

UNITED STATES DISTRICT COURT
for the
Northern District of California

FILED
Nov 09 2021
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

United States of America
v.
DEBBY DUTTON

Case No.3:21-mj-71770 MAG

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 June 29, 2021 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:

Code Section 49 U.S.C. § 46504 Offense Description Interference with flight crew members and attendants

This criminal complaint is based on these facts:
See Attached Affidavit by Special Agent Tseng Chow, FBI

Continued on the attached sheet.

Approved as to form /s/ Anna Nguyen
SAUSA ANNA NGUYEN

/s/ Tseng Chow
Complainant's signature
TSENG CHOW, Special Agent, FBI
Printed name and title

Sworn to before me by telephone.

Date: November 9, 2021

City and state: San Francisco, CA

Jacqueline S. Corley
Judge's signature
Hon. Jacqueline S. Corley, US Magistrate Judge
Printed name and title

**AFFIDAVIT OF FBI SPECIAL AGENT TSENG CHOW IN SUPPORT OF AN  
APPLICATION FOR CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Tseng Chow, Special Agent, Federal Bureau of Investigation (“FBI”), San Francisco, California, being duly sworn, depose and state as follows:

**I. INTRODUCTION**

1. I am an investigative or law enforcement officer of the United States as defined in Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516.
2. I make this Affidavit in support of an application under Rule 4 of the Federal Rules of Criminal Procedure for a criminal complaint and arrest warrant authorizing the arrest of Debby DUTTON (hereafter “DUTTON”), for interference with flight crew members and flight crew attendants, in violation of Title 49, United States Code, Section 46504. This charge stems from events that occurred on June 29, 2021, onboard United Airlines Flight 730 from Anchorage, Alaska to San Francisco, California while over the Pacific coast Airspace.
3. The facts stated in this Affidavit are based on my personal knowledge, on my review of reports prepared by other law enforcement officers and records prepared by others, and on conversations I have had with other law enforcement officers and witnesses involved in this investigation. I have not set forth each and every fact learned during the course of this investigation in this Affidavit. Rather, I have set forth only those facts that I believe are necessary to support the lawful arrest of the individual listed in this Affidavit.

4. I am a Special Agent (“SA”) of the FBI and have been so employed since 2005. During my employment as a Special Agent, I have investigated national security matters, organized crime, narcotics, public corruption, and white-collar crimes. Since 2021, I have been assigned to the San Francisco International Airport (“SFO”) Office of the FBI, where I investigate violations of federal law occurring within the airport and on-board aircraft.

## **II. APPLICABLE LAW**

5. Title 49, United States Code, Section 46504 establishes the special aircraft jurisdiction of the United States and gives the federal government jurisdiction in all criminal matters occurring on any civil aircraft of the United States while in flight, regardless of departure or arrival location.
6. Title 49, United States Code, Section 46504 states, in pertinent 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... shall be fined under title 18, imprisoned for not more than 20 years, or both.”
7. The elements of Title 49, United States Code, Section 46504 are as follows: (1) the defendant assaults, threatens, or intimidates a flight crew member or attendant; (2) the assault, threat, or intimidation took place while aboard an aircraft in the special aircraft jurisdiction of the United States; and (3) the assault, threat, or intimidation interfered with the performance of the crew member’s duties or lessened the ability of that crew member to perform his/her duties.

### III. FACTS CONSTITUTING PROBABLE CAUSE

8. On June 29, 2021, approximately 0530 on United Airlines Flight 730 from Anchorage International Airport to San Francisco International Airport, a United Airlines flight attendant (hereafter "F.A."), was performing F.A.'s duties of collecting trash and checking passengers for face mask compliance pursuant to Title 86, Federal Register, 8025, requiring persons to wear masks while on conveyances and on transportation hubs such as an airplane. This was a scheduled four and a half hour flight.
9. Throughout and earlier in the flight, F.A. and other flight attendants had broadcasted several announcements over the plane's intercom system that: passengers must wear their masks at all times; their masks will likely fall; the flight attendants will wake them up to put their masks back on; they will likely be upset; and that this might happen over and over again. F.A. and other flight attendants also indicated that passengers would need to make sure their seatbelts were buckled over their blankets or the same protocol would happen. This announcement occurred at least twice more by other flight attendants before the below incident occurred.
10. Approximately three and a half hours into the flight, F.A. was walking down the aisle to collect trash and check passengers for face mask compliance. F.A. noticed several passengers without face masks and proceeded to ask them to put their face masks back on as required. The passenger seated in 25E, J.D., was asleep and his face mask had fallen from his face. F.A. used two fingers to tap J.D. on the shoulder and asked him to put his face mask back on. J.D. complied. As F.A. continued down the aisle, J.D.'s wife, DUTTON, seated in 25D, got up from her seat and angrily shouted at F.A., "You don't

touch my husband, why you wake him!” F.A. tried to explain that J.D. was not wearing his face mask, but DUTTON continued to scream and walked towards F.A. DUTTON then proceeded to push F.A. on F.A.’s right arm. The force of the push caused F.A. to take a step back in order to maintain F.A.’s balance. DUTTON then proceeded to push F.A. again on F.A.’s right arm. F.A. described the two pushes as painful and forceful. F.A. told DUTTON to stop. J.D. then asked DUTTON to return to her seat and eventually, DUTTON sat back in her seat. F.A. immediately reported the incident to the captain. F.A. was caught off guard by DUTTON’s actions and F.A. felt threatened and afraid.

11. A passenger seated in row 26 (“passenger 26”), was interviewed and witnessed DUTTON pushing F.A. Another passenger who was seated in row 27 (“passenger 27”), was interviewed and also witnessed DUTTON pushing F.A. Subsequently, other passengers seated around the area were also interviewed and confirmed hearing some type of verbal disturbance involving F.A. and DUTTON.
12. Upon landing at SFO, the San Francisco Police Department Airport Bureau responded to the scene and took statements from all of the parties involved. F.A. told the officers that F.A. sustained bruising on F.A.’s right bicep from being pushed twice by DUTTON. On the same day, F.A. went to Kaiser Hospital Emergency Department in Santa Clara, California to receive medical treatment. The medical report confirmed that F.A. had tenderness to palpation of F.A.’s mid-upper arm. On July 1, 2021, F.A. sent an FBI SA two photographs of F.A.’s right arm from June 29, 2021. The two photographs depicted bruising.


#### **IV. CONCLUSION**

13. Based on all of the facts and circumstances described in this affidavit, along with my training, experience, and consultations with others, I submit that there is probable cause to believe that on or about June 29, 2021, DUTTON committed interference with flight crew members and flight crew attendants, in violation of Title 49, United States Code, Section 46504.

I swear, under penalty of perjury, that the foregoing information is true and correct to the best of my knowledge and belief.

/s/ Tseng Chow  
TSENG CHOW  
Special Agent  
Federal Bureau of Investigation

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 9<sup>th</sup> day of November 2021

  
HONORABLE JACQUELINE S. CORLEY  
UNITED STATES MAGISTRATE JUDGE