



Mar 02, 2023

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARC RYAN HETSLER

Defendant.

No. 3:23-mj-00151-KFR

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A CRIMINAL COMPLAINT**

I, KATIE YARBOROUGH, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND TASK FORCE OFFICER BACKGROUND**

1. I make this affidavit in support of an application for a criminal complaint and arrest warrant for **Marc Ryan Hetsler** (hereinafter "SUBJECT"). An investigation has revealed that there is probable cause to believe that the SUBJECT has committed violations of Title 49 U.S.C. § 46504 (interference with flight crew members and attendants).

2. I am familiar with the information contained in this affidavit based upon the investigation I have conducted, in conjunction with other federal, state, and local law enforcement officials, which has included exchanging information with law enforcement officers and others; reviewing notes, reports, database records and other information



acquired during this investigation; and reviewing evidence obtained therefrom; and interviewing witnesses.

3. Because I submit this affidavit for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me or the government. I have only included those facts necessary to establish probable cause to believe that SUBJECT has committed a violation of 49 U.S.C. § 46504.

4. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) for approximately four years. I am currently assigned to the Violent Crime squad in the FBI Anchorage Field Office. During my time with the FBI, I have led and participated in investigations involving violent crimes, threats, robbery, fraud, and drugs. I also investigate violations of Federal law which occur within the airport environment and on-board aircrafts. Title 49 U.S.C. § 46501 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.

#### **RELEVANT STATUTES AND REGULATIONS**

5. The relevant statutory authority and terms used in this affidavit and its attachments are described and defined below.

- a. 49 U.S.C. § 46504, states: “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



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of the member or attendant to perform those duties, or attempts or conspires to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both. However, if a dangerous weapon is used in assaulting or intimidating the member or attendant, the individual shall be imprisoned for any term of years or for life.”

### **PROBABLE CAUSE**

6. On March 1, 2023, at approximately 3:20 p.m., FBI Operations Center in the Anchorage Field Office received a phone call from Anchorage Airport Police Dispatch, who reported that a passenger, SUBJECT, aboard Aleutian Airways Flight SRY1102 was being physically disruptive and aggressive and had been physically restrained at the back of the plane by an off-duty law enforcement officer.

7. Aleutian Airways flight SRY 1102 departed from Dutch Harbor, Alaska at approximately 1:30 p.m. and was scheduled to arrive in Anchorage at 3:45 p.m. After the flight landed at the Ted Stevens International Airport, an FBI Agent and Airport Police Officers conducted the interviews of the flight crew, victim, witnesses, and SUBJECT.

8. The victim and flight attendant, A.G., stated she was given a verbal warning by the gate agent in Dutch Harbor that the last passenger to board the aircraft had given them a little bit of a problem but was currently alright to board the aircraft. A.G. asked if alcohol was involved, to which the gate agent stated not that she was aware of. The gate agent escorted the passenger to the plane where he sat in the very last row of the aircraft, row 18. A.G. assessed SUBJECT during the takeoff procedures, where he seemed “okay” but was very talkative to the female passenger sitting beside him.

9. Once they were above 10,000 ft, A.G. was preparing her beverage cart service in the back of the plane next to where SUBJECT was sitting. A.G. noticed he was becoming restless and couldn't get comfortable in his seat. After A.G. continued preparing her cart, she turned back around to move to the front of the plane with her cart to start the beverage service and immediately saw SUBJECT laying on the floor on his stomach in the middle of the aisle. A.G. was concerned there might have been a health or medical problem with SUBJECT and tried to shake him to wake him and get him off the floor as it is a security risk for the aircraft. When SUBJECT came to, he immediately got up as if startled and started swinging his arms at A.G. telling her, "What are you doing to me? Leave me alone! Fuck off!" A.G. patiently replied to SUBJECT by stating it was a security risk to be in the aisle way and he needed to sit back down in his seat and put his seatbelt back on. SUBJECT refused and was non-compliant.

10. A.G. stated another passenger on the aircraft intervened to help her with SUBJECT. A.G. stated the passenger was a police officer and immediately came to action. SUBJECT would not settle down and had to be restrained via zip ties another passenger happened to have on them and let them use on SUBJECT. A.G. stated it was necessary they used them, as SUBJECT would not have calmed down during the flight and that it was "pretty obvious he was not in his right head" based on how things had progressed from the incident.

11. A.G. clarified by saying when SUBJECT had raised his arms and was swinging them around it was as if he was confused and discombobulated as to what was happening and not directly swinging his arms at her. However, the incident was escalating

to the point A.G. thought SUBJECT might hit her. She reports that she has been working these flights out of Dutch Harbor as flight attendant for over ten years and has never had these actions taken against her. When asked if A.G. was worried or scared if SUBJECT would physically hurt her or another passenger based on how he was acting, she replied by stating, “Yes, he had a crazy look in his eye, and I was definitely nervous.” A.G. has spoken with people before who had been drinking and had to settle down, and they usually listen to her. A.G. stated that was not happening during this incident with SUBJECT.

12. A.G. stated due to the actions of SUBJECT, she could not perform her job responsibility of providing a beverage service nor any other duties for the entire flight, as she was the only flight attendant. Instead, she had to assist the off-duty police officer with SUBJECT, contact the captain of the flight to notify of the incident, and continually check-in and update the captain. A.G. had to continually update the captain because there was a possibility they would have to divert the flight to King Salmon, AK due to the SUBJECT’s actions. A.G. stated even though SUBJECT was restrained with zip ties, he continued to cause problems. He was bashing his head into the seat; would not stop talking; occasionally yelling; and insisting they take off the zip ties. The off-duty officer, who had sat beside him after restraining him, would be able to calm him down for a few minutes, but it never stayed that way.

13. A.G. stated if the off-duty officer and others had not intervened, she would not have been able to have the physical strength to restrain SUBJECT and he would have been a flight risk. A.G. stated it took a lot of strength from the off-duty officer to restrain SUBJECT, as “he was aggressively coming back at” the off-duty officer.



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14. A.G. stated the passenger previously sitting directly next to SUBJECT, A.D., was worried and scared for her and her daughter, who was sitting nearby, and asked A.G. if they could move to which A.G. immediately allowed them to move seats away from SUBJECT.

15. During the interview of the off-duty police officer passenger, T.A., T.A. stated she got up from her seat a couple rows ahead of SUBJECT's row to help the flight attendant when she saw what was happening. T.A. told SUBJECT the flight attendant asked you to get up off the floor, you can't be laying down in aisle. SUBJECT refused to comply. T.A. helped guide SUBJECT up off the floor to stand up. SUBJECT then "turned really aggressively" toward the flight attendant and started angrily talking to her to which the flight attendant backed away from SUBJECT and stated, "Oh no!" SUBJECT then turned aggressively toward T.A. like he was "going to come at" T.A. T.A. told SUBJECT he needed to sit down and again he refused. T.A. then told SUBJECT she was a police officer and that she did not want to arrest him and that he needed to sit down or he could be charged for disorderly contact. He refused to comply by stating "no" and then stood in a manner toward T.A. "like he wanted to fight" her. T.A. then placed her arm around SUBJECT to restrain him and push him down on his seat; however, he kept fighting back. Another passenger gave her zip ties which she then placed on SUBJECT's wrists. She sat next to him the rest of the flight and checked to make sure the zip ties weren't too tight multiple times.

16. T.A. stated SUBJECT continued to resist the restraints and try to take them off and kicking the seat in front of him forcefully. T.A. told him multiple times to calm



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down, “if you don’t stop you could be charged with criminal mischief.” SUBJECT then settled down; however, T.A. opined it was because he was physically tired at that point.

17. T.A. stated SUBJECT smelled of alcohol and had slurred speech for the most part. T.A. believed SUBJECT was under the influence of some substance. Because T.A. believed SUBJECT was under the influence of something, she asked SUBJECT, “what did you take,” to which SUBJECT replied, “it doesn’t matter.”

18. T.A. opined SUBJECT was trying to intimidate the flight attendant by aggressively approaching her before SUBJECT turned to T.A. with intentions to do the same intimidation on T.A. when he was coming at her. T.A. stated the flight attendant looked really scared when SUBJECT was coming at T.A. and trying to intimidate her.

19. During the interview of passenger A.D., she stated she witnessed SUBJECT take a couple drinks of something in a manner that looked like taking shots of alcohol at the beginning of the flight. A.D. stated shortly after SUBJECT “got up from his seat and laid down on the floor in the aisle.” A.D. was worried for her and her daughter and wanted to move seats, as she didn’t want her daughter near him and to hear him while he was verbally cussing out loud often.

20. After reading SUBJECT his Miranda Rights, SUBJECT agreed to answer questions. SUBJECT stated he had “an anxiety issue” so he “drinks a lot.” SUBJECT stated before boarding this flight, he “drank a lot.” When asked approximately how many drinks SUBJECT had prior to boarding this flight today, SUBJECT replied “about 35 to 40 drinks.” SUBJECT then stated, “I’m a really bad alcoholic, but that’s not a cop-out...But I do drink a lot in quantities like that.” “I drink all that and it calms him down,



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but then it stirs me up at the other end. It's an up and down." When asked if he could recall the flight, SUBJECT stated, "I was trashed." SUBJECT did not recall being asked by the flight attendant to get back in his seat or anybody trying to wake him up. SUBJECT stated he remembered sitting next to a "nice lady" next to him and that, "everyone was real cordial with me, but I was just really freaking tanked." SUBJECT did not recall laying on the floor in aisle and stated, "... I do believe you that I did lay down on the floor because that's my go-to, because that's what I do when I'm trying to get rest...." SUBJECT recalled zip ties and they were "really pissing him off." SUBJECT could not recall any other details of the incident and stated, "I'm only trying to hold on to the nice thoughts."

21. Before being transported to Anchorage Correctional Center, SUBJECT was administered a Breath Alcohol Content test (BrAC) by Airport Police Officers at approximately 05:30 p.m. which showed he had a BrAC of 0.268.

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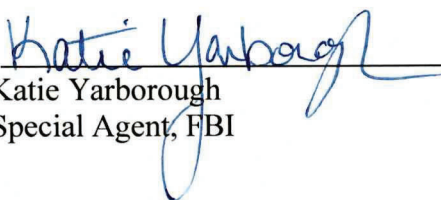
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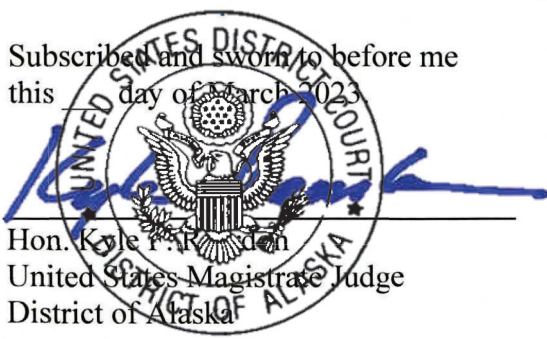


**CONCLUSION**

22. Based upon the information above, your affiant submits that there is probable cause to believe that MARC HETSLER, interfered with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties by assaulting and intimidating a flight crew member or flight attendant of the aircraft, in violation of 49 U.S.C. § 46504.

  
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Katie Yarborough  
Special Agent, FBI

Subscribed and sworn to before me  
this 02 day of March, 2023.



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Hon. Kyle R. Rindson  
United States Magistrate Judge  
District of Alaska

Subscribed and sworn pursuant to Fed. R.  
Crim. P. 4.1 and 41(d)(3) on: March 02, 2023

Telephonically sworn to, and electronically signed.