

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

U.S. DISTRICT COURT
BANGOR, MAINE
RECEIVED AND FILED

2010 APR 28 P 12: 28

UNITED STATES OF AMERICA)
)
 v.)
)
 DEREK STANSBERRY)

Magistrate No. 10-84-AA ~~BY AA~~ DEPUTY CLERK

COMPLAINT

The undersigned complainant, being duly sworn, states:

COUNT ONE

That on or about April 27, 2010, while aboard an aircraft within the special territorial aircraft jurisdiction of the United States, defendant

DEREK STANSBERRY

intimidated members of the flight crew of that aircraft so as to interfere with the performance of the duties of the flight crew and so as to lessen the ability of the flight crew to perform their duties;

In violation of Title 49, United States Code, Section 46504.

COUNT TWO

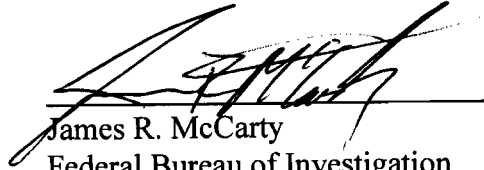
That on or about April 27, 2010, while aboard an aircraft within the special territorial aircraft jurisdiction of the United States, defendant

DEREK STANSBERRY

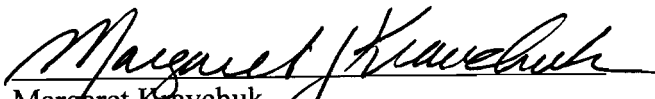
knowing the information to be false, willfully and maliciously and with reckless disregard for the safety of human life, gave, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made to do an act that would violate Title 49, United States Code, Section 46505(b)(3), specifically: possession on or about the defendant of an explosive device.

In violation of Title 49, United States Code, Section 46507(1).

This complaint is based on the attached affidavit, which is incorporated herein by reference.


James R. McCarty
Federal Bureau of Investigation

SWORN TO AND SUBSCRIBED before me
this 28th day of April, 2010.


Margaret Kravchuk
United States Magistrate Judge

AFFIDAVIT IN SUPPORT OF COMPLAINT

I, James R. McCarty, being first duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since 1996. The FBI has jurisdiction over offenses that occur in the special aircraft jurisdiction of the United States.

2. I write this affidavit in support of a complaint against Derek Ashley Stansberry aka Derek Michael Stansberry alleging a violation of Title 49, United States Code, Sections 46504, 46507, and 46506(1). I have obtained the information contained in this affidavit from my own investigation and from my discussions with other agents from the FBI, Immigration and Customs Enforcement, Bureau of Alcohol, Tobacco and Firearms and Federal Air Marshals.

STATEMENT OF PROBABLE CAUSE

3. On April 27, 2010, Delta Flight #273 departed from Paris, France, bound for Atlanta, Georgia. Derek Michael Stansberry, a United States citizen, was a passenger on that flight.

4. During the course of the flight, Stansberry passed a note to a flight attendant stating that:

- I am not an American citizen. I was in Ouaga illegally
- My passports and identity are fake
- I bought that bag on ebay and have no association with the United States
- I will take whatever COA the US wants
- I will leave my wallet & passport on this aircraft
- Please let my family know the truth – I fucked up & will let the HN preside over

prosecutions; and that I love them

5. The flight attendant handed the note to Federal Air Marshal Tawanna Jefferson. Jefferson alerted the three other Federal Air Marshals who were on board the flight. Federal Air Marshall Amzit Davis and a flight attendant moved Stansberry and his carry-on luggage to the back of the aircraft to investigate further.

6. Once at the rear of the plane, Stansberry was taken into custody by the Federal Air Marshals without incident. Stansberry told Federal Air Marshal Harold Turner that he had dynamite in his boots which were located in his backpack. Stansberry told Turner that a pressure switch would detonate the dynamite. Stansberry also told Turner that there were explosives in his laptop.

7. The Federal Air Marshals took custody of the laptop and the boots and placed them at the rear of the plane. The Federal Air Marshals built a bunker around those items at the back of the plane to dampen the effects of any potential explosion.

8. The Federal Air Marshals maintained custody of Stansberry and the flight was diverted to Bangor.

9. At approximately 3:30 p.m. on April 27, 2010, the flight landed in Bangor. The plane was parked at the end of the runway. Stansberry was removed from the plane and taken into FBI custody.

10. The passengers and crew were removed from the aircraft and bussed to the International Lounge at the Bangor International Airport.

11. The Bangor Police Department bomb squad searched the entire plane, carry-on luggage and checked luggage using bomb detecting dogs and explosive ordinance detection

devices. No explosive devices were located on the plane or in the luggage.

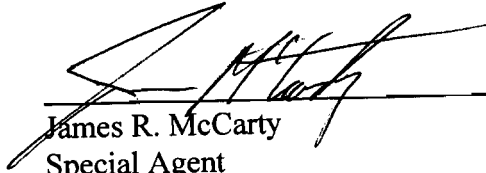
12. Stansberry was searched and brought to the Customs and Border Protection holding area at Bangor International Airport. Stansberry made the following statements:

- He holds high level government clearances and he was in possession of classified information.
- He believed people on board the plane had been following him and were ridiculing him, however he said that he never spoke directly to these people and they never spoke directly to him. He also believed that the passengers in the front of the plane were using “round robin” interrogation techniques on him and talking about him, however none of those people ever asked him any questions.
- He decided to claim that he had a bomb in order to divert attention from the fact that he had classified information. He admitted handing the note to the flight attendant. He also admitted to telling the Federal Air Marshals that he had dynamite and a pressure plate detonator in his boots.
- He did not actually possess any explosive device and he did not have the ability to make one.

13. During the interview, Stansberry was responsive to questions, but he spoke in military jargon and had trouble keeping the events in a chronological order. Stansberry indicated that he had taken one Ambien earlier in the day. I received Federal Air Marshal Turner’s report this morning. FAM Turner’s report indicated that Stansberry had told Turner that he had taken eight Ambien and had previously used Valium but not on this flight.

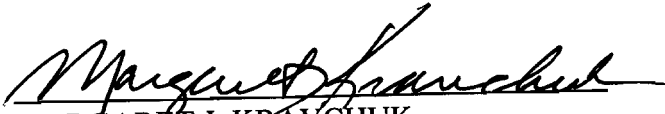
I, James R. McCarty, hereby swear under oath that the information set forth in this affidavit is true and correct to the best of my knowledge, information and belief, and that I make this oath under pains and penalties of perjury.

Dated:



James R. McCarty
Special Agent
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO before me
this 28th day of April, 2010



MARGARET J. KRAVCHUK
UNITED STATES MAGISTRATE JUDGE