

United States District Court

EASTERN

DISTRICT OF

MISSOURI

EASTERN DIVISION

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

CASE NUMBER: 4:09MJ 6114 TCM

ADAM DYLAN LEON
a/k/a YAVUZ BERKE

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

On or about April 6, 2009, in Carter County, in the Eastern District of Missouri, and elsewhere, defendant did unlawfully transport in interstate commerce a stolen aircraft, that is, a Cessna 172, bearing tail registration number C-GFJH, from the Country of Canada to Carter County, State of Missouri, knowing the same to be stolen, in violation of Title 18, United States Code, Section 2312.

COUNT II

On or about April 6, 2009, in the Eastern District of Missouri and elsewhere, the defendant, a citizen of Canada, did enter the United States at a time and place other than as designated by immigration officers, to-wit: by piloting a Cessna 172 aircraft, bearing tail registration number C-GFJH, from Ontario, Canada, into the United States airspace at the State of Wisconsin, until apprehended on the ground in the County of Carter, State of Missouri, in violation of Title 8 United States Code, Section 1325(a)(1).

I further state that I am a Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

See attached Affidavit.

Continued on the attached sheet and made a part hereof. Yes No

Signature of Complainant

Sworn to before me, and subscribed in my presence

April 7, 2009
Date

at _____
City and State

Thomas C. Mummert, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT

I, John J. Flick, being duly sworn states as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) in St. Louis. As an agent, part of my duties include the investigation of Interstate Transportation of Stolen Aircraft, a violation of Title 18, United States Code, Section 2312. This affidavit is based on my conversations with Special Agent Brian W. Ritter of the FBI, Cape Girardeau Resident Agency and his conversations with the Missouri State Highway Patrol, the Royal Canadian Mounted Police and the U. S. Immigration and Customs Enforcement.

2. I make this affidavit in support of a criminal complaint against Adam Dylan Leon, a/k/a Yavuz Berke, for violation of Title 18, United States Code, Section 2312 and Title 8, United States Code, Section 1325(a)(1).

3. On April 6, 2009 in the afternoon, a Cessna 172 bearing tail registration number C-GFJH, took off from an airport in the area of Thunder Bay, Ontario, Canada without approval from air traffic control and without radio contact. Despite local air traffic, the plane took off and headed South from the airport. The plane never made any attempt to make radio contact. The plane was owned by Confederation College in Thunder Bay, Ontario. Confederation College is a two year flight training school.

4. The Royal Canadian Mounted Police later determined in their investigation that the plane was stolen by Adam Leon, a student at Confederation College and that Leon did not have authorization to fly the plane on April 6, 2009.

5. Due to the unknown nature of the flight and Leon's lack of radio communication, appropriate

authorities were notified of the plane's location and direction of travel for public safety.

6. United States Department of Defense aircraft intercepted the Cessna 172 after it entered United States airspace. Attempts to communicate with Leon were unsuccessful. The Cessna was monitored throughout its flight and the FBI was advised of the aircraft's location throughout its flight.

7. SA Ritter was notified the plane landed successfully in the area of State highway 60 and County Road FF near Ellsinore, Missouri, which is in the County of Carter, Eastern District of Missouri. Leon was located a short time later at Simmon's Grocery Store in Ellsinore by the Missouri State Highway Patrol (MSHP). Leon identified himself to the MSHP Troopers and was placed under arrest at approximately 9:30 pm. The stolen Cessna 172 was located and secured by the MSHP and Carter County Sheriff's Department pending a search by the FBI.

8. On April 6, 2009, Adam Leon was interviewed at the MSHP Troop E Headquarters in Poplar Bluff, Missouri by SA Ritter and SA Trisha Kays of the FBI. Leon was advised of his Miranda Rights and waived his rights by signing a waiver. Leon stated he decided to fly the plane into the United States with the expectation he would be shot down and killed by United States military aircraft. Leon advised he did not file a flight plan and did not have permission to fly the plane on April 6, 2009. Leon advised he has not felt like himself lately and has been treated recently by a psychiatrist.

9. Leon advised he did not acknowledge any radio traffic when he took off and never made attempts to communicate with anyone over the radio. Leon stated he did observe "fighters" during the flight and observed one of the fighters "shoot flares" to get his attention. Leon continued his flight despite the fighters' attempts.

10. Leon advised when he started to get low on fuel and it was dark outside, he decreased his

altitude and looked for a safe place to land the plane. Leon did not have any maps and did not know how to get to a local airport to land the plane. Leon landed the plane on a rural highway and was later arrested in Ellsinore.

11. SA Ritter has determined in his investigation through conversations with the Royal Canadian Mounted Police that the plane was reported stolen in Thunder Bay, Ontario, Canada. Due to the flight path between Thunder Bay, Ontario, Canada and Ellsinore, Missouri, the stolen plane traveled across state lines while piloted by Leon and was recovered in the Eastern District of Missouri.

12. SA Ritter also determined in conversations with the U. S. Immigration and Customs Enforcement that Leon, a/k/a Yavuz Berke, is a citizen of Canada, who failed to report at a time and place designated by immigration, for aliens entering the United States airspace from Ontario, Canada at the Wisconsin state line.

John J. Flick

Subscribed and sworn to before me this 7th day of April, 2009.

Thomas C. Mummert
United States Magistrate Judge