

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America
v.

John Yurkovich, Jr.

Case No. 2:21-mj-33

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 17, 2021 in the county of Charleston in the
Judicial District of South Carolina, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 113(a)(4) and (6)

Assault by striking beating or wounding; assault resulting in serious bodily injury

49 U.S.C. § 46506

Application of Certain Criminal Laws to Acts on Aircraft

This criminal complaint is based on these facts:

See attached Affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Joseph Hamski, FBI Special Agent

Printed name and title

Sworn to via telephone after submission by
reliable electronic means. Fed. R. Crim. P. 4.1,
41(d) (3).Date: March 18, 2021

Judge's signature

City and state: Charleston, South Carolina

Molly H. Cherry, United States Magistrate Judge

Printed name and title

Print

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AFFIDAVIT

I, Joseph Hamski, 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 14 years. During the course of my duties as an FBI agent, I have conducted numerous investigations involving assault, drugs, narcotics, violent incident crime and white collar crime. During these investigations, I have applied for arrest warrants and assisted in the application of search warrants.
2. This statement of probable cause is in support of a complaint against John Yurkovich, Jr. (hereinafter referred to as “Yurkovich”) for a violation of Title 18, U.S.C. Sections 113(a)(4) and (6) (Assaults within maritime and territorial jurisdiction) and Title 49, U.S.C. Section 46506 (Application of Certain Criminal Laws to Acts on Aircraft).
3. Title 18, United States Code, Section 113(a)(4), states: “Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows: (4) Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than one year, or both.”
4. Title 18, United States Code, Section 113(a)(6), states: “Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of an assault shall be punished as follows: (6) Assault resulting in serious bodily injury, by a fine under this title or imprisonment for not more than ten years, or both.”
5. Title 49, United States Code, Section 46506(1), states in relevant part: “An individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that—(1) if committed in the special maritime or territorial jurisdiction of the United States . . . would violate section 113 . . . of title 18, shall be fined under title 18, imprisoned under that section or chapter, or both.”
6. 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) a civil aircraft of the United States . . . (C) another aircraft in the United States.”
7. 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

8. The relevant incident occurred on or about March 17, 2021, on board United Flight 728. Witness statements and the United flight manifest establish that the defendant, Yurkovich, was a passenger on that flight. Flight 728 departed Newark Liberty International Airport (“EWR”) at approximately 8:14 a.m. with a direct flight path to Miami International Airport (“MIA”), scheduled to arrive at 11:26 a.m. The flight arrived at the Charleston International Airport (“CHS”) around 10:10 a.m. after being diverted due to an incident on the flight.
9. The Charleston Resident Agency FBI office was contacted around 9:45 a.m. on March 17, 2021, by Sergeant (“SGT”) Todd Ellis with the Charleston Aviation Authority Police Department (“CAPD”) in Charleston, South Carolina. SGT Ellis advised that a passenger identified as Yurkovich had become unruly and assaulted multiple passengers on United Flight 728 from EWR bound for MIA. SGT Ellis advised that several passengers had to restrain Yurkovich, and at least 2 passengers sustained significant bodily injury as a result of Yurkovich’s assault.
10. Due to the on-board incident, the pilot(s) of United Flight 728 declared a level III emergency and diverted the flight from its route to land at the nearest identified airport. Due to the location of the airplane at the time of the incident, the flight was diverted to land at CHS. The flight landed at CHS at approximately 10:10 a.m., and with the assistance of CAPD, officers removed Yurkovich from the aircraft.
11. On March 17, 2021, I interviewed J.H., a witness passenger seated adjacent to Yurkovich. J.H. provided the following information:
 - a. During the flight, Yurkovich was seated in seat 11C.
 - b. Approximately 50 minutes into the flight, Yurkovich got out of his seat and went to the rear of the airplane.
 - c. When Yurkovich returned to his seat, Yurkovich was acting erratic and appeared to be off-balanced. When he was seated, Yurkovich yelled out loud capturing the attention of several other passengers in the surrounding area. A flight attendant responded, asking Yurkovich if he needed anything, to which Yurkovich yelled at the flight attendant to get him water. Yurkovich then stood up and opened/closed the overhead compartment multiple times. Yurkovich opened his bag, which was in the compartment above, took out a pill box, and appeared to consume a pill(s).
 - d. When Yurkovich placed the pill box back into his bag, Yurkovich backed into J.H. J.H. attempted to brace himself from Yurkovich falling onto him.
 - e. Yurkovich turned around and began shouting at J.H. Yurkovich was shouting in J.H.’s face, “Don’t fucking talk to me” and “Don’t touch me”, among other things. When Yurkovich was yelling at J.H., he pulled his face mask off and leaned forward putting his face within inches of J.H. J.H. advised he felt spit on

his face due to Yurkovich yelling at him so close to his face. J.H. did not touch Yurkovich.

- f. Yurkovich then proceeded to punch J.H. in the face several times. J.H. does not know how many times he was hit. The first punch from Yurkovich landed on the left ear and left side of J.H.'s face. The first punch also broke J.H.'s glasses. J.H. attempted to shield his face with his arms from additional punches. J.H. was still seated and confined to his seat by his seatbelt throughout the assault. J.H. then wrapped his arms around Yurkovich in an attempt to prevent additional punches, J.H. also attempted to pull Yurkovich's shirt over his head.
- g. Several other passengers intervened and restrained Yurkovich. Yurkovich was placed in zip-ties around his wrist that were provided by the flight attendant. Yurkovich was restrained until the flight arrived in Charleston.
- h. Following the incident, J.H. was bleeding excessively from his ear where he was struck by Yurkovich's punch(es). A doctor on board the flight treated him by applying a bandage to treat the bleeding.
- i. J.H. was treated at a hospital in Miami, Florida. Doctors advised J.H. had several hematoma's to his face and head and received a computerized tomography ("CT") scan to check for internal bleeding. J.H. also received 7 sutures to repair a laceration to his left ear.

12. On March 17, 2021, I interviewed I.L., a witness passenger seated in seat 12E, diagonal to where Yurkovich was seated. I.L. stated, among other things, the following:

- a. I.L. observed Yurkovich open and close his overhead compartment and sit down. Yurkovich appeared to be listening to music on his headphones. When seated, Yurkovich screamed out loud. Yurkovich then stood up again and opened the overhead compartment. Yurkovich opened his bag and took out a pill box and appeared to consume an unknown pill(s).
- b. When Yurkovich placed the pill box into his bag, Yurkovich backed into the passenger seated adjacent and across the aisle, identified as J.H. Yurkovich appeared to fall on him. J.H. attempted to brace himself from Yurkovich falling on him.
- c. At that time, Yurkovich turned around and yelled at the victim stating, "Don't fucking put your hands on me! I'll fucking punch you in the face."
- d. I.L. then observed Yurkovich punch J.H. approximately 7-8 times in the head. J.H. attempted to defend himself by shielding his face.
- e. I.L. stated he got out of his seat in order to stop the assault. Several other passengers did the same thing at the same time. While intervening, I.L. was punched in the nose by Yurkovich causing it to bleed and swell. I.L. along with approximately three other passengers, subdued and restrained Yurkovich.
- f. I.L. and the other three passengers held Yurkovich down and placed zip-ties on his wrist that were provided by the flight attendant. I.L. and the other passengers

restrained Yurkovich until they arrived in Charleston and relinquished custody of him to the CAPD.

g. I.L. was treated at a hospital in Miami. I.L. was diagnosed with a broken nose.

13. On March 17, 2021, approximately 3 other passengers seated nearby to where Yurkovich, J.H. and I.L. were seated were interviewed by law enforcement. Each of these passenger witnesses provided the following information:
 - a. When attempting to put a pill box into his bag, Yurkovich backed into the individual seated across the aisle from him, identified as J.H.
 - b. Yurkovich turned around and began shouting at J.H.
 - c. Yurkovich then began punching J.H. repeatedly in the face. J.H. was punched multiple times. J.H. attempted to shield his face with his arms. J.H. did not touch Yurkovich prior to being punched by Yurkovich.
 - d. Several passengers seated nearby subdued Yurkovich to prevent him from further assaulting J.H. These passengers restrained Yurkovich until the flight landed and CAPD took him into custody.
14. On March 17, 2021, I interviewed the pilot of United Flight 728. The pilot stated, amongst other things, the following:
 - a. The pilot was notified by a flight attendant of a disturbance in the cabin of the plane.
 - b. The pilot was informed that a passenger had become unruly and assaulted multiple passengers on the flight causing serious bodily injury to at least 2 passengers. Several passengers responded and restrained the said passenger.
 - c. The pilot was informed Yurkovich continued to resist restraint by several passengers and that a riot had ensued in the plane.
 - d. Flight attendants were ordered to retrieve restraints for Yurkovich as well as the first aid medical bag to assist with medical treatment of passengers, thereby interfering with the flight attendant's ability to perform their regular duties.
 - e. The pilot advised the incident interfered with the performance of the flight crew members and/or attendants to perform their duties.
 - f. The pilot declared a level III emergency causing the aircraft to divert from its flight route and land at CHS.
15. When United Flight 728 landed at CHS and arrived at the gate, CAPD boarded the plane and took Yurkovich into custody. Yurkovich was searched and then transported to the CAPD station. Approximately 2 grams of methamphetamine was located on Yurkovich. Yurkovich was charged by CAPD for the possession of methamphetamines and is currently in custody on state charges.

CONCLUSION

16. Based on the foregoing, I submit that there is probable cause to believe that on or about March 17, 2021, the defendant, John Yurkovich Jr., on an aircraft in the special aircraft jurisdiction of the United States, namely United Flight 728 flying from Newark, New Jersey to Miami, Florida, did the following: committed an assault by striking and an assault causing serious bodily injury, in violation of Title 18, United States Code, Sections 113(a)(4) and (6) and (2).

This affidavit has been reviewed by Assistant United States Attorney Emily Limehouse.

Joseph Hamski

Joseph Hamski
Special Agent, FBI

SWORN TO ME VIA TELEPHONE OR
OTHER RELIABLE ELECTRONIC MEANS
AND SIGNED BY ME PURSUANT TO
FED. R. CRIM. P. 4.1 AND 4(d) OR 41(d)(3),
AS APPLICABLE

This 18 day of March, 2021
Charleston, South Carolina



Molly H. Cherry
The Honorable Molly H. Cherry
UNITED STATES MAGISTRATE JUDGE