



## Air ticket fraud case is gutted

Web Posted: 12/19/2006 12:21 AM CST

**Guillermo Contreras**  
Express-News

The Southwest Airlines-Bexar County Courthouse ticket scandal case — which swept up two court bailiffs and a juvenile court security officer and embarrassed public officials — took a nose dive Monday.

In a ruling answering defense motions filed several weeks ago, U.S. District Judge Orlando Garcia threw out a federal indictment against eight of 10 people charged in the case, which featured more than 5,600 airline tickets allegedly taken under fraudulent pretenses by a former Southwest employee.

The indictment against the main suspects — ex-court bailiff James Jackson and his wife, Althea Jackson, a former Southwest administrative aide — hangs by a thread and could crash completely, given that the judge ruled that the law everyone was charged under does not apply to "Non-Revenue Must Ride," or NRMR, tickets.

The complimentary tickets normally are given by Southwest to customers who had been inconvenienced and are distinguishable from frequent-flier tickets in that NRMR tickets don't have blackout dates and allow the holder to board flights on short notice.

"To find that NRMR airline tickets are 'access devices' would require the court to ignore the facts, ignore the law, or both," Garcia wrote. "The allegations in the... indictment fail to state an offense against the United States, and the defendants' motions must be granted."

Prosecutors had argued that the tickets were "devices" that gave the holder "access" to something of value — a seat on a plane. But the defense argued that the tickets are not "access devices" — like debit and credit cards — as defined in the federal law passed in the 1980s initially to target credit card fraud.

The government was sorting through the legal shambles Monday and had not decided its next step.

"We're reviewing (the ruling)," said Daryl Fields, a spokesman for the U.S. attorney's office.

Southwest had estimated its losses at more than \$1.8 million, but a spokeswoman had no immediate comment Monday.

The Jacksons, who were the only defendants who did not seek dismissal of the indictment, were expected to file their own motion to dismiss this week. They were indicted last summer on charges of access device fraud and conspiracy, counts alleging they sold the tickets for \$100 to \$200 or more at the courthouse and to others in San Antonio and Houston.

The eight others had been accused of being middlemen, charged only with conspiracy to commit access

device fraud.

"If the theory of the prosecution is wrong for them (the other eight defendants), then it's wrong for us," said Jay Norton, who is defending the Jacksons.

Some of the NRMR tickets allowed Bexar County District Attorney Susan Reed, judges, administrators and others who do business in the Bexar County Courthouse to take flights.

The public officials have said they did not know the tickets were ill-gotten. Prosecutors did not charge them and instead focused on those alleged to have obtained multiple tickets, seeking to make a profit off them.

"It's a shock when (the indictment) happened, and now it's a shock again," said lawyer Andrew Del Cueto, who represents DeWayne Clayton. "We're pleased with the ruling."

Clayton was suspended without pay from his job as a civilian security monitor at the Tejeda Juvenile Justice Center upon being indicted. But he, ex-bailiff Pedro Martinez Jr. and sheriff's Deputy Mark Kedrowski may try to get their jobs back now that charges against them have been dismissed.

"We believe the judge made the right decision," said Kerrisa Chelkowski, one of Martinez's attorneys.

The others dismissed from the case are Mattie Laverne Epperson, a retired SBC employee; Tasha Mathis and Luis Vasquez of San Antonio; and Lance Williams and David Anderson of Houston.

---

*gcontreras@express-news.net*

---

Online at: [http://www.mysanantonio.com/news/metro/stories/MYSA121906.1A.southwest\\_case.3572437.html](http://www.mysanantonio.com/news/metro/stories/MYSA121906.1A.southwest_case.3572437.html)