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MONTROSE POLICE DEPARTMENT
CASE SUPPLEMENT

CASE NUMBER: 04-020170

OFFENSE: FATAL PLANE CRASH

LOCATION: RUNWAY 13-31 TO THE OPEN AREA JUST NORTH
OF COUNTY ROAD IMMEDIATELY EAST OF
WHITFIELD DAIRY

OFFICER: DETECTIVE MARK SCHELLING

REPORT DATE: WEDNESDAY, 08 DECEMBER 2004

INVOLVED AIRCRAFT: CANADAIER CHALLENGER, MODEL 602-2A12,
TAIL #N873G

REGISTERED OWNER: HOP A JET, INC.
5340 NW 21ST AVE, HANGAR 60
FT LAUDERDALE, FL 33309-2722

VICTIM #1 (PILOT): LUIS ALBERTO POLANCO-ESPAILLAT, [REDACTED]
(DECEASED)
[REDACTED]
MILLVILLE, NJ 08332

VICTIM #2 (CO-PILOT): ERIC SLOAN WICKSELL, [REDACTED]
(INJURED)
[REDACTED]
DAYTONA BEACH, FL 32124

VICTIM #3 (STEWARD): WARREN THOMAS RICHARDSON III, [REDACTED]
(DECEASED)
[REDACTED]
CORAL GABLES, FL 33134

VICTIM #4 (PASSENGER): EDWARD "TEDDY" B. EBERSOL, [REDACTED]
(DECEASED)
[REDACTED]
LITCHFIELD, CT 06759

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VICTIM #5 (PASSENGER): CHARLES D. EBERSOL, [REDACTED]
(INJURED)
[REDACTED]
LITCHFIELD, CT 06759

VICTIM #6 (PASSENGER): DUNCAN D. "DICK" EBERSOL, [REDACTED]
(INJURED)
[REDACTED]
LITCHFIELD, CT 06759

WITNESS: SCOTT STEPHENS, [REDACTED]
[REDACTED]
MONTROSE, CO 81401
[REDACTED]

WITNESS: HAGLE S. SUMMERS, [REDACTED]
[REDACTED]
MONTROSE, CO 81401
[REDACTED]

WITNESS: GARRY J. ELLIS, [REDACTED]
[REDACTED]
MONTROSE, CO 81401
[REDACTED]

WITNESS: WILLIAM C. SOMMERS, [REDACTED]
[REDACTED]
MONTROSE, CO 81401
[REDACTED]

WITNESS: PRESTON McEACHERN, [REDACTED]
[REDACTED]
MONTROSE, CO 81401
[REDACTED]

WITNESS: DOUG PERCIVAL, [REDACTED]
[REDACTED]
MONTROSE, CO 81401
[REDACTED]

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WITNESS:

RACHEL L. SPENCER, [REDACTED]
[REDACTED]
MONTROSE, CO 81401
[REDACTED]

WITNESS:

CHARLES "CHUCK" DISTEL, [REDACTED]
[REDACTED]
MONTROSE, CO 81401
[REDACTED]

FACTS: *This report is intended to clarify and/or elaborate on certain aspects of this investigation not covered elsewhere in other documents and/or reports.*

Basis for Investigation: At about 1000 hours, on Sunday, 28 November 2004, in addition to myriad other emergency personnel, officers from the Montrose Police Department were called upon to respond to an aircraft crash off the north end of runway 13-31 at Montrose Regional Airport. At about 1019 hours, additional help was summoned via our pager system. I did respond to that page.

Arrival on Scene: I was the on-call detective and, after calling in service, was sent to the airport terminal to establish a command post. I was informed that officers would meet me there and that other officers were at the crash scene. On my arrival at the terminal at about 1030 hours, I met with SGT Mike COLLIER who told me that preliminary information was that the crash involved a single aircraft that struck the ground and burst into flames at the north end of the "old" runway. (Runway 13-31 is the "old" one, while 17-35 is the newer one. I believe the runway lengths are 7500 on the former, while the latter is 10,000 feet.)

Characteristics of Crash Scene: The crash scene extended northbound from about the 6500 foot marker off the east side of runway 13-31, through a barbed wire fence, across County Road, through another barbed wire fence, and to an open area bordered on the west by a dairy corral and on the east by a deep arroyo.

Condition of Crash Scene: After being stationed at the terminal for about 30 minutes, I was ordered to move to the crash scene to

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set up my command post. On my arrival, I noticed that the runway was black, not covered with an obviously large amount of snow. County Road was also mostly free from snow and ice. MFPD and ARFF fire fighters were on scene and using foaming agents to douse the burning wreckage. A visible debris field, with gouges in the dirt, blackened foliage, and aircraft body parts were strewn in a wide pattern from the apparent point of impact to the point of rest. As indicated by the gouges and grooves in the dirt, some part(s) of the aircraft appeared to be in contact with the ground from the initial impact to the point of rest. Several law enforcement officers from MCSO and MPD were on scene, ostensibly to provide scene security.

Environmental Conditions:

On my arrival, I noted the weather was cold, about 30 degrees, with very little or no snow, and a light wind blowing north to south. The skies were overcast and it looked as if it would snow again at any time. (It had been snowing earlier that morning and most of the previous day. Of course, I base that observation on the location of my residence, about 6.5 miles south-southeast of the airport. I don't know that it was snowing with the same intensity on the north end of town.)

Factors Pertinent to Entry / Exit:

While officers had been stationed at the west and east points of access, no inner security perimeter had been established. I was under the impression that the Sheriff's Office would be the local agency responsible for the initial operation and the Police Department would tend to perimeter security. I later learned that the City Police Department would assume responsibility for the local operation. No crime scene access control documentation was done. There is no access control log and I cannot ascertain all who entered the crash site or at what times.

Crash Scene Documentation:

I photographed the crash scene from County Road and included as much as I could of the wreckage and the debris trail on airport property. (These photos were saved to CD-R and submitted into evidence as item #501.) I did not approach the wreckage itself until the following day. The closest I then got to the wreckage was to hang crime scene tape as a perimeter barrier around the site. I also ran tape across County Road to protect the debris trail on the roadway.

Search for and Documentation of Evidence:

On Monday, 29 November, after the arrival of federal investigators from the Federal Aviation Administration and National Transportation Safety Board, I assisted in the initial search for and documentation of evidence. (I did not actually collect any evidence.) Initially, I was at the wreckage and was present when the Coroner

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found what was believed to be human remains beneath the airframe. After heavy equipment was brought in to excavate and help with the search, I went with FAA Aviation Safety Inspector (ASI) Bill HUGHES. He, FAA Investigator Christine SOUCY, and I began a preliminary "walk-through" of the debris trail, point of impact, and the north end of runway 31. I took as many photos as I was able until the memory card was full. I later saved these images to CD-R and submitted it into evidence as item #502.

I obtained digital recordings of 911 calls, MPD radio channels (1 & 3), MCSO channel, and MFPD channel traffic. Those recordings were saved to CD-R in .wav format and submitted to evidence as item #503. I later found that the PD channel file was corrupt at recording. I have received better copies and submitted them as item #503A.

Investigator Notes: Copies of all my photos, recordings, reports (not yet including this writing), and supporting documents had been provided to FAA and NTSB investigators. All my photos were digital and saved to disk in .jpg format; the recordings were in .wav format.

The only physical evidence I collected was the identification from pilot POLANCO-ESPAILLAT. Coroner Mark YOUNG received an identification card (item #508) from Doctor CANFIELD at the autopsy. He also received from the victim's brother, three old Dominican Republic passports (item #505-507). I took custody of the items and submitted them to CBI for fingerprint comparison. CBI Agent Jon BYRD obtained inked prints from the decedent at the autopsy and had them available for comparison. On Wednesday, 01 December, merely hours after I submitted the items, Agent BYRD called me to report that he had a "preliminary match". He said he was nearly certain the prints matched and that POLANCO-ESPAILLAT's identity was verified. He said he could not yet say it was a certain identification because his report still had not gone through the administrative review process. Agent BYRD said he did not anticipate his findings changing.

Interview of Victims (C & D EBERSOL): SGT FREISMUTH interviews with Charles and Dick EBERSOL after their initial arrival at the emergency room at Montrose Memorial Hospital. He documented their conversations in his report and included a seating diagram based on statements from Charles EBERSOL. (On 01 December, Charles gave a very similar diagram to Mr. Howard WINKLER of General Electric, party to this investigation.)

Records Checks: On Sunday, 28 November, in attempt to gather information on the occupants of the aircraft, I

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ran Accurant searches based on identifying information provided by SGT FREISMUTH. These searches were intended to locate family members for potential death notifications, check for FAA certifications, and more fully identify occupants in the event medical and dental records would be needed.

District Attorney Coordination: On Sunday, 28 November, District Attorney Tom RAYNES was notified of the crash. I told him that, initially, there did not appear to be any criminal activity related to the crash. I added that we were securing the scene until the federal investigators could respond from Salt Lake City, Denver, and Washington.

Other Law Enforcement Coordination: Coordination was made locally with the Sheriff's Patrol, Corrections and Posse Divisions. Additionally, once the federal investigators and engineers arrived, the Police Department provided whatever assistance we could. Police patrol officers and Posse volunteers maintained crash site security and access control until the late afternoon of Thursday, 02 December.

Witness Interviews: Until he left Montrose, I teamed with ASI Bill HUGHES to locate, interview, and collect written statements from witnesses. Written statements were obtained from each witness with the originals going to the NTSB and copies being retained by MPD and FAA. ASI HUGHES and I went to the Baptist Church located immediately south of the Pro Tow yard. The pastor gave us names and phone numbers of parishioners who would likely have been eyewitnesses to the crash: Hagle SUMMERS, Scott STEPHENS, Garry ELLIS, and Bill SOMMERS.

Preston McEACHERN, [REDACTED] McEACHERN said that at about 1000 hours, he had just gotten to his business (Pro Tow), which is located immediately west of the crash site. He was inside the building when his dispatcher, located in the building, called him to report hearing a loud "boom" to the east. Doug PERCIVAL, who was with McEACHERN, looked out the window and saw a plane on fire. McEACHERN said he saw an impact and the plane's nose rose up into the air and then crashed back down. He added that the nose was northbound and the airframe was upright. He said the snow and wind were strong and blowing east to west. McEACHERN said it was "snowing hard" and he "couldn't see from the front to the corner of this building".

McEACHERN and PERCIVAL ran out the building and across their lot to the east. McEACHERN jumped the eastern fence and ran to the crash site (the plane was stopped at this time). He saw whom he now knows as "Dick" trying to get off the wing. The fuselage, he said, was still mostly intact. McEACHERN

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helped him down and "Dick's son" was inside the aircraft screaming for his brother. He said the EBERSOLS were moved to a place of relative safety, "over by a tree". PERCIVAL remained at the crash scene to help.

Since it was so cold, and "Dick" was now at a place of relative safety, McEACHERN ran back to a boat in his lot. He said he grabbed a blue U-Haul packing blanket and began to run back to the crash site. His intent was to provide warmth to the crash victims, but was intercepted by Montrose County Sheriff's Deputy Richard DEWEBER, with whom he has had previous "issues". DEWEBER ordered McEACHERN away from the site and when he refused, saying he was going to help the crash victims, DEWEBER forcefully arrested him.

McEACHERN said that another witness was immediately present. He didn't know the man's name, but recalled he drove a newer white Chevy truck with a ladder rack. He added that there was some kind of red or partially red logo on the side. He called a couple hours later and said that he remembered the logo was that of Downey Excavation, which does have a large red "D".

Doug PERCIVAL, [REDACTED] PERCIVAL gave us a written statement, which closely matches that from McEACHERN. He said that on his arrival at the wreckage, he heard "a kid" screaming for help and that his younger brother was still in the plane. PERCIVAL tried to get into the plane, but the black smoke was so thick he could not breathe or see. He went around the wreckage, apparently onto the right side, and saw three bodies on the ground. He checked one of the bodies and noted signs of breathing and a weak pulse. PERCIVAL again tried to get into the plane but abandoned that effort when the wreckage "went up in flames".

Chuck DISTEL, [REDACTED] ASI HUGHES and I met with DISTEL at his work, Downey Excavation. He said that he was heading northbound on Hwy 50, on his way to work. He said he looked to his right (east) and saw a flash of fire and a plane sliding on the runway. He said it looked as if the nose was facing to the east as the mass slid to the north. He was able to see part of the crash through the buildings bordering the runway. As he turned off the highway onto the frontage road, DISTEL called 911 to report the crash.

DISTEL said that he could see flames and smoke all along the debris path. As he drove to the location where the plane had come to a stop, he saw whom he thought was an airport employee wearing a high-visibility green jacket with reflective strips. (This person has since been identified as Doug PERCIVAL.) This person ran to the wreckage and was looking inside the fuselage on the left

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side, aft of where the cockpit should have been.

DISTEL gave me a copy of his digital photos, several of which he had given to a CNN reporter. (I had seen the CNN credits on television and thought the name sounded familiar.) Copies of those photos were saved to CD-R and disseminated to parties of this investigation. DISTEL provided a written statement to ASI HUGHES.

Garry ELLIS, [REDACTED] ASI HUGHES and I met with ELLIS at his home. (ELLIS did provide a written statement describing what he saw, heard, and did.) He said that he was teaching Sunday school at the Baptist Church at about 1000 hours on Sunday, 28 November. He was standing at the front (south) of the room at a podium and heard what he recognized as a jet taking off of runway 31. (He is a VFR certified pilot, but does not have his IFR rating.) Given the proximity of the airfield and the church, and ELLIS's familiarity with aircraft, he recognized the sound as an out-bound jet plane. Shortly thereafter, ELLIS heard a strange noise, a "whoosh", which he described as being like one hears when igniting propane after it has built up.

Immediately after hearing the noise, he looked out the east-facing window and saw an aircraft on fire heading north. Moments later, it disappeared from view beyond brush and vehicles, and then he saw a fireball over vehicles in the Pro Tow yard. Bill SOMMERS, he said, was in the class and seated directly below the window through which ELLIS saw the crash. He said SOMMERS looked out the window and confirmed ELLIS's fear – that an aircraft had crashed.

ELLIS ran out of the church and toward the crash scene. He saw that Sheriff's Deputies were arriving and also recognized MPD Sergeant LAPENA trying to get access to the site through a gate immediately northeast of the church building. As emergency responders were on-scene, ELLIS did not feel that he could contribute more and returned to the church.

ELLIS said that the plane was on fire and that the fire seemed to be fore of the wing. He countered that with the note that he only saw it briefly. He said that he could not specifically recall the orientation of the aircraft, but said that it appeared to be sliding on the runway and was not airborne. He said that he was not sure if the explosion caused a cessation of forward movement, or if the aircraft was already stopped. He was not close enough to see the wreckage, but could see flames and smoke over the vehicles in the Pro Tow lot.

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William SOMMERS, [REDACTED] On Wednesday, 01 December, I spoke briefly with Mr. SOMMERS on the phone. He told me that he was in Sunday school at the Baptist Church, adjacent to the north end of runway 31. He said he heard several loud "bangs" and got up from his seat. Looking out the east-facing window, he saw a "ball of fire" heading north on the runway at about 80 mph. He said that at that time, he could not even tell what kind of aircraft it was because of the fire and smoke. He could not tell me the orientation of the aircraft. I asked him to complete a written statement and call me when he was finished.

On Thursday, 02 December, SOMMERS brought to the Police Department a written statement. SOMMERS stated that it was several minutes after 1000 hours and he heard a jet preparing for take off. He said it seemed the jet had just started to move when he heard an explosion and "two bumps", at which time he stood up and looked out the window. He saw a "ball of fire coming down the runway" and it "was so big I could not make out what kind of plane was in it". One or two minutes after the flaming mass stopped, "it blew up and began to burn again". (A copy of the statement was placed in our case file and I will deliver to Arnold SCOTT, Investigator In Charge for the NTSB, the original statement.)

Recorded 911 Calls: I received recordings of seven phone calls made to 911 within moments of each other. The first call was apparently from Pro Tow wherein the female caller reported an "airplane just blew up". The second call was from whom I recognized as Chuck DISTEL. He said he was heading down the highway and could see flames. The third call was a female reporting an airplane having crashed. The fourth was a male, reporting an airplane just crashed on the runway with an explosion. The fifth call was the dispatcher from Pro Tow adding that the best way to approach was on County Road, "the road that goes to Western Skyways". The sixth call was a female relaying a message from her father who works at the dairy. He told her that there was a plane on fire. The seventh call was from Jeff PRECUP, Airport Operations Manager, asking for as many officers as possible to respond to the airport terminal.

Investigator Notes: As of this writing, on Monday, 06 December, there are still two witnesses (Hagle SUMMERS and Rachel SPENCER) who need to be interviewed. I have left messages for both and will follow-up in the coming days.

CASE STATUS: Closed – Referred to FAA/NTSB for further investigation

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APPROVED

By mschelling at 6:39 am, 12/22/04

Detective Mark Schelling, #15882

Date Signed: Wednesday, 08 December 2004

REVIEWED:

Detective Sergeant Keith Caddy, #13459

SUPERVISOR

Date Signed: December _____, 2004

/mas