

23-MJ-6333-MPK

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

I, Jason D. Costello, being duly sworn, state as follows:

**INTRODUCTION**

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed since July 2004. I am assigned to the FBI's Boston Field Office. Since November 2020, I have served in the role of Airport Liaison Agent Coordinator at Boston Logan International Airport (BOS) where I investigate violations of federal law in the airport environment and onboard aircraft. I have received training in the investigation of sexual assault and related crimes from both the United States Department of Justice and Municipal Police Training Committee in the Commonwealth of Massachusetts.

2. I make this affidavit in support of a criminal complaint charging Sudipta MOHANTY ("MOHANTY"), YOB 1989, with violating Title 49, United States Code, Section 46506(2) (application of certain criminal laws to acts on aircraft) and District of Columbia (D.C.) Code Section 22-1312 (lewd, indecent, or obscene acts).

3. I am aware that, under Title 49, United States Code, Section 46501(2)(A), Special Aircraft Jurisdiction of the United States applies to any civil aircraft of the United States while the aircraft is in flight. An "aircraft in flight" is defined in Section 46501(1)(A) of that title as an aircraft from the moment all external doors are closed following boarding through the moment when one external door is opened to allow passengers to leave the aircraft.

4. Title 49, United States Code, Section 46506(2) states, in pertinent part, "[a]n individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that ... if committed in the District of Columbia would violate section 9 of the Act of July 29,

1892 (D.C. Code Section 22-1112), shall be fined under Title 18, imprisoned under section 9 of the Act, or both.”

5. I am also aware that District of Columbia Code Section 22-1312, which had previously been codified at Section 22-1112, makes it unlawful for “a person, in public, to make an obscene or indecent exposure of his or her genitalia or anus, to engage in masturbation, or to engage in a sexual act as defined in Section 22-3001(8).” I am also aware that violation of this section is a misdemeanor punishable by imprisonment up to 90 days. *Id.*

### PROBABLE CAUSE

6. On or about May 27, 2022<sup>1</sup>, while onboard Hawaiian Airlines Flight 90 enroute from Honolulu, Hawaii, to Boston, Massachusetts, MOHANTY masturbated and exposed his penis within view of the 14-year-old female passenger (“Minor A”)<sup>2</sup> seated next to him. The incident was first reported by Minor A’s mother (“DB”)<sup>3</sup> to Hawaiian Airlines on or about July 5, 2022.<sup>4</sup> Hawaiian Airlines, in turn, reported it to the FBI’s Honolulu Field Office who then initiated

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<sup>1</sup> Hawaiian Airlines Flight 90 departed from Honolulu, Hawaii on May 27, 2022, and arrived at Boston, Massachusetts on May 28, 2022. Hawaiian Airlines is a U.S. flagged carrier, such that the aircraft used for Flight 90 qualifies as a “civil aircraft of the United States” under 49 U.S.C. § 46501(2)(A).

<sup>2</sup> Minor A’s identity is known to me but redacted for her privacy.

<sup>3</sup> DB’s identity is known to me but redacted for her privacy. She is identified here by her initials only.

<sup>4</sup> On July 13, 2022, DB sent an email to the Hawaiian Airlines station manager at Boston, Massachusetts. In her email, DB indicated that on July 5, 2022, she had reported the matter to Hawaiian Airlines customer service via phone and was directed to fill out an online complaint form. On July 5, she had reported that the man seated next to Minor A (later identified as MOHANTY) had been repeatedly touching his genitals over his clothing, because that is what she understood at the time. DB’s July 13 email to the Hawaiian Airlines station manager at Boston expanded on the original complaint and advised that the man seated next to Minor A

an investigation.<sup>5</sup>

### **Forensic Interview of Minor A**

7. On August 16, 2022, Minor A was interviewed by an FBI Child/Adolescent Forensic Interviewer (“CAFI”) at the FBI’s Honolulu Field Office in Kapolei, Hawaii. The interview was audio- and video-recorded. Minor A told the CAFI the following, in substance<sup>6</sup>:

a. Minor A is 14 years old and lives in Hawaii. On May 27, 2022, Minor A was flying to Boston from Hawaii with her grandparents to stay with them for the summer. She was seated next to a man (subsequently identified as MOHANTY, as described below) on the plane.

b. About half-way through the flight MOHANTY was masturbating next to Minor A. Minor A was disgusted and very uncomfortable. She then moved to a different seat.

c. Minor A had boarded the plane and taken her seat before MOHANTY. She was sitting in her assigned seat. When MOHANTY got on the plane he was with a woman

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(later identified as MOHANTY) had actually exposed himself. Hawaiian airlines forwarded this email to the FBI’s Honolulu Field Office on July 14, 2022.

<sup>5</sup> This investigation was transferred to FBI Boston in January 2023, at which point I became involved.

<sup>6</sup> This is not a verbatim account of Minor A’s statements but rather is my summary of Minor A’s statements as relevant to supporting probable cause that MOHANTY violated 49 U.S.C. § 45606(2).

(the “Companion”).<sup>7</sup> Minor A was seated in the middle section<sup>8</sup> of four seats, in the aisle seat on the right side of that section, with the aisle to her right. MOHANTY was seated next to Minor A on her left. The Companion was seated next to MOHANTY on his left. MOHANTY and Companion were holding hands and cuddling with each other. They were asking each other “basic level” questions such as, “What is your favorite color?” which Minor A found strange.

d. Everything was fine until about five hours into the flight. Minor A was still awake. She was watching the television located on the back of the seat in front of her while also playing a game on her phone. Minor A was seated in such a manner that she had her body turned inward somewhat, facing slightly towards MOHANTY. The Companion was sleeping on MOHANTY’s shoulder. MOHANTY had covered himself with a blanket up to his neck. Minor A noticed that MOHANTY’s leg was bouncing up and down. Minor A was not really sure why that was but did not think anything of it. Minor A then got up and went to the restroom. When Minor A returned to her seat, MOHANTY then got up and went to the restroom. He returned to his seat soon thereafter.

e. Not long after MOHANTY’s leg started bouncing again. Once again, Minor A did not know why so she did not think much of it. The bouncing then stopped. A few minutes later it started again. At that point Minor A observed that the blanket that

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<sup>7</sup> Minor A described MOHANTY as Indian, aged early to mid-30s, dark colored skin, approximately 5’8” or 5’9,” with short brown hair. Minor A described the Companion as Indian, aged late 20s, dark colored skin, approximately 5’4,” with long brown hair.

<sup>8</sup> Through the course of the investigation, I have learned that the plane had one section on the right side of the plane, the middle section of four seats, and one section on the left side of the plane.

had been covering MOHANTY was now off him and on the floor. Minor A could see that MOHANTY was masturbating. MOHANTY's pants were unzipped and Minor A could see his "genitals." He was "using his hand to go up and down." The man then ejaculated. Minor A saw "white stuff" that went on him. The man then zipped his pants back up, got up and went to the restroom. When MOHANTY returned to his seat Minor A did not know what to do. Everyone around her was asleep. Minor A's grandparents were seated in the aisle and window seats to across the aisle from her, but diagonally one row ahead of her. She could see that her grandparents were asleep.

f. Minor A was desperate to get out of her seat and away from the man. She looked behind her and saw that a woman (the "Neighbor") was seated in the row behind Minor A with two empty seats next to her. Minor A got up and asked the Neighbor if she could sit next to her. The Neighbor agreed and Minor A took a seat. The Neighbor asked Minor A if she was okay. Minor A said she was alright because she did not want to "freak" anyone else out.

g. Sometime after she was sitting in her new seat, Minor A could see that her grandmother was looking around for her. Minor A got up and told her grandmother that she had moved. Once off the plane and in the airport in Boston, Minor A told her grandmother that the man sitting next to her had done something "inappropriate." Minor A next told her mother that something had happened when speaking to her over the phone later that day or the next.

#### **Identification of MOHANTY**

8. Hawaiian Airlines confirmed that Minor A traveled from Honolulu to Boston on Flight 90 on May 27, 2022. Minor A was assigned to seat 22G. 22G is an aisle seat. Minor A

was flying with her grandmother (“LD”) and grandfather (“DD”)<sup>9</sup>, who were listed on a separate reservation from that of Minor A. LD and DD were assigned to seats 21H and 21J, which are aisle and window seats respectively. LD and DD were seated to the right and one row ahead of Minor A. According to Hawaiian Airlines, the aircraft seating on the aircraft used for Flight 90 on May 27, 2022 is configured from left to right as: AB—CDEG—HJ, with the dashes representing the aisles and seats A and J being the window seats. There is no seat F or seat I on this aircraft.

9. According to Hawaiian Airlines, Sudipta MOHANTY, with a date of birth XX/XX/1989, was assigned to seat 22E, which was the seat located immediately to the left of Minor A. Based on his birthdate, MOHANTY was 32 years old on May 27, 2022. According to his reservation, MOHANTY was traveling with a female companion (hereafter, “RS”)<sup>10</sup> who was assigned to seat 22D. The passenger record listed RS’s date of birth as XX/XX/1990. According to her birthdate, RS was 31 years old on May 27, 2022. The reservation also contained a contact telephone number, which commercial databases indicate is associated with RS.

10. According to the Massachusetts Registry of Motor Vehicles, Sudipta MOHANTY with date of birth of XX/XX/1989 (the same date of birth listed in the Hawaiian Airlines record) is the holder of a Massachusetts driver’s license with a listed height of 5’9” and a residence in Cambridge, Massachusetts. Minor A’s description of the man seated next to her who exposed himself and masturbated is consistent with the information contained in MOHANTY’s Massachusetts driver’s license, which depicts a man with a dark complexion and black hair that is

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<sup>9</sup> LD and DD’s identities are known to me but redacted for their privacy; they are identified only by their initials here.

<sup>10</sup> RS’s identity is known to me but redacted for her privacy; she is identified only by her initials here.

styled short. According to a hospital web site, MOHANTY is an internal medicine and primary care doctor with a practice in Boston; I have reviewed MOHANTY's photograph on the hospital web site and it appears to depict the same person as the MOHANTY listed in the Registry of Motor Vehicles.

11. According to the Massachusetts Registry of Motor Vehicles, RS with date of birth XX/XX/1990 (the same date of birth listed in the Hawaiian Airlines record) is the holder of a Massachusetts driver's license, with a listed residence in Cambridge, Massachusetts; the residence listed for her is the same as the residence listed on MOHANTY's driver's license. Minor A's description of the traveling companion of the man seated next to her is consistent with the information contained in RS's Massachusetts driver's license. According to commercial database checks, the contact telephone number on the Hawaiian Airlines reservation for MOHANTY and RS is associated with RS.

### **Witness Interviews<sup>11</sup>**

12. Minor A told the CAFI that when she made the decision to move from her seat, she looked and saw that there was a woman in the seat behind her ("the Neighbor") with two open seats next to her in the middle section of four seats. According to Hawaiian Airlines, the seat directly behind Minor A (23G) was occupied by a female passenger ("ME")<sup>12</sup>. Seats 23D and 23E were unassigned. I interviewed ME. ME confirmed that during the flight, a young woman or girl

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<sup>11</sup> Below I summarize the substance of various witness interviews that I conducted. These are not verbatim accounts of the witnesses' statements, and do not include every statement by every witness, but rather are my summaries of the witnesses' statements as relevant to supporting probable cause that MOHANTY violated 49 U.S.C. § 45606(2). I do not summarize all witness interviews that I conducted, but rather only a subset thereof.

<sup>12</sup> ME's identity is known to me but redacted for her privacy; she is identified here only by her initials.

had come and sat next to her in the empty seat to her left. ME asked the young woman or girl if she was okay because she kept looking over towards the right side of the plane.

13. I interviewed Minor A's grandmother, LD. LD told me that she and DD live in Connecticut. In May 2022, they had travelled to Hawaii. Upon their return from Hawaii on May 27, 2022, Minor A traveled with LD and DD on Hawaiian Airlines from Honolulu to Boston so that Minor A could spend time with them and visit with family in the Northeast. Minor A was seated separately from LD and DD. Minor A was sitting in the aisle seat on the right side of the middle group of four seats. DD and LD were seated across the aisle to the right of Minor A, in the aisle and window seats respectively, one row ahead. LD could easily turn and see Minor A, which she did often during the flight. LD described the man sitting next to Minor A and the man's female traveling companion as Caucasian<sup>13</sup> with dark hair and aged in their late 20s to early 30s.

14. LD had fallen asleep at some point. When she awoke, the cabin lights were down and she could see that Minor A was no longer in her seat. She assumed that Minor A had gone to the restroom. When she did not return LD started to get nervous and began to get up. At that moment Minor A came over and told LD that she had seen her looking around. Minor A told LD that she had moved to a different seat in the row behind where she had been because something had happened and that she would tell LD about it later. After landing and while in the airport in Boston, LD asked Minor A what had happened. Minor A told LD that the man seated next to her was touching himself under a blanket so she had gotten up and left. LD asked Minor A if the man had been touching his "private parts." Minor A responded, "Yes." Minor A was very uncomfortable talking about it so the conversation ended there.

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<sup>13</sup> Based on all of the other information presented herein, I believe that LD's description of the man next to Minor A and his traveling companion as "Caucasian" to be inaccurate.



15. I interviewed Minor A's mother, DB. DB spoke with Minor A over the phone, on May 28 or 29, 2022, once Minor A arrived at LD and DD's house in Connecticut. Minor A told DB that she had moved seats during the flight because the man seated next to her was "rubbing himself." Minor A was uncomfortable and did not want to speak about the incident in any more detail at that time.

16. I interviewed Minor A's brother ("RB"), who was 18 years old at the time of the incident<sup>14</sup>. RB told me that a few days after arriving at their grandparents' house, Minor A called him. Minor A told RB that the man sitting next to her on the plane from Honolulu to Boston was "touching himself." Minor A had felt disgusted and awkward and changed seats. RB understood "touching himself" to mean that the man had been touching his penis. RB asked Minor A if the man was exposed. Minor A responded that she had seen "it," which RB understood to mean the man's penis. Minor A was very disturbed by what had happened. RB asked Minor A if she had told their parents. Minor A said that she had told DB but left out the details about seeing the man exposed because she was embarrassed.

17. I interviewed Minor A's cousin ("MC"), who was 22 years old at the time of the incident.<sup>15</sup> MC told me that on the day before Minor A was to fly home to Hawaii, she and Minor A attended a cookout at their grandparents' house. Minor A told MC that she was nervous about flying home. When asked why, Minor A explained that on the flight from Hawaii to Boston, the man she was seated next to appeared to be touching himself under a blanket that was covering him.

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<sup>14</sup> RB's identity is known to me but redacted for his privacy; he is identified here only by his initials.

<sup>15</sup> MC's identity is known to me but redacted for her privacy; she is identified here only by her initials.

Minor A saw the blanket moving. At some point the blanket moved, or the man moved it, and he was exposed. Minor A said, "It was there." MC understood that Minor A was referring to the man's penis. Minor A had then got up and sat somewhere else. Minor A told MC that she "could not get the vision out of her head," in reference to seeing the man's penis.

18. LD overheard Minor A tell MC about the man being exposed and seeing his penis. LD joined the conversation and pointed out to Minor A that she had not disclosed this detail to LD when they got off the plane. Minor A told LD that she had been too embarrassed to tell her everything.

19. DB spoke with Minor A once Minor A returned home to Hawaii. Minor A explained to DB that the man had been touching himself. DB asked if he was touching himself on top of his pants. Minor A said "Yes," but that she also saw "it," and explained that "it" was the man's "private parts." DB asked if Minor A was referring to the man's penis. Minor A said, "Yes," that his pants were unzipped, she saw his penis, and she left. DB asked Minor A if Minor A understood that the man was masturbating and she said, "Yes."

#### **MOHANTY Interview**

20. On May 6, 2023, a fellow agent and I made contact with MOHANTY at the residence listed on his driver's license. In response to our knocking on the door MOHANTY partially opened it and stuck his head out, at which time we identified ourselves and showed him our FBI credentials. We advised MOHANTY that we wished to speak with him for a few minutes. He agreed and stepped into the common hallway. MOHANTY confirmed that he and RS had flown from Boston to Honolulu and back on Hawaiian Airlines in May 2022. MOHANTY was told that the FBI was investigating a complaint, made by a fellow passenger on the return flight from Honolulu to Boston, that MOHANTY had masturbated in the passenger cabin while seated

in between the complainant and RS. MOHANTY now appeared visibly nervous in that his hands and voice trembled. MOHANTY suggested that he may have kissed RS at some point. MOHANTY was advised that what had been described by the complainant could not be confused with a kiss on the cheek. MOHANTY then said, “Well then I would have to say that my response would be to deny that.”

21. MOHANTY was advised of the complainant’s allegations specifically as set forth above. In response, MOHANTY said, “I have no recollection of that.”

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## CONCLUSION

22. As set forth above, MOHANTY exposed his penis and engaged in masturbation in a time and place where a reasonable person would know that his act would be open to the observation of others – including, in this case, a 14-year-old girl seated beside him.<sup>16</sup>

23. Based on the foregoing, I submit that there is probable cause to believe that, on or about May 27, 2022, Sudipta MOHANTY, being an individual on an aircraft in the special aircraft jurisdiction of the United States while onboard Hawaiian Airlines Flight 90 enroute from Honolulu, Hawaii, to Boston, Massachusetts, did violate Title 49, United States Code, Section 46506(2), application of certain criminal laws to acts on aircraft, and District of Columbia Code Section 22-1312, lewd, indecent, or obscene acts.

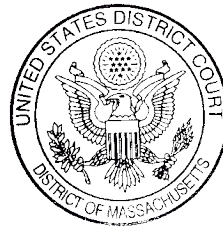
/s/ Jason D. Costello

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Jason D. Costello  
Special Agent, FBI

Sworn to before me by telephone pursuant to Fed. R. Crim. P. 4.1 on this 9th day of August 2023.

  
HON. M. PAGE KELLEY  
United States Magistrate Judge



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<sup>16</sup> See *United States v. Froula*, No. 07-mj-01179-MJW, 2007 U.S. Dist. LEXIS 87497 (D. Colo. Nov. 28, 2007); *Peyton v. District of Columbia*, 100 A.2d 36, 37 (D.C. 1953).