

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 3:09cr11/RV

MARCUS SCHRENKER

NOTICE OF FILING FACTUAL BASIS FOR GUILTY PLEA
READ DURING CHANGE OF PLEA HEARING

1. On June 5, 2009, the defendant appeared before this Honorable Court and entered a guilty plea to both counts of the Indictment that is, Count One - Destruction of an aircraft, in violation of Title 18, United States Code, Section 32(a)(1) and Count Two - Causing the Coast Guard to respond when no help is needed, in violation Title 14, United States Code, Section 88. (Doc. 40). During the change of plea hearing, a factual basis was read aloud in open court by the undersigned Assistant United States Attorney.

2. With the exception of a minor correction to the location of the defendant's laptop when he jumped from his aircraft, the defendant agreed to the factual basis announced by the Government.

3. Following entry of the defendant's guilty plea, the Court scheduled sentencing in this case for August 19, 2009. (Doc. 41).

4. Below is a copy of the factual basis read aloud in open court on today's date:

If this case were to proceed to jury trial the Government would prove the following facts in the form of witness testimony and exhibits. The following recitation is merely a summary and does not include all facts known from the investigation:

On or about December 31, 2008, investigators with the Indiana Secretary of State's Office executed search warrants on the defendant's home and business. Thereafter, during the early afternoon hours of January 8, 2009, the defendant sent a friend a series of text messages telling the friend to meet him at the "cannons" on March 1, 2009. The defendant and this friend had been in Key West, Florida over the New Year's holiday and had seen a number of cannons while there. The defendant did not explain why he was telling this friend to meet him at the cannons on March 1, 2009, other than to say the friend would understand soon enough.

Thereafter, on or about January 8, 2009, the defendant, while at his step father's wake, asked his half brother for his driver's license and a credit card. The defendant's half brother, distraught over the sudden and recent loss of his father, allowed the defendant to take his driver's license and a credit card. On that same date, the defendant went to a Dick's Sporting Goods store in Merrillville, Indiana and purchased various items of clothing, camping gear and a handheld Garmin GPS unit.

On or about January 10, 2009, the defendant drove to Harpersville, Alabama in his truck, towing on a trailer his red Yamaha motorcycle. The defendant then went to a public storage facility in Harpersville and asked to store his motorcycle at the facility for a couple of days, claiming that he was having mechanical difficulties with the motorcycle. Upon being told by the defendant that he only needed storage for a couple of days, the clerk offered to let the defendant use a unit free of charge. The defendant identified himself using his half brother's name and wrote his half brother's last name on a sheet of paper for the clerk. While at the storage facility, the defendant turned the handheld GPS device on, thereby logging the coordinates of the facility into the device.

On or about January 11, 2009, the defendant contacted and met with the friend he sent the text messages to on January 8, 2009, and told the friend that he had entered into business dealings with dangerous persons who now wanted to cause harm to him and as a result he was going to be leaving for Florida that evening to see his father and would

then be entering into the witness protection program. The defendant told the friend that he would not see him again as a result. Later on January 11, 2009, the defendant went to the Anderson, Indiana airport and caused his PIPER, Model PA46-500TP, Registration N428DC aircraft registered to Heritage Wealth Management, a business associated with the defendant, and financed through Harley Davidson, to be fueled by airport personnel. The defendant then called in a flight plan to Destin, Florida for that evening.

Thereafter, the defendant boarded his aircraft and began flying south. While in flight in the region of Northern Alabama at approximately 24,000 feet, 0120:01 Universal Time Coordinated (UTC), the defendant made a radio transmission to the Federal Aviation Administration (FAA) Atlanta Air Route Traffic Control Center claiming that he was encountering moderate to severe turbulence. No other aircrafts in the area had reported such turbulence. The air traffic controller then asked the defendant if he wanted to descend to a lower altitude. The defendant declined the air traffic controller's offer. A couple of minutes later, the defendant requested an emergency descent and claimed that his windshield was cracking. A couple of minutes after that, upon beginning a controlled descent, the defendant claimed that his windshield had gone into his neck. The defendant then stated that he had three hours of fuel on board and that he was pointing the aircraft towards the Gulf. The defendant further stated that he was "bleeding profusely" and that he was losing altitude. This radio transmission was made at approximately 0127:40 UTC over the central part of Alabama. While at an altitude of 8,700 feet, the defendant told air traffic controllers that his controls had locked and that he was graying out. Pressurization is not required for aircraft flying below 10,000 feet. At approximately 0130:15 UTC, the defendant stated to air traffic controllers that he was not going to make it. Four minutes later, at 0134:01 UTC, the defendant's aircraft leveled off at 3,500 feet and remained at that altitude while traversing the state of Alabama. While at 3,500 feet, the defendant made course corrections taking him closer to the town of Harpersville, Alabama, where he had previously stored his motorcycle. After approximately fifteen minutes at that altitude, while in the area of the Coosa River Bend, Childersburg, Alabama, the defendant jumped from his aircraft. Subsequently, Special Agents with the Coast Guard Investigative Service recovered cut lines from tree branches and a parachute at the Coosa River Bend. United States Department of Transportation Office of Inspector General Special Agents were able to trace the parachute by serial number as having been

purchased by the defendant in early fall 2008.

Thereafter, the defendant went to a nearby home and told the homeowner that he and some friends had been in a canoeing accident. The defendant told the homeowner that his friends had gone to the other side of the river and they were going to meet back up in Harpersville. The homeowner invited the defendant into his home and served him refreshments. The homeowner then contacted the local police department and notified them of the defendant's canoeing accident and that he was taking the defendant to the Kangaroo store in town. A Childersburg Police officer then went to the store and spoke with the defendant to offer assistance. The defendant repeated the same story to the police officer and told him that he was supposed to meet his friends at the public storage facility. The officer took the defendant to the storage facility, but upon no friends being present, the defendant asked that he be taken to a local hotel. The officer agreed to do so and left the defendant at the Harpersville Motel. The defendant then registered at the motel using and signing in under his half brother's name. The defendant did not stay in the room. He entered it for a short time and then left the motel walking back to the storage unit. The defendant then recovered his motorcycle and began driving to the Northern District of Florida.

No one other than the defendant knew he had jumped from his aircraft, and due to the distress message he called in to air traffic controllers, multiple agencies began responding to help save his life and property as it was believed he was going to crash into the Gulf of Mexico. The various agencies responding to help the defendant included, but were not limited to the Louisiana Air National Guard, the United States Air Force and the United States Coast Guard. To this end, two F-15 fighter pilots were dispatched to the southern region of Alabama to determine the defendant's condition. Upon reaching the defendant's aircraft, the pilots were unable to observe any lights on or in the plane and were not able to see movement. While this was taking place, an 87 foot Coast Guard Cutter Patrol Boat, the Cobia, was dispatched from Mobile, Alabama. Additionally, a 41 foot Coast Guard Utility Boat was dispatched from Coast Guard Station Destin. Both vessels were dispatched in order to assist with the search and rescue for the defendant and his plane. At approximately this same time, two Coast Guard helicopters were dispatched for the search and rescue effort. One helicopter, an HH60 Jayhawk, was deployed from the Coast Guard Aviation Training Center Mobile and the other an HH65 Dolphin was deployed from Air Station

New Orleans.

While in the air above Santa Rosa County, Florida which is located in the Northern District of Florida, the defendant's abandoned aircraft crashed into a swampy wooded area approximately two hundred feet from residences. After the crash, multiple emergency responders descended upon the area. The HH60 Jayhawk helicopter out of Mobile, assisted with the search and rescue effort for the defendant and his plane.]

Upon locating the plane on January 11, 2009, it was determined that none of the windshields or windscreens on the aircraft were damaged whatsoever. Further, there was no blood on or in the plane. Nonetheless, the aircraft was severely damaged and can now only be used for salvage. Early the next morning, Inspectors with the Federal Aviation Administration, Flight Standards District Office, Birmingham, Alabama and a Piper Aircraft representative responded to the crash site in order to inspect the aircraft to determine the cause of the crash. The two FAA Inspectors and the Piper representative were unable to find any mechanical cause for the plane crash. Thereafter, Investigators with the Santa Rosa Sheriff's Office conducted a thorough search of the plane. Their search uncovered a road atlas and a camp ground book with the pages for Florida and Alabama missing. On the inside back cover of the campground book were hand written notes which included the following statements: "windshield is spider cracking," "coming down," "doors open," "window is in neck and chest," "bleeding very bad," and "graying out."

The evidence would show, that after recovering his motorcycle from the storage unit, the defendant traveled to the KOA Campground located in Gadsden County, Florida which is also in the Northern District of Florida. Approximately one day after his arrival at the KOA campground, the United States Marshal's Service tracked him there and apprehended him for charges out of the state of Indiana. At the time of his arrest, multiple items were found in his possession and seized by the Gadsden County Sheriff's Department. Said items include, but are not limited to the following: an Illinois driver's license issued to the defendant's half brother; a credit card issued to the defendant's half brother; a forged FAA Medical Certificate 3rd class purportedly issued to the defendant's half brother; a computer; \$2,699 in U.S. currency and the defendant's Garmin GPS unit. A subsequent forensic examination of the defendant's computer by the Coast Guard Investigative Service,

Electronic Crimes Section in Arlington, Virginia revealed internet Google Searches for the following on January 8, 2009: "How to jump out of the airplane when parachuting," "How to open a parachute," "How to calculate the drop zone when skydiving," and various other websites for parachute manufacturers. In the computer's Google Local Search History there were searches for numerous items including, but not limited to the following: "Dicks Sporting Goods Merrillville," "Requirements to get a Florida Driver's License," "Parachuting Safety," "Florida Birth Certificate," "Explosive Decompression" and "Securities Fraud penalties."

The following day, the defendant was interviewed by Special Agents with the Coast Guard Investigative Service and the United States Department of Transportation Office of the Inspector General. Initially, during the interview, the defendant claimed his windshield came in and struck him in the face and that his door malfunctioned. After listening to the defendant's story, the Special Agents presented various pieces of evidence showing his claims to be untrue, i.e. he had no visible injuries to his face, there was no damage to the plane's windshield, there was no evidence of blood in the plane and the motorcycle's placement. The defendant then admitted that he called in a false distress message and that it was his intention that the aircraft crash into the Gulf of Mexico.

WHEREFORE, the United States files a written copy of this factual basis with the Court.

Respectfully submitted,

THOMAS F. KIRWIN
United States Attorney

/s/ Tiffany H. Eggers
TIFFANY H. EGGERS
Assistant United States Attorney
Florida Bar No. 193968
21 East Garden Street, Suite 300
Pensacola, Florida 32502-5675
(850) 444-4000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the forgoing has been furnished via
CM/ECF to Thomas Keith, counsel for defendant, this 5th day of June, 2009.

/s/ Tiffany H. Eggers
TIFFANY H. EGGERS
Assistant U.S. Attorney