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NEWS RELEASE

Thomas A. Marino, United States Attorney for the Middle District of Pennsylvania, announced today that Scott Marvin Russell, 39, of McKinney, Texas, has been sentenced on federal charges of operating an air common carrier while under the influence of alcohol, arising out of an incident at the Wilkes-Barre/Scranton International Airport on May 12, 2004. At the federal courthouse in Scranton, United States District Judge Edwin M. Kosik sentenced Russell to six months of imprisonment followed by two years of supervised release, a \$2,000 fine, and a \$100 special assessment.

The Court ordered Russell to surrender before 2:00 p.m. on April 28, 2006, for service of the sentence at the institution designated by the federal Bureau of Prisons. The Court recommended that the Bureau of Prisons designate a community corrections center near Russell's residence as the place for service of the sentence. The fine is payable during the period of incarceration through the Bureau of Prisons Inmate Financial Responsibility Program. While on supervised release, Russell must refrain from the consumption of alcoholic beverages, and pay any balance remaining on the fine in minimum

monthly installments of \$100.

On October 26, 2005, Russell pleaded guilty to the one-count Indictment alleging a violation of Title 18, United States Code, Section 342. The offense to which Russell pleaded guilty is a felony, carrying a maximum period of imprisonment of fifteen years and a maximum potential fine of \$250,000.00. Federal sentencing guidelines, which are advisory, recommended a sentence of 6-12 months of imprisonment, while allowing for a probationary sentence.

Russell was formerly employed as a pilot by Sky King Airlines of Sacramento, California. The charges in the Indictment arose from Russell's operation, on May 12, 2004, of a Boeing 737-291 aircraft scheduled to depart the Wilkes-Barre/Scranton International Airport, en route to Myrtle Beach, South Carolina, carrying 57 passengers. Russell, the flight's First Officer (co-pilot), operated the aircraft by performing pre-flight preparations and, along with the captain, taxiing the aircraft to the main terminal prior to take-off. While performing these duties, Russell was under the influence of alcohol. Breath alcohol tests performed approximately three hours after the scheduled departure time showed Russell's blood alcohol content at .083 BAC. After the passengers had boarded but before take-off, Russell removed himself from the flight and was replaced.

The investigation was conducted by the Philadelphia Field Office of the United States Department of Transportation, Office of Inspector General, in conjunction with the Pittston Township Police Department.

The case was prosecuted by Assistant United States Attorney Christopher H. Casey.