

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America

v.

Michael Allen Haag

Case No.

2:18mj84

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 May 17, 2018 in the county of Charleston in the District of South Carolina, the defendant(s) violated:

Code Section

Offense Description

Title 49, U.S.C. Section 46504
Title 49, U.S.C. Section 46506(2)

Interference With Flight Crew Members or Flight Attendants
Application of Certain Criminal Laws to Acts on Aircraft (Obscene or Indecent Exposure of Genitalia)

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Complainant's signature

Complainant's signature

Timothy R. Smith, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: May 18, 2018

Judge's signature

City and state: Charleston, South Carolina

Bristow Marchant, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Timothy R. Smith, being duly sworn, depose and state:

1. I am currently employed as a Special Agent of the Federal Bureau of Investigation ("FBI"), and have been so employed for over ten years. During the course of my duties as an FBI agent, I have conducted numerous investigations involving, but not limited to, gangs, narcotics and embezzlement. During these investigations, I have applied for arrest warrants and assisted in the application of search warrants.

2. This statement of probable cause is in support of a complaint against MICHAEL ALLEN HAAG (hereinafter referred to as "HAAG") for a violation of Title 49, United States Code, Sections 46504 (Interference With Flight Crew Members and Attendants) and 46506(2) (Application of certain criminal laws to acts on aircraft).

3. Title 49, United States Code, Section 46504, states, in relevant part: "An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both." Under Title 49, United States Code, Section 46501(2), the "special aircraft jurisdiction of the United States" includes any of the following aircraft inflight:... [a non-United States government] aircraft in the United States [and] [a non-United States government] aircraft outside the United States . . . that has its scheduled destination or last place of departure in the United States, if the aircraft next lands in the United States."

4. Title 49, United States Code, Section 46506(2), states in relevant part: "An individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that—(2) if committed in the District of Columbia would violate section 9 of the Act of July 29, 1892 (D.C. Code §22-1112) [now recodified at D.C. Code Section 22-1312], shall be fined under Title 18, imprisoned under Section 9 of the Act, or both."

5. Title 22, United States Code, Section 22-1312, states: "It is unlawful for a person, in public, to make an obscene or indecent exposure of his or her genitalia or anus, to engage in masturbation, or to engage in a sexual act as defined in § 22-3001(8). A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than the amount set forth in § 22-3571.01, imprisoned for not more than 90 days, or both."

6. The facts set forth in this statement of probable cause are based on my personal observations, my training and experience, and information obtained from other law enforcement officers and witnesses. This statement is intended to show that there is probable cause for the violation and does not purport to set forth all of my knowledge or investigation into this matter.



PROBABLE CAUSE

7. The relevant incident occurred on or about May 17, 2018, on board Frontier Flight F9864. Witness statements and the Frontier flight manifest establish that the defendant, HAAG, was a passenger on that flight. Flight F9864 Departed Denver International Airport (DEN) and arrived at Charleston International Airport (CHS) around 9:15 p.m.
8. I was contacted around 9:00 p.m., May 17, 2018, by Corporal (Cpl) McDelton with the Charleston Aviation Authority Police Department (CAPD) in Charleston, South Carolina. Cpl. McDelton advised me that a passenger identified as HAAG had become intoxicated, unruly and urinated on the seat in front of him on Frontier flight F9864 from DEN bound for CHS. The flight landed approximately 9:15 p.m. and with the assistance of CAPD, officers removed HAAG from the rear of the aircraft.
9. On May 17, 2018, I interviewed a witness passenger ("SL"). SL stated, among other things, the following:
 - a. During the flight, HAAG was seated in seat 25E adjacent to SL who was seated in 25D.
 - b. During the first drink service, HAAG ordered a double shot of vodka and tonic.
 - c. HAAG began making crude comments about his reason for traveling to Charleston, SC, saying he was meeting an old girlfriend and was very "physically excited."
 - d. SL tried to put on her headphones and go to sleep but HAAG kept talking to SL and was gradually making her more and more uncomfortable.
 - e. HAAG asked SL questions about what kind of man she liked, what her "deal" was, and about her relationship with her husband.
 - f. HAAG kept looking at SL's chest and legs as she was wearing a tank top and shorts.
 - g. HAAG ordered a second drink that included a double shot of vodka and tonic.
 - h. HAAG then began to touch a female passenger ("MK"), who was seated on the other side of HAAG; after MK asked HAAG several times to stop, MK got the flight attendants involved.
 - i. HAAG was then moved to the back of the plane, and SL observed that HAAG was clearly intoxicated and possibly high.
10. On May 17, 2018, MK provided a witness statement to CAPD. MK provided the following:
 - a. MK was asleep with her head down on the tray table.
 - b. MK woke up because HAAG was touching her fingers. MK sat up and looked at HAAG but HAAG did not look at MK.
 - c. MK indicated HAAG was very agitated and shuffling things around on his table.
 - d. MK advised that HAAG touched her leg and MK yelled "stop touching me." HAAG apologized and continued to apologize while leaning towards MK. MK yelled "back off."
 - e. HAAG touched MK's leg again and MK stood up and started yelling for the flight attendant to get HAAG away from MK.
 - f. The flight attendant took HAAG to the rear of the plane.

TJS

11. On May 17, 2018, I interviewed a witness passenger ("EK"). EK stated, among other things, the following:

- a. EK indicated that HAAG was moved by flight attendants from his seat to the rear of the plane after touching some female passengers.
- b. HAAG was placed on the last row of the plane across the aisle from EK.
- c. HAAG had problems finding his seatbelt and a flight attendant assisted HAAG.
- d. EK noted that HAAG took off his seatbelt and started urinating on the seat in front of him.
- e. EK took a photograph of HAAG while he was urinating.
- f. EK screamed for flight attendants to deal with HAAG.
- g. Flight attendants then moved EK towards the front of the plane.

CONCLUSION

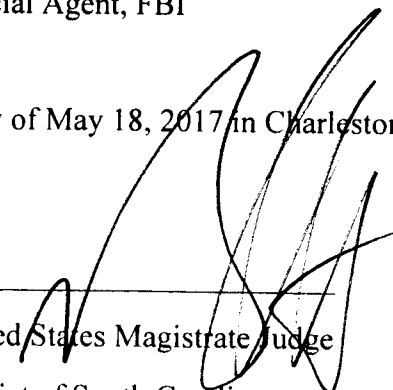
12. Based on the foregoing, I submit that there is probable cause to believe that on or about May 17, 2018, the defendant, MICHAEL ALLEN HAAG, on an aircraft in the special aircraft jurisdiction of the United States, namely Frontier Flight F9864 flying from Denver, Colorado to Charleston, South Carolina, did the following: (1) knowingly interfere with the performance of the duties of a flight crew member or flight attendant of the aircraft, and lessen the ability of the member or attendant to perform those duties, by intimidating the attendant or member, specifically by engaging in inappropriate touching of other passengers, and by engaging in disruptive behavior, among other acts, in violation of Title 49, United States Code, Section 46504, and (2) knowingly, in public, make an obscene or indecent exposure of his genitalia, in violation of Title 49, United States Code, Section 46506(2).

This affidavit has been reviewed by Assistant United States Attorney Dean H. Secor.



Timothy R. Smith
Special Agent, FBI

Subscribed and sworn to before me this 18 day of May 18, 2017 in Charleston, South Carolina at 2:40 a.m./p.m.



United States Magistrate Judge
District of South Carolina