

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:21-mj-417
)	
IVAN LOPEZ, JR.,)	
)	
Defendant.)	

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Douglas M. Mohl, 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 thirteen years. Since June 2020, I have been assigned to the Washington Field Office of the FBI, where I investigate violations of federal law that occur within the airport environment and on-board aircraft. I am familiar with the relevant federal statutes, including under Titles 18 and 49 of the United States Code, and have conducted numerous investigations into offenses that have occurred upon aircraft.
2. This affidavit is in support of a criminal complaint against IVAN LOPEZ Jr., ("LOPEZ") for a violation of Title 49 United States Code, Section 46506(1) (Application of certain criminal laws to acts on aircraft), and Title 18, United States Code, Section 113(a)(5) (Assaults Within Maritime and territorial Jurisdiction, Simple Assault).
3. Title 49, United States Code, Section 46506(1), states: "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, 114, 661, 662, 1111, 1112, 1113, or 2111 or chapter 109A of title

18, shall be fined under title 18, imprisoned under that section or chapter, or both.” Title 18, United States Code, Section 113(a)(5), states, 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, or both, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, 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 in flight: a civil aircraft of the United States, [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. 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

5. On or about December 24, 2021, Ivan LOPEZ Jr. (“LOPEZ”), was a passenger on board United Airlines Flight 1484 (“Flight 1484”), which traveled from Las Vegas McCarran International Airport (“LAS”) to Washington Dulles International Airport (“IAD”) which is located in the Eastern District of Virginia. Witness and victim statements, as well as flight ticket records, establish that LOPEZ was a passenger on Flight 1484. Flight 1484 was an in-flight Civil Aircraft as well as an in-flight aircraft in the United States.

6. I was contacted in the morning of December 24, 2021, shortly after Flight 1484 landed at IAD, and opened an investigation based upon a reported complaint of a simple assault that occurred during flight.

7. On December 24, 2021, I interviewed the victim ("Victim"). Victim informed that she had been touched on her breast by LOPEZ while Flight 1484 was in flight, and that the touching was unwanted and done without her permission. During the flight, Victim was seated in her assigned seat, 12B, and LOPEZ was seated in his assigned seat, 12C. Victim fell asleep in her seat, and she was awakened by the feeling of someone rubbing up and down on her right breast, to include her right nipple. When Victim opened her eyes, she observed that LOPEZ's right hand was placed on her right breast. Victim described LOPEZ's hand motion as being "not accidental" because the touching was a repetitive motion that happened over approximately 10 seconds, and Victim further described that LOPEZ was leaning over her while touching her breast. Upon realizing what was occurring, Victim reported that she was shocked, and she yelled "get away from me." LOPEZ then jumped up from his seat and moved to the back of the aircraft.

8. On December 24, 2021, FBI SA Daniel Markley interviewed a United Airlines flight Attendant who was working on Flight 1484 ("AB"). AB stated that while in flight, LOPEZ came to the rear galley where AB was located, and LOPEZ told AB he had sexually assaulted the woman sitting next to him. LOPEZ stated to AB that he grabbed "her tits" and LOPEZ further stated that he thought he was in trouble and that he was sorry.

9. Upon being told this by LOPEZ, AB moved LOPEZ from seat 12C to seat 21C to separate LOPEZ from Victim. After being reseated, LOPEZ returned to the back galley and told AB that he was sorry and that he had a disability.

10. On December 24, 2021, I interviewed LOPEZ at Dulles International Airport after he had deplaned Flight 1484. When asked about what occurred during the flight, LOPEZ stated that he wanted to get the woman's attention by poking her on her right shoulder, so that he could ask her what she was listening to through her headphones. LOPEZ stated that as he went to poke the woman's shoulder, the aircraft experienced mild turbulence and he missed her shoulder and accidentally poked her breast.

CONCLUSION

11. Based on the foregoing, I submit that there is probable cause to believe that on or about December 24, 2021, the defendant, IVAN LOPEZ, Jr., while on an aircraft in the special aircraft jurisdiction of the United States, namely United Airlines Flight 1484 flying from Las Vegas, Nevada to Washington Dulles International Airport located in Loudoun County, Virginia, did commit a simple assault, in violation of Title 49 United States Code, Section 46506(1) and Title 18, United States Code, Section 113(a)(5).



Douglas Mohl
Special Agent
Federal Bureau of Investigation

Sworn and subscribed to me in accordance with the requirements of Fed. R. Crim. P. 4.1 via telephone on this 24th day of December, 2021.

John F.
Anderson

Digitally signed by John F.
Anderson
Date: 2021.12.24 17:03:44
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The Honorable John F. Anderson
United States Magistrate Judge