

Friday, November 17, 2006

Arrested passenger says he was feeling sick, not sexy.

For those fearful of flying, hopefully they will not need to add fear of arrest to the list. In September, federal authorities arrested a couple after they allegedly engaged in very frisky sexual activity on a Southwest Airlines flight. The man's lawyer says he was feeling sick, not sexy, so had his head on his girlfriend's lap. The couple allegedly intimidated one or more flight crew members after being told to stop their activity. Now, they have been indicted and accused of violating 49 U.S.C. § 46504, which carries up to twenty years imprisonment, and provides as follows: "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 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." For the law enforcement version of events, see the Complaint here. The indictment is here. The case is U.S. v. Carl Warren Persing, et al., Crim. No. 5:06-cr-00261-F (E.D. NC). Even if the allegations against the defendants are true, it is very troubling that the potential maximum prison sentence is so high, twenty years. Also, if the crew and passengers were from a more sexually liberal background and/or had a better sense of humor, I imagine the whole situation might have been handled more gracefully by everyone, without any confrontation. (E.g.: Flight attendant: "We'll be delighted to get you a hotel room when we land, but please wait til then." Passenger: "I'm feeling ill, which is why my head is on my girlfriend's lap." End of story; everyone saves face, and a confrontation is averted.) I was about to say that I will think twice before flying Southwest Airlines, but do not know if the other airlines will be any better in this regard. Jon Katz.

Posted by Jon Katz in Criminal Defense at 02:00