

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Criminal Action No. 10-mj-01044-CBS

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. MURALI KRISHNA NOOKELLA,

Defendant.

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**PLEA AGREEMENT AND STATEMENT OF FACTS  
RELEVANT TO SENTENCING**

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The United States of America (the government), by and through James R. Allison, Assistant United States Attorney for the District of Colorado, and the defendant, Murali Krishna Nookella, personally and by counsel, Edward R. Harris, submit the following Plea Agreement and Statement of Facts Relevant to Sentencing pursuant to D.C.COLO.LCrR 11.1.

**I. PLEA AGREEMENT**

The defendant agrees to plead guilty to the Information charging a violation of 49 U.S.C. § 46506(2), obscene and indecent exposure on an aircraft.

The government has made no promises or inducements in exchange for the defendant's plea of guilty.

**II. ELEMENTS OF THE OFFENSE**

1. The defendant, while on an aircraft in the special aircraft jurisdiction of the United States;

2. Made an obscene or indecent exposure of his person, that if committed in the District of Columbia would violate Section 9 of the Act of July 29, 1892, D.C. Code § 22-1112 (now codified at D.C. Code § 22-1312(a)).

### **III. STATUTORY PENALTIES**

The maximum statutory penalty for a violation of 49 U.S.C. § 46506(a) is: not more than 90 days imprisonment; not more than \$5000.00 fine, or both; not more than 1 year supervised release; \$10.00 special assessment fee. There is no restitution due in this case.

The conviction may cause the defendant to be deported or removed from the United States, or otherwise affect his ability to enter or remain in this country.

A violation of the conditions of probation or supervised release may result in a separate prison sentence.

### **IV. STIPULATION OF FACTUAL BASIS AND FACTS RELEVANT TO SENTENCING**

The parties agree that there is no dispute as to the material elements which establish a factual basis of the offense of conviction.

Pertinent facts are set out below in order to provide a factual basis of the plea.

The statement of facts herein does not preclude either party from presenting and arguing, for sentencing purposes, additional facts or factors not included herein which are relevant to sentencing.

The parties agree that the government's evidence would show that the date on which conduct relevant to the offense began is March 1, 2010.

The parties agree that the government's evidence would be:

On March 1, 2010, Southwest Airlines flight 228 was a commercial airlines flight from Philadelphia, Pennsylvania to Denver, Colorado. The airplane was a Boeing 737-700 bearing a United States aircraft registration number. During flight, the aircraft would be an aircraft “in the special aircraft jurisdiction of the United States.”

The defendant was a passenger on Southwest flight 228.

Seated next to the defendant in the middle seat was a female passenger who was a stranger to the defendant. The female passenger’s initials are “C.S.A.”

During the flight, the defendant attempted to engage C.S.A. in conversation by questioning her about her travel schedules. C.S.A. tried to avoid the conversation by beginning to work on her laptop computer. The defendant continued to attempt to engage C.S.A. in conversation. C.S.A. observed the defendant placing a thin blanket over his lap and lean back in his seat. C.S.A. noticed that the defendant had both hands under the blanket and was moving them around at his groin. C.S.A. was concerned but attempted to stay focused on her computer as she tried to determine what to do next. She was afraid that if she made a scene, that the defendant might grab her. C.S.A. reported that the defendant’s hands were moving in his crotch area for approximately three to five minutes. When she glanced toward the defendant, she observed his erect penis protruding from underneath the cover with his hand around it. C.S.A. relates that when the defendant saw that C.S.A. had observed his erect penis, he stated, “You caught me.” Defendant denies saying that. C.S.A. reported that after he made this statement, he looked “flustered” and took a napkin from his left hand. Defendant denies having a napkin. C.S.A. stood up to run away and the defendant stated, “No, no, I will go to the back. You can stay here.” C.S.A. said to the defendant, “That would be good. Get out of here.” The defendant then left his seat and was reseated in the rear of the aircraft.

C.S.A. went to the front of the aircraft, contacted a flight attendant, and reported what she had just observed. C.S.A. reported that after the event, she was shaking and felt sick.

Upon the flight's arrival in Denver, the defendant was detained and arrested by the Denver Police and a special agent of the FBI. The defendant, after being advised of his Miranda rights and waiving the same, made a statement to the special agent of the FBI. The defendant stated that he was "scratching his penis" under the blanket. He denied having an erection. After denying exposing his penis to the female passenger seated next to him, the defendant eventually admitted to the agent that he was asleep while he was scratching his penis. He stated that he unzipped his pants to scratch his penis and that any exposure of his penis was "an accident."

Investigation revealed that the blanket the defendant used to cover himself with was brought on board the aircraft by the defendant. The blanket was seized by the FBI and submitted to the Colorado Bureau of Investigation lab for analysis. The serological examination of the blanket revealed the presence of semen containing spermatozoa.

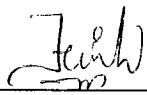
#### **V. SENTENCING COMPUTATION**


The sentencing guidelines do not apply in this case. §1B1.9.

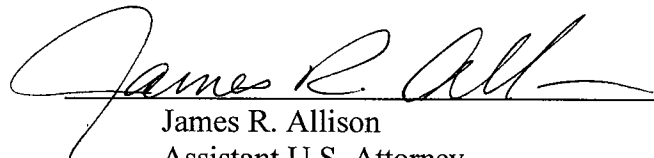
#### **VI. WHY THE PROPOSED PLEA DISPOSITION IS APPROPRIATE**

The parties believe the sentencing range resulting from the proposed plea agreement is appropriate because all relevant conduct is disclosed, and the charge to which the defendant has agreed to plead guilty adequately reflect the seriousness of the actual offense behavior.

This document states the parties' entire agreement. There are no other promises, agreements (or "side agreements"), terms, conditions, understandings, or assurances, express or implied. In entering this agreement, neither the government nor the defendant has relied, or is relying, on any terms, promises, conditions, or assurances not expressly stated in this agreement.

Date: 5/5/10   
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Murali Krishna Nookella  
Defendant

Date: 5/5/10   
\_\_\_\_\_  
Edward R. Harris  
Attorney for Defendant

Date: 5.5.10   
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James R. Allison  
Assistant U.S. Attorney