

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Martin H. Daniell, III, Special Agent with the Federal Bureau of Investigation, Department of Justice, being duly sworn, deposes and states under penalty of perjury the following is true to the best of my information, knowledge, and belief.

1. Your affiant is a Special Agent with the Federal Bureau of Investigation (FBI) and has been so for over fifteen years. Your affiant is currently assigned as a FBI Airport Liaison Agent at Denver International Airport (DEN) and investigates violations of federal law that occur at the airport, as well as crimes that occur in the Special Aircraft Jurisdiction of the United States.

2. On October 27, 2014, at approximately 9:03pm, your affiant was advised by the DEN Communications Center of a disturbance that occurred in flight onboard Delta Air Lines Flight 2525 from Hartsfield-Jackson Atlanta International Airport (ATL) to Denver International Airport (DEN). Your affiant responded to DEN, Gate C-40, where he met Flight 2525. Through interviews of two flight crew members, and an examination of statements written by flight crew members and passengers on the flight, your affiant determined that passenger Vadym Pecherskyi physically interfered with the flight crew of Flight 2525 by assaulting and intimidating two flight attendants.

3. I interviewed female flight attendant G.P. She advised me that Flight 2525 is a scheduled non-stop flight from ATL to DEN. She advised me that passenger Vadym Pecherskyi was seated in Seat 6D in the first class cabin. During the flight he was served approximately two alcoholic drinks. Not long after the flight took off from ATL, Pecherskyi came to aircraft's forward galley and stood behind her, making full body contact with her. He subsequently put his lips on her neck and later touched her back and then moved his hand to her buttocks. At one

point during the flight, he sat next to her on her jumpseat, put his hand on her thigh, and then started to move his hand up and under her dress. She repeatedly told him not to touch her and she estimated, after the first time she told him this, he touched her on her legs and hips, among other places, between seven and ten times. She described his touch as “squeeze and hold” and stated he used his strength to intimidate her. She believed he touched her to harass her. As a result of his behavior, she could not fulfill all of her duties because she felt afraid of him and threatened and intimidated by him also. Specifically, he made her afraid to take her position in the forward galley to protect the cockpit and she did not go aft in the aircraft to check on the other flight attendants.

4. I also interviewed J.M., a female flight attendant. She told me during the flight, because of Mr. Pecherskyi’s behavior, J.M. came forward to the first class section of the aircraft to assist G.P. When J.M. did, Mr. Pecherskyi told her he liked her and made a hand gesture like he wanted to have sex with her. This gesture involved him pointing to her, pointing to himself, and slamming his closed fist sideways into his open hand as if to “slam her.” He also ran his hand from her lower back onto her buttocks. Later, he placed her in a headlock and jerked her toward himself. She repeatedly told him not to touch her and she estimated, after the first time she told him not to touch her, he touched her around seven or eight more times which she described as basically every time he was close enough to touch her. He also tried to kiss her several times and when she got back from him he laughed as if to mock her. She described his touching as predatory and stated she thought he would have raped her, as well as G.P., in the galley if he could have. As a result of his behavior, she spent the majority of her time in the first class cabin with G.P., although she (J.M.) was assigned to the Coach Cabin. He distracted her so much she spent about two-thirds of the flight focusing exclusively on him and she wasn’t able to

properly deal with the other customers on the flight, nor was she able to do her final cabin check prior to landing at DEN.

5. I examined a statement written by a passenger, G.S. She indicated that she observed Pecherskyi grab J.M. in a headlock as if he were going to kiss her and saw him grab her buttocks also. She also saw J.M. push him off of herself and direct him into his seat.

Based upon the above information, probable cause exists to believe Vadym Pecherskyi has violated, Title 49, U.S.C. Section 46504, Interference with Flight Crew Members.

I declare under penalty of perjury the foregoing information is true to the best of my knowledge.

s/Martin H. Daniel, III
Special Agent
Federal Bureau of Investigation

Sworn to before me this 28th day of October, 2014.


United States Magistrate Judge

Affidavit reviewed and submitted by Robert Brown, Assistant United States Attorney.