that this seat was not his (Gash's) and that he didn't want Gash to sit next to him as the seat was his "girlfriend's" seat. FAM Gash noted that Prince tried to block the seat. At this point, FAM Gash identified himself to Prince as a Federal Air Marshal to which Prince responded "I don't give a fuck who you are" and elbowed him (Gash) in a "roundhouse" manner twice, striking Gash in the upper torso. FAM Gash then extracted Prince from his seat and restrained him with flex cuffs. FAM Gash then requested Prince to exit his seat and follow him to the galley. Prince was uncooperative and had to be dragged to the galley. FAM Gash placed Prince on the floor of the aircraft and conducted a full body search. At this juncture, FAM Edgar Irizarry assisted Gash in the search of Prince. Prince was then moved to seat 45L in the crew rest area.

Prince became verbally abusive towards FAM Gash calling him a "nigger" numerous times. Prince further stated to Gash that "no black boy should be able to put cuffs on a white man" and continued calling him a "black mother fucker" and a "black son of a bitch". Prince further asked him if he (Gash) "picked on white boys when he was growing up". FAM Gash advised that he remained with Prince the remainder of the flight and he (Prince) continued to be abusive until the plane landed.

Based on all information set forth above, there is probable cause to believe that on or about February 13th, 2010, ROBERT WADE PRINCE, was in violation of Title 49, United States Code, Section 46504 (interference with flight crew members and attendants), (adopting T18 U.S.C., Sec. 113, assaults within maritime and territorial jurisdiction) and Title 18, United States Code, Section 111 (Assaulting, resisting, or impeding certain officers or employees).


Thomas M. Woodby
Special Agent, Federal Bureau of Investigation.

Sworn to before me this 15th day of Feb, 2010 and I find probable cause.


United States Magistrate Judge