

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2012 JUL -3 AM 11:34

DEPUTY CLERK ds

UNITED STATES OF AMERICA	§	
	§	
v.	§	No. 2:12-CR-017-J
	§	
CLAYTON FREDERICK OSBON (1)	§	

FINDINGS OF FACT AND VERDICT


On July 3, 2012, this case was called for trial; both parties, by and through their attorneys, announced ready. The United States and the defendant presented evidence by way of testimony and exhibits. After considering same, the Court hereby finds the following:

1. The defendant knowingly and intelligently waived his right to trial by jury in this case, both verbally and in writing, and the United States consented to said waiver, pursuant to FED. R. CRIM. P. 23(a).
2. The Court finds beyond a reasonable doubt that the defendant, Clayton Frederick Osbon, committed the offense of Interference With a Flight Crew, in violation of Title 49, United States Code. Section 46504, as alleged in the Indictment returned on April 11, 2012.
3. The Court finds, based on the psychological evaluation and testimony of Dr. Robert Johnson, that the defendant suffered from a severe mental disease or defect that impaired his ability to appreciate the nature, quality, or wrongfulness of his behavior at the time of the offense.

4. It is, therefore, the verdict of the Court that the defendant is not guilty only by reason of insanity.

5. A hearing pursuant to 18 U.S.C. § 4243 will be conducted in accordance with a separate order of the Court.

ENTERED this the 3rd day of July, 2012.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE

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FACTUAL RESUME

UNITED STATES OF AMERICA
V.
CLAYTON FREDERICK OSBON
2:12-CR-017 (1)

PLEADING NOT GUILTY BY REASON OF INSANITY TO THE ONE COUNT
INDICTMENT

INDICTMENT: Title 49, United States Code § 46504, Interference with Flight Crew.

MAXIMUM PENALTY FINDING

OF GUILT: Imprisonment for a period not more than **twenty (20) years**; a fine not to exceed **\$250,000**, or twice any pecuniary gain to the defendant or loss to the victim(s); a term of supervised release of not more than **three (3) years**. If the defendant violates the conditions of supervised release, he could be imprisoned for the entire term of supervision and be subject to additional supervised release; Restitution to victims or to the community, which may be mandatory under the law, and which the defendant agrees may include restitution arising from all relevant conduct, not limited to that arising from the offense of conviction alone; and costs of incarceration and supervision.

ASSESSMENT: Pursuant to Title 18, United States Code, Section 3013(a), a mandatory assessment of **\$100.00** will be made.

**Not Guilty Only By Reason of Insanity-
Related Commitment Procedures at 18 U.S.C. § 4243**

Section 4243 of Title 18 sets forth a procedure for automatic commitment of persons found not guilty only by reason of insanity until they can establish their entitlement to release. Persons found not guilty only by reason of insanity are automatically committed pending a hearing, which must be held within 40 days, on the person's present mental state and dangerousness. A psychiatric or psychological examination and report are required prior to the hearing. At the hearing, the burden of proof is on the committed person to prove that release would not create a substantial risk of bodily injury to, or serious damage to the property of, another person due to a present mental disease or defect. If the offense for which the defendant was tried involved bodily injury, serious property damage, or a substantial risk thereof, the defendant must sustain the burden of proof by clear and convincing evidence. With respect to any other offense, the defendant has the burden of proof by the preponderance of the evidence.

If the defendant does not meet this burden, the Bureau of Prisons undertakes to place the defendant with the State where the crime was committed or of which State the defendant is a resident. Regardless of whether a State voluntarily accepts the inmate or whether the State requires the Federal authorities to involuntarily commit the inmate to State custody under 18 U.S.C. § 4247(i)(B), the State cannot discharge the inmate until after it has obtained a discharge order under 18 U.S.C. § 4243(f) from the Federal committing court.

ELEMENTS:

First: That the defendant was on an aircraft in the special aircraft jurisdiction of the United States;

Second: The defendant knowingly [assaulted] [intimidated] a flight crew member or flight attendant of the aircraft; and

Third: Such [assault] [intimidation] interfered with the performance of the duties of the flight crew member or flight attendant of the aircraft or lessened the ability of the member or attendant to perform those duties.

FACTS:

On or about March 27, 2012, in the Amarillo Division of the Northern District of Texas, the defendant, **Clayton Frederick Osbon**, on an aircraft in the special aircraft jurisdiction of the United States, namely JetBlue Flight 191, departing New York, bound to Las Vegas, Nevada, did knowingly interfere and attempt to interfere with the performance of the duties of a flight crew member and flight attendant of the aircraft, and lessen the ability of the member and attendant to perform those duties, specifically, while the flight was in progress the defendant, who was the pilot of the aircraft, moved through the aircraft and shouted profanities and terroristic threats and had to be subdued and forcibly restrained from re-entering the cockpit. In violation of 49 U.S.C. § 46504.

On March 27, 2012, the FBI in Amarillo was notified that an aircraft had been diverted to the Amarillo airport. When agents arrived at the airport, they observed a JetBlue Airbus A320 sitting on the tarmac. Other law enforcement officials advised that the aircraft had been diverted to Amarillo and the pilot had been removed from the aircraft.

The first officer (FO), another JetBlue pilot who was initially traveling as a non-revenue passenger, and two of the three flight attendants who worked the flight were interviewed. According to those witnesses, the flight in question was flight 191 from New York's John F. Kennedy (JFK) Airport to Las Vegas, Nevada. The crew members told said that the captain, Clayton F. Osbon, showed up at JFK later than he should have for the

flight and missed the crew briefing. Initially, he did not exhibit any bizarre behavior. As they were climbing out of JFK, Osbon said something to the FO about being evaluated by someone; the FO was not sure what Osbon meant. Osbon talked about his church and needing to "focus". Osbon asked the FO to take the controls and to work the radios. Osbon began talking about religion, but his statements were not coherent. The FO became concerned when Osbon said "things just don't matter". Osbon yelled over the radio to air traffic control and instructed them to be quiet. Osbon turned off the radios in the aircraft and started dimming his monitors. Osbon sternly admonished the FO for trying to talk on the radio. The FO became really worried when Osbon said "we need to take a leap of faith." Osbon started trying to correlate completely unrelated numbers like different radio frequencies, and he talked about sins in Las Vegas. At some point, Osbon told the FO "we're not going to Vegas". Osbon began giving what the FO described as a sermon.

Concerned with Osbon's behavior, the FO suggested to Osbon that they invite the off duty non-rev JetBlue captain to the cockpit. Instead, Osbon abruptly left cockpit to go to the forward lavatory. This occurred roughly 3-1/2 hrs into the scheduled five hour flight.

Osbon did not follow the company's security protocol when leaving the cockpit, which alarmed the rest of crew. When the flight attendants met with him at the front galley to find out if anything was wrong, Osbon aggressively grabbed a flight attendant's hands. Osbon banged on the lavatory door and told a female passenger who was inside that he needed to go to the bathroom.

The FO tasked a flight attendant to bring the non-rev captain to the cockpit while Osbon was in the forward lavatory. The non-rev captain assisted the FO the rest of the flight. Osbon came out of the lavatory and began talking to flight attendants but was not making sense. Osbon mentioned "150 souls on board". Osbon walked to the back of aircraft. On his way, he stopped and asked a male passenger if he had a problem. Osbon sprinted back to the forward galley, and the flight attendants gave chase. The flight attendants had already notified certain passengers they may need their help. Osbon started trying to enter his code in order to re-enter the cockpit, and he banged on the door hard enough that the FO thought he was coming through the door. The FO and non-rev captain locked the cockpit door from the inside. The FO announced over the PA system an order to restrain Osbon. The flight attendants were already trying to stop Osbon from entering his code. Several passengers jumped in to help and brought Osbon down in the forward galley. One female flight attendant

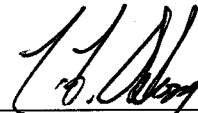
suffered bruised ribs during the struggle. According to one of the passengers who assisted, Osbon said "pray fucking now for Jesus Christ". Osbon also yelled jumbled comments about Jesus, September 11th, Iraq, Iran, and terrorists. He also yelled "Guys, push it to full throttle".

The FO declared an emergency and diverted the aircraft to Amarillo. The flight attendants elected to have the aircraft land without having the assisting passengers return to their seats, because the flight attendants felt they could not risk letting Osbon get up off the floor. The aircraft landed with passengers still restraining Osbon in the galley. The FO, the non-rev captain, and both flight attendants interviewed all stated that Osbon's actions interfered with the flight crew duties on JetBlue flight 191 on March 27, 2012. Osbon was transported to the hospital in Amarillo and subsequently transferred to a facility for a psychiatric evaluation.

STATUS: In Custody.

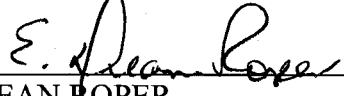
I, Clayton Frederick Osbon, Defendant, in the above case, hereby state that the facts set forth herein are true and correct.

Dated: July 3, 2012.



CLAYTON FREDERICK OSBON
Defendant

Witnessed by:



DEAN ROPER
Attorney for Defendant

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No. 2:12-CR-017-J

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CLAYTON FREDERIC OSBON (1)

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TRIAL STIPULATION

IT IS HEREBY AGREED AND STIPULATED by the defendant, Clayton Frederic Osbon, his attorney, Dean Roper, and the United States of America, by and through Sarah R. Saldaña, United States Attorney for the Northern District of Texas, and Christy L. Drake, Assistant United States Attorney for said district, as follows:

1. By signing this stipulation, the defendant waives trial by jury in this case, and the United States consents to said waiver, pursuant to FED. R. CRIM. P. 23(a).

2. The defendant, Clayton Frederic Osbon, committed the offense alleged in the Indictment returned on April 11, 2012.

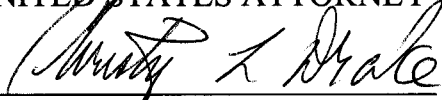
3. The ten-page report dated May 29, 2012, regarding the mental state of the defendant, Clayton Frederic Osbon, at the time of the offense alleged in the indictment, prepared by Robert Johnson, Ph.D., Licensed Psychologist, Primary Evaluator, marked as Government's Exhibit 2, be received by this Court in evidence by stipulation, without further evidentiary predicate or the necessity of testimony on the part of the evaluator.

5. In the evaluators opinion, at the time of the commission of the offense alleged in the Indictment, the defendant appeared to suffer from a severe mental disease or defect that impaired his ability to appreciate the nature, quality or wrongfulness of his behavior. The government does not and will not contest this finding.

6. The above-referenced report of the evaluator, disclosed by the Court to the attorneys for the defendant and the United States, is to be sealed and made a part of the record in this case.

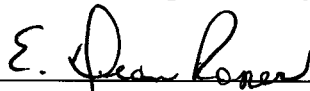
Respectfully submitted,

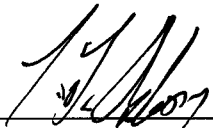
SARAH R. SALDAÑA
UNITED STATES ATTORNEY

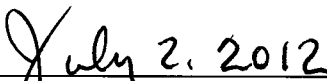

CHRISTY L. DRAKE

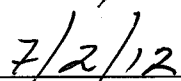
Assistant United States Attorney
Texas State Bar No. 06104500
500 S. Taylor, Suite 300, LB 238
Amarillo, Texas 79101
telephone: 806.324.2356
facsimile: 806.324.2399
E-Mail: christy.drake@usdoj.gov

Agreed and Stipulated By:


DEAN ROPER
Attorney for Defendant


CLAYTON FREDERIC OSBON
Defendant


DATE


DATE

