

1. Agency F3 TROOP F - ZONE 3	2. Div/Precinct F321	New York State INCIDENT REPORT	3. ORI NY1550200	5. Case No. 2010	6. Incident No. 3543699
7,8,9. Date Reported (Day, Date, Time) FRIDAY 05/21/2010 00:13		10,11,12. Occurred On/From (Day, Date, Time) FRIDAY 05/21/2010 00:13		13,14,15. Occurred To (Day, Date, Time)	
16. Incident Type ACCIDENT-AIRCRAFT ACCIDENT			17. Business Name		
19. Incident Address (Street Name, Bldg. No., Apt. No.) 21 NEW HURLEY RD					
20. City/State/Zip WALLKILL NEW YORK 12589					
21. Location Code (TSLED) PLATTEKILL TOWN 5661		23. No. of Victims 0		24. No. of Suspects 0	
26. Victim also Complainant?					
Location Type YARD					

10-3542699 Accident Plane (ATR5015) **ASSOCIATED PERSONS**

25. TYPE	Name (Last, First, Middle, Title)	DOB	Street Name Bldg. Apt. No. City, State, Zip	Res. Phone Bus. Phone
PERSON INTERVIEWED	KROLL, ROBERT		WEST SAYVILLE NY 11796	
PERSON INTERVIEWED	BRIENZA, JOHN		FARMINGDALE NY 11735	
PERSON INTERVIEWED	DUNNIGAN, WAYNE, F		WALLKILL NY 12589	
PERSON INTERVIEWED	ERRERA, ANTHONY		BALDWIN NY 11510	
PERSON INTERVIEWED	MARTELLI, FRANCESCO		CORNWALL NY 12518	
VEHICLE OPERATOR	SCHMIDT, ROBERT		BAYSHORE NY 11706	

VEHICLE

59. Vehicle Status DESTROYED/DAMAGED/VANDALIZED		60. License Plate No.		61. State NY	62. Exp. Yr.	64. Value \$ 30,000.00
63. Plate Type		65. Year 1978	66. Make 67. Model AIRCRAFT PROPELLER DRIVEN			
68. Style SINGLE-ENGINE PROPELLER			69. VIN 17270743		70. Color(s)	
71a. Towed By			71b. Towed To			
72. Vehicle Notes 1978 Cessna 172N Fixed Wing Single Engine Aircraft - SN#17270743 - FAA Registry# N739RK						

NARRATIVE

Date of Action 05/21/2010	Date Written 05/21/2010	Officer Name & Rank DIXON, QUENTIN (INV)
Narrative		
<p>BCI Adopts Case - Accident, Airplane Personal Injury Inv. Quentin Dixon Assigned C/Schmidt, Robert - SP Invest Airplane Accident in Town of Plattekill.</p> <p>1) On May 20, 2010 UC911 polled an airplane accident in the area of the Kobelt Airport, Plains Road and New Hurley Road, Town of Shawangunk & Town of Plattekill. NYSP BCI and UF, UCSO, Towns of Plattekill & Shawangunk PDs, and DEP responded to the scene. Also responding to the scene were the Modena Fire & Ambulance, Wallkill Fire & Ambulance, and Shawangunk Valley Ambulance.</p> <p>2) On May 20, 2010 the aircraft was located in the front yard of Wayne Dunnigan [REDACTED] Wallkill,</p>		

6/15/2010 13:12:18

NY in the Town of Plattekill.

3) On May 20, 2010 the airplane was identified as a 1978 Cessna 172N, SN# 17270743, Fixed Wing Single Engine Airplane, FAA Registry# N739RK. The passengers were identified as Robert Kroll [REDACTED] Anthony Errera [REDACTED] John Brienza [REDACTED] and Robert Schmidt [REDACTED]. Robert Schmidt was identified as the pilot and aircraft owner. Mr. Errera was transported to St. Lukes Hospital, Newburgh, NY. Mr. Kroll was transported to St. Francis Hospital, Poughkeepsie, NY. Mr. Schmidt and Mr. Brienza were transported to Westchester Medical Center, Valhalla, NY.

4) On May 20, 2010 Inv. Joseph Yacko, FAA was notified of the aircraft accident. Inv. Yacko stated that he would respond to the scene on 05/21/10.

5) On May 20, 2010 DEC spill #1001972 was assigned.

6) On May 20, 2010 the aircraft was secured at the scene by the NYSP and Town of Plattekill PD.

7) On May 20, 2010 Inv. Quentin Dixon photographed the scene. Genl. 34D attached as enclosure #1.

8) On May 20, 2010 Inv. Thomas Fortuna interviewed Anthony Errera [REDACTED] (at St. Lukes Hospital) who stated that on 05/20/10 he flew up to Ulster County with Bob Kroll and his friends John and Bob. Mr. Errera stated that they left Suffolk County, Long Island from the Brookhaven Airport at between 6:30PM and 7:00PM. Mr. Errera stated that Bob whose name he didn't know was the pilot. Mr. Errera stated that he was in the back seat on the co-pilot side, John was in the seat behind the pilot and Bob Kroll was in the co-pilot seat. Mr. Errera stated that they landed at about 8:00PM and they went right to the restaurant that was at the airport. Mr. Errera stated that dinner at the restaurant lasted for about a 1 1/2 hours and no one was drinking. Mr. Errera stated that he doesn't remember what time it was when they left the restaurant and got back into the airplane. Mr. Errera state that Bob was the pilot, John was in the co-pilot seat, Bob Kroll was sitting in the back seat behind the pilot and he was sitting in th back behind the co-pilot. Mr. Errera stated that they took off and as soon as they got up the co-pilot said that the pilot was flying too low into the trees. Mr. Errera stated that the pilot replied that he knew that and that was it. Mr. Errera stated that the plane just went and he crawled out of the plane and laid there for a few minutes. Mr. Errera stated that Bob Kroll walked over to a house and belives Bob Kroll called 911. Mr. Errera stated that they were on top of the trees when they took off and they were not that high yet. Mr. Errera stated that as soon as they went up the co-pilot told the pilot that he was low to the tree and it felt like the pilot turned the plane and we just started to go down. Mr. Errera stated that he felt the trees hitting the plane, it happened so fast. Genl. 4 attached as enclosure #2.

9) On May 21, 2010 Inv. Dixon interviewed Robert Kroll [REDACTED] (at St. Francis Hospital) who stated that on 05/20/10 at about 6:30PM he, Robert Schmidt, John Brienza, and Anthony Errera left form the Brookhaven Airport in Suffolk County, NY. Mr. Kroll stated that Robert was the pilot, he was sitting in the front right seat, John was sitting behind Robert and Anthony was sitting behind him. Mr. Kroll stated that the airplane a 1978 Cessna 172N, single engine fixed wing airplane belonged to Robert Schmidt. Mr. Kroll stated that becasue there were VFR conditions no flight plans were needed. Mr. Kroll stated that their destination was Kobelt Airport in Ulster County. Mr. Kroll stated that they had been up there numerous time before. Mr. Kroll stated that at about 7:45PM they arrived at Kobelt Airport and they had dinner at the Cavu restaurant. Mr. Kroll stated that no one drank any alcoholic beverages and at about 9:15PM they finished dinner. Mr. Kroll stated that they refueled the airplane, did a preflight check and at about 9:30PM they took off for home. Mr. Kroll stated that Robert was the pilot, John was sitting next to Robert, Anthony was sitting behind John and he was sitting behind Robert. Mr. Kroll stated that it was normal takeoff roll, the plane had power. Mr. Kroll stated that the plane came up, settled down but it wouldn't climb. Mr. Kroll stated that they were scrapping the trees and Robert tried changing the attitude of the plane, which started to climb, but it settled down again. Mr. Kroll stated that Robert said that they were going in and that he had found a spot. Mr. Kroll stated that Robert swung the plane over to the spot, the plane clipped a tree and crashed. Mr. Kroll stated that he heard some moaning, he got out of the plane and he went to the nearest house for help. Genl. 4 attached as enclosure #3.

10) On May 21, 2010 Tpr. Jason Manchuck interviewed Francesco Martelli [REDACTED] who stated that on 05/20/10 at about 7:00PM he served four people a the Cavu restaurant. Mr. Martelli stated that the four people he served were the same four people that were involved in the airplane accident. Mr Martelli stated that no alcoholic beverages were served. Mr. Martelli stated that he observed the airplane take off the runway and it barely cleared the trees in the distance. Mr. Martelli stated that once the plane cleared the trees it began to incline, then decline, then it inclined again and at that point it began to decline. Mr. Martelli stated that he then realized that it was going to crash so he called UC911 at about 9:42PM. Genl. 4 attached as enclosure #4.

11) On May 22, 2010 the aircraft was moved to Cawley's Aviation at Sky Acres Airport, Dutchess County, NY and secured.

12) On May 27, 2010 Inv. Dixon, Inspectors Alan Miller and Mark Denny Federal Aviation Administration, Aviation Safety Inspector, Airworthiness Latham, NY [REDACTED] interviewed Robert Schmid [REDACTED] (at Westchester Medical Center) who

stated that on 05/20/10 at about 6:00PM he flew out of Brookhaven Airport (HWV Shirley, NY). Mr. Schmidt stated that he was the Pilot and owner of the Cessna Sky Hawk 1978 172N, single engine fixed wing airplane. Mr. Schmidt stated that John Brienza was sitting upfront on his right, Robert Kroll was sitting behind him, and Anthony Errera was sitting behind John. Mr. Schmidt stated that they were flying up to the Kobelt Airport in Wallkill, NY for dinner at the Cavu restaurant. Mr. Schmidt stated that they arrived before dark. Mr. Schmidt stated that they had dinner and no alcoholic beverage were consumed by anyone. Mr. Schmidt stated that when they finished eating it was dark out. Mr. Schmidt stated that the plane was refueled and a preflight check was done. Mr. Schmidt stated that he was the pilot, John was sitting on his right, Robert Kroll was sitting behind him, and Anthony was sitting behind John. Mr. Schmidt stated that the airplane was climbing fine, he got up about 700 feet and the plane stopped climbing. Mr. Schmidt stated that he thought the plane was going down so he started looking for a spot to land. Mr. Schmidt stated that he went for what he thought was a clearing and that was all he remembered. Genl. 4 attached as enclosure #5.

13) On May 27, 2010 Inv. Dixon, Inspectors Miller and Denny interviewed John Brienza [REDACTED] (at Westchester Medical Center) who stated that on 05/20/10 between 7:00PM and 7:30PM they left Brookhaven Airport in Suffolk County, NY. Mr. Brienza stated that Robert Schmidt was the pilot and is the airplane owner, a Cessna 172. Mr. Brienza stated that he was sitting behind Robert Schmidt, Robert Kroll was sitting upfront next to Robert Schmidt, and Anthony was sitting behind Robert Kroll. Mr. Brienza stated that they were going to Kobelt Airport in Wallkill, NY. Mr. Schmidt stated that they arrived at the airport and had dinner at the Cavu restaurant. Mr. Schmidt stated that no alcoholic beverages were consumed by anyone. Mr. Schmidt stated that he taxied the airplane over to be refueled and the he went to the bathroom. Mr. Brienza stated that the airplane was refueled and Robert Schmidt did a preflight check. Mr. Brienza stated that Robert Schmidt was the pilot, he was sitting next to him, Anthony was sitting behind Robert Schmidt, and Robert Kroll was sitting behind him. Mr. Brienza stated that they lifted off OK and after 45 seconds he could see tree tops. Mr. Brienza stated that he told Robert Schmidt that they were low and Robert Schmidt replied that he knew. Mr. Brienza stated that a short time later they were down. Genl. 4 attached as enclosure #6.

14) On May 27, 2010 Inv. Dixon returned Robert Schmidt's wallet to him. Genl. 15 attached as enclosure #7.

15) On May 27, 2010 Inv. Dixon returned John Brienza's wallet to him. Genl. 15 attached as enclosure #8.

16) On May 27, 2010 Inv. Dixon TOT'd a Black Bag containing Assorted paperwork to Inspector Miller. Genl. 15 attached as enclosure #9.

17) On June 15, 2010 Inv. Dixon interviewed Insp. Miller, who stated that the aircraft's engine was not running at the time of the crash. [REDACTED] Insp. Miller stated that an evaluation of the fuel systems components is currently in progress. Insp. Miller further stated that no criminal activity was noted and no crime had been committed.

18) The following case adopted, closed by investigation.

10-3543699 Closed By Investigation No Evidence Final (AIR5015)

ENCLOSURES:

Genl. 34D #1

Genl. 4 From Anthony Errera #2

Genl. 4 From Robert Kroll #3

Genl. 4 From Francesco Martelli #4

Genl. 4 From Robert Schmidt #5


Genl. 4 From John Brienza #6

Genl. 15 For Robert Schmidt #7

Genl. 15 For John Brienza #8

Genl. 15 For Insp. Alan Miller #9

ADMINISTRATIVE

74. Inquiries	75. NYSPIN Message No.	76. Complainant Signature	
77. Reporting Officer Signature (Include Rank) INV QUENTIN DIXON 	78. ID No. 1751	79. Supervisor Signature (Include Rank) SR INV JOSEPH ALMA	80. ID No. 3937
81. Status CLOSED BY INVESTIGATION	82. Status Date 05/21/2010	83. Notified/TOT	
Solvability Total			2

SUPPORTING DEPOSITION (CPL § 100.20)

PAGE 1 OF THE PEOPLE OF THE STATE OF NEW YORK
—VS.

DEFENDANT(S)

LOCATION OF INCIDENT:STATE OF NEW YORK COURTCOUNTY OF ULSTEROF LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF ORANGECITY OF NEWBORGOn DATE: 5/20/10 at TIME STARTED: 11:54 PM I, FULL NAME: ANTHONY ERREBA BALDWIN NY 11510

state the following: ON today's DATE I flew up to Ulster county in a small fixed wing airplane. I was w/ my boss Bob Knoll, and his friends John & Bob. I don't know their last names. We left Long Island, Suffolk County, I think Brookhaven Airport about 630 or 645 pm. The pilot was Bob whose last name I don't know. I was in the back seat on co pilot's side. John was in the back seat w/ me behind the pilot & my boss. Bob Knoll was in the co pilot's seat. My boss was the one that invited me on the plane ride. I came straight home from work tonight, took a shower and met my boss at his house. He drove both of us to the airport. No one was drinking before we left Long Island. My boss said to me earlier in the day that I should call for a plane ride tonight. We landed about 8:00 pm & went right to the restaurant that was at the airport. The restaurant was connected to the airport. As soon as we pulled off the runway, we got on the grass and went right to the restaurant. No one was drinking at the restaurant. We were at the restaurant for about an hour and a half and at most. We all had dinner. The other three guys I was with do this sort of thing all the time. They fly all over and →

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 21st day of MAY, 2010

- OR -

* Subscribed and Sworn to before me

this day of ,

* This form need be sworn to only when specifically required by the court

(SIGNATURE OF DEPONENT)

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

INVITA. FORTUNA

TIME ENDED:

1:10 A

SUPPORTING DEPOSITION (CPL § 100.20)

PAGE 1 OF THE PEOPLE OF THE STATE OF NEW YORK
—VS.

DEFENDANT(S)

LOCATION OF INCIDENT:STATE OF NEW YORK COURTCOUNTY OF ULSTEROF LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF ORANGECITY OF NEWBORGOn DATE: 5/20/10 at TIME STARTED: 11:54 PM I, FULL NAME: ANTHONY ERREBA [REDACTED] BALDWIN NY 11510

state the following: ON today's DATE I flew up to Ulster county in a small fixed wing airplane. I was w/ my boss Bob Knoll, and his friends John & Bob. I don't know their last names. We left Long Island, Suffolk County, I think Brookhaven Airport about 630 or 645 pm. The pilot was Bob whose last name I don't know. I was in the back seat on co pilot's side. John was in the back seat w/ me behind the pilot & my boss. Bob Knoll was in the co pilot's seat. My boss was the one that invited me on the plane ride. I came straight home from work tonight, took a shower and met my boss at his house. He drove both of us to the airport. No one was drinking before we left Long Island. My boss said to me earlier in the day that I should call for a plane ride tonight. We landed about 8:00 pm & went right to the restaurant that was at the airport. The restaurant was connected to the airport. As soon as we pulled off the runway, we got on the grass and went right to the restaurant. No one was drinking at the restaurant. We were at the restaurant for about an hour and a half and at most. We all had dinner. The other three guys I was with do this sort of thing all the time. They fly all over and →

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 21st day of MAY, 2010

- OR -

* Subscribed and Sworn to before me

this day of ,

* This form need be sworn to only when specifically required by the court

(SIGNATURE OF DEPONENT)

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

INVITA. FORTUNA

TIME ENDED:

1:10 A

GENL-4B (04/08)

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK

VS

DEFENDANT(S)

Take little trips & go to restaurants. This was my first time flying in a little plane. I don't remember what time it was when we left the restaurant to get back on the plane.

Bob whose last name I don't know was piloting again.

John whose last name I don't know was in the co pilot seat. I was behind the co-pilot seat in the back and my boss Bob Keoll was in the back seat next to me behind the pilot. We all had our headsets on. I don't think the pilot said anything before we took off. I was sending text messages to a girl I was suppose to meet when I got back to Long Island so I don't know what time it was that we took off. We then took off and as soon as we got up the co pilot said to the pilot that "you're flying too low to the trees." The pilot said he knew that and that was it. We just went down & I crawled out of the plane and I laid there for a few minutes. Bob my boss walked over to a house and I guess he called 911. We were on top of the trees when we took off and we were not that high yet. As soon as we went up the co pilot told the pilot that he was too low to the trees and then it felt like the pilot turned the plane and we just started to go down. I felt the trees hitting →

NOTICE

(Penal Law Sec. 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 21ST day of MAY 2010.

- or -

*Subscribed and Sworn to before me

this _____ day of _____

* This form need be sworn to only when specifically required by the court.

(SIGNATURE OF DEPONENT)

(WITNESS)

TIME ENDED 1:10 ☒ AM ☐ PM

(NAME OF PERSON TAKING DEPOSITION)

INV T.A. FORTUNA

GENL-4B (04/08)

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK

VS

DEFENDANT(S)

the plane and it happened so fast. While we were at the restaurant, my back was to the plane so I could not see the plane. It was right there next to us while we ate. The other 3 could see the plane and there were no other planes on the runway. Just our plane. I don't know what type of plane it was that I was in.

[REDACTED]

[REDACTED]

NOTICE

(Penal Law Sec. 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury
this 21st day of MAY 2010.

- or -

*Subscribed and Sworn to before me
this _____ day of _____

(SIGNATURE OF DEPONENT)

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED

☒ AM

☐ PM

1:10

Dr. T.A. Fortuna

*This form need be sworn to only when specifically required by the court.

3

STATE OF NEW YORK

COUNTY OF ULSTER
Town of PLATICK

LOCAL CRIMINAL COURT

THE PEOPLE OF THE STATE OF NEW YORK)

- vs.)

SUPPORTING DEPOSITION

(Defendant(s))

STATE OF NEW YORK

COUNTY OF _____

SS.

_____ of _____

On	DATE <u>05/21/10</u>	at	TIME STARTED <u>10:30</u> <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.	I, FULL NAME <u>ROBERT Kroll</u>	CITY <u>W. SAYVILLE</u>	STATE <u>NY 11796</u>
	DATE OF BIRTH _____		NO. & STREET _____			

state the following: ON 05/20/10 AT ABOUT 6:30PM MYSELF, ROBERT SCHMIDT, JOHN BRIEZA, AND ANTHONY FERRERA LEFT FROM BROOKHAVEN AIRPORT IN SUFFERN COUNTY NY. ROBERT WAS THE PILOT, I WAS IN THE RIGHT FRONT, JOHN WAS SITTING BEHIND ROBERT, AND ANTHONY WAS BEHIND ME, THE AIRPLANE BELONGED TO ROBERT. IT WAS A 1978 CESSNA 172N FIXED WING SINGLE ENGINE PLANE. IT WAS VFR CONDITIONS, SO NO FLIGHT PLANS WERE MADE. OUR DESTINATION WAS KOBALT AIRPORT IN ALBANY COUNTY, ULSTER COUNTY. WE HAD BEEN UP THERE NUMEROUS TIMES. AT ABOUT 7:45PM WE ARRIVED AT KOBALT. WE HAD DINNER AT CAVE RESTAURANT, NO ONE DRANK ANY ALCOHOLIC BEVERAGES. AT ABOUT 9:15PM WE FINISHED DINNER, REVEALED THE PLANE, AND DID A PRE FLIGHT CHECK. AT ABOUT 9:30PM WE TOOK OFF FOR HOME. ROBERT WAS THE PILOT, JOHN WAS SITTING NEXT TO ROBERT I WAS BEHIND ROBERT AND ANTHONY WAS BEHIND JOHN. IT WAS A NORMAL TAKEOFF

NOTICE

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 21 day of MAY, 192010

- OR -

*Subscribed and Sworn to before me


this _____ day of _____, 19 _____

(SIGNATURE OF DEponent)	(WITNESS)	TIME ENDED <u>11:25</u> <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.
(NAME OF PERSON TAKING DEPOSITION)		

STATEMENT CONTINUATION SHEET

PAGE 2 OF 2 PAGES
DATE: 05/21/10NAME: ROBERT KROLL

Roll, THE PLANE HAD POWER, IT CAME UP
SATTLAN DOWN AND WOULD CLIMB. WE WERE
SCRAPING THE TREE TOPS. BOB TRIED CHANGING THE
ATTITUDE OF THE PLANE. IT STARTED TO CLIMB
BUT IT SATTLAN DOWN AGAIN. BOB SAID WE'RE
GOING IN, I FOUND A SPOT, HE SWUNG THE PLANE
OVER TO THE SPOT. THE PLANE CLIPPED A TREE AND
CRASHED. I HEARD SOME MOANING, I GOT OUT OF
THE PLANE AND I WENT TO THE NEAREST HOUSE FOR
HELP. BOB IS A HERO, HE SAVED 4 LIVES.



SUPPORTING DEPOSITION (CPL § 100.20)

PAGE 1 OF 1THE PEOPLE OF THE STATE OF NEW YORK
— VS. —

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK LOCAL CRIMINAL COURTCOUNTY OF ULSTERTOWN OF PLATEAU

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF ULSTERTOWN OF PLATEAUOn DATE 05/21/10

at

TIME STARTED: 10:10 P.M.

FULL NAME:

FRANCESCO MARTELLI

state the following: On May 20th, 2010 I served four people at the Blue Cam Restaurant around 7:00 p.m. The four people that I served are the four people involved in the air plane accident. They had four salads, 3 apps, and four main courses. They also had 1 plus soda, 1 ice tea, and 2 Diet cokes. None of them had any alcoholic beverages. I also observed the plane take off the runway and barley clear the trees in the distance. Once the plane cleared the trees it began to incline, then decline, then it inclined again and at that point it began to decline and then I realized it was going to crash so I called 911 around 9:42 p.m.

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 21st day of May, 2010

- OR -

* Subscribed and Sworn to before me

this _____ day of _____,

TIME ENDED:

10:20 p.m.

(NAME OF PERSON TAKING DEPOSITION)

SUPPORTING DEPOSITION (CPL §100.20)

STATE OF NEW YORK

LOCAL CRIMINAL COURT

THE PEOPLE OF THE STATE OF NEW YORK

— vs. —

(Defendant(s))

STATE OF NEW YORK

COUNTY OF WESTCHESTER

of

COUNTY OF

Town

of

PLATTEVILLE

SUPPORTING DEPOSITION

SS.

On	DATE	at	TIME STARTED	I, FULL NAME	CITY	STATE
	05/27/16		11:55 a.m.	ROBERT SCHMIDT	PLATTEVILLE	NY 11716
DATE OF BIRTH		NO. & STREET				

state the following: on 05/20/16 at about 6pm I flew out of HWV SHALBY NY AIRPORT. I was THE PILOT. I AM THE OWNER OF CASIOA SKY HAWK 1978, 172" Single Engine Fixed Wing AIRPLANE. JOHN BRUNER was sitting up front on my right. sitting behind me was ROBERT KROLL. AND sitting behind JOHN was ANTHONY FERRERA. WE WERE FLYING UP TO THE KOBALT AIRPORT in WALLKILL NY T/SHAWANGLI FOR DINNER AT THE CAVE RESTAURANT. WE ARRIVED AT THE RESTAURANT AFTER DARK. WE HAD DINNER, no alcohol was consumed by anyone. When we finished eating it was DARK outside. THE PLANE WAS REFUELED AND A PRE FLIGHT CHECK WAS DONE. I was THE PILOT, JOHN was sitting on my right. ROBERT KROLL was sitting behind me, AND ANTHONY was sitting behind JOHN. THE AIRPLANE WAS CLIMBING FIRST I got up to about 700 FEET AND THE PLANE STOPPED CLIMBING. I THOUGHT THE PLANE WAS GOING DOWN SO I STARTED Looking FOR A SPOT TO LAND

NOTICE

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 27 day of MAY, 19 2016

— OR —

*Subscribed and Sworn to before me

this day of , 19

(SIGNATURE OF DEPONENT)

(WITNESS)

TIME ENDED 12:05 a.m.

(NAME OF PERSON TAKING DEPOSITION)

STATEMENT CONTINUATION SHEETPAGE 2 OF 2 PAGESDATE: 05/27/10NAME: ROBERT SCHMIDT

I went for what I thought was a clearing.
THAT WAS ALL I REMEMBER.

[Signature]
[Redacted]

[Redacted]

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK
—VS.

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK Local CRIM COURT

COUNTY OF ALBANY

Town OF North Africa

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF WEST CHASTEN

OF

On DATE: 05/27/10

at TIME STARTED: 12:20pm

FULL NAME: JOHN BRIANZA

state the following:

[REDACTED] FARMINGDALE, NY 11735
ON 05/20/10 AT ABOUT 7AM TO 7:30PM WE LEFT BROOKHAVEN
AIRPORT, SUFFERBURY COUNTY NY. ROBERT SCHMIDT WAS THE
PILOT, AND THE AIRPLANE OWNER THE AIRPLANE WAS A
CESNA 172. I WAS SITTING BEHIND BOB SCHMIDT. ROBERT
KERILL WAS SITTING UP FRONT NEXT TO BOB SCHMIDT. ANTHONY
WAS SITTING BEHIND BOB KERILL. WE WERE GOING TO McBAL
AIRPORT, WALLHILL NY. WE ARRIVED AT THE AIRPORT AND
HAD DINNER AT THE CAFE RESTAURANT. NO ALCOHOL
WAS CONSUMED BY ANYONE. AFTER DINNER I TAXIED THE
AIRPLANE OVER TO BE REFUELED, AND THEN I WENT TO
THE GROUNDROOM. BOB SCHMIDT THE AIRPLANE WAS REFUELED
AND BOB SCHMIDT DID A PRE-FLIGHT CHECK. BOB SCHMIDT
WAS THE PILOT, I WAS SITTING NEXT TO HIM. I THINK
ANTHONY WAS BEHIND BOB SCHMIDT AND BOB KERILL WAS
SITTING BEHIND ME. WE LIFTED OFF OK. AFTER ABOUT
45 SEC. I - I COULD SEE TRAIL TOP. I TOLD BOB SCHMIDT THAT

NOTICE

(Penal Law § 210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 27 day of MAY, 2010

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(SIGNATURE OF DEPONENT)

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:

1:00pm

STATEMENT CONTINUATION SHEETPAGE 2 OF 2 PAGESDATE: 05/27/10NAME: John Arizola

THAT LA WERE LOW, BOB REPLIED THAT HE KNEW.
A SHORT TIME LATER WE WERE DOWN.

