

WITNESS STATEMENTS
(15 PAGES)

GEN'L.19

STATEMENT

STATE OF NEW YORK

PAGE ONE OF 4 ^{WST} PAGES

COUNTY OF SCHOHARIE

DATED: 10/21/99

TOWN OF SCHOHARIE

TIME BEGAN: 4:05 AM/PM

I, WILLIAM J. TREACY, AGE 79, BORN ON [REDACTED],
AND RESIDING AT [REDACTED], MENANDS, NY,
HAVE BEEN ADVISED BY IAN J. L. SMITH
OF THE NEW YORK STATE POLICE, OF THE FOLLOWING:

I HAVE THE RIGHT TO REMAIN SILENT, AND I DO NOT HAVE TO MAKE ANY STATEMENT
IF I DON'T WANT TO. WST

IF I GIVE UP THAT RIGHT, ANYTHING I SAY CAN AND WILL BE USED AGAINST ME
IN A COURT OF LAW. WST

I HAVE THE RIGHT TO HAVE A LAWYER PRESENT BEFORE MAKING ANY STATEMENT
OR AT ANY TIME DURING THIS STATEMENT. WST

By WRITER

IF I SHOULD DECIDE THAT I DO WANT A LAWYER, AND I CANNOT AFFORD TO HIRE
ONE, A LAWYER WILL BE APPOINTED FOR ME FREE OF CHARGE AND I MAY HAVE THAT
LAWYER PRESENT BEFORE MAKING ANY STATEMENT. WST

I ALSO UNDERSTAND THAT I HAVE THE RIGHT TO STOP AT ANY TIME DURING THIS
STATEMENT AND REMAIN SILENT AND HAVE A LAWYER PRESENT. WST

I FULLY UNDERSTAND THESE RIGHTS, AND AT THIS TIME I AGREE TO GIVE UP MY
RIGHTS AND MAKE THE FOLLOWING STATEMENT:

[REDACTED]
WITNESS

William J. Treacy
SIGNATURE

Q: - QUESTION A: - ANSWER

Q: Can you read, write, speak and understand the English language?

A: YEAH. WST

Q: What is the highest level of education you have attained?

A: THIRD year in high school. WST

Q: Do you understand your RIGHTS as they have been explained to you?

A: YEAH. WST

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.

[REDACTED]

William J. Treacy

NAME: WILLIAM J. TREACYDATE 10/21/99

1111 ST

My name is William Treacy, and I live at [REDACTED], Menands, with my wife. I am at the Schoharie County Sheriff's Office, talking with Investigator Smith of the State Police, and Deputy Tillapaugh of the Schoharie County Sheriff's Department, about an accident that I was involved in this morning. I know and understand my rights, and they have been explained to me. I am speaking with Investigator Smith and Deputy Tillapaugh of my own free will, voluntarily, without any threats or promises being made. I work for the Kinnicutt Bus Company. I've worked for them for about ~~21~~ 21 years. The Kinnicutt Bus Company is located on Elwood Rd, Menands, NY. Today, I started out from the bus garage at 7:20 AM. I picked the school children up from their houses, and dropped them off at the schools they went to: Holy Names Academy, Albany Academy for Boys, Albany Academy for Girls, and Doane Stewart Academy. This run takes about an hour and a half. The kids don't live that far from the schools. Then I went to School 18, in Albany, NY. I think it's on Hubert Street. I picked up a load of students and their chaperones, to go to the Pumpkin Patch, on Zicha Road, Schoharie, NY. I have never been down to that area driving bus. We left School 18 at about 9:20 AM. I took the Thruway west to Exit 25A, WDT

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

[REDACTED]

2

[REDACTED]
SIGNATURE

NAME: William J. TreacyDATE 10/21/99

WJT
Then took I-88 WEST to EXIT 23. When I got to the end of the EXIT 23 ramp, I made a right. I was told to take a right there, and that I had to go past Route 7. I was looking for Route 7. As I approached the intersection in front of me, I saw a stop sign on the right side of the road. I was so concerned trying to find route 7 that I didn't stop. I only slowed down. I didn't stop before crossing Route 7. As I approached the intersection, and crossed Route 7, I never saw the truck that was coming from my right. One of the chaperones hollered out - I don't know what she said. Then I saw the truck, and we hit. This all happened at the same time. After the WJT collision, I don't know what happened. I don't know how the bus ended up between the poles. I didn't even realize that the bus spun around like it did. I was wearing my glasses before the accident, because I need them to drive, but I don't know where they are now. I take medication everyday for my diabetes and my heart. I take 2 sugar pills in the morning, and again at night, and Cudamin (sp) once a day. I've been taking the sugar pills for about

WJT
FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW.

William J. Treacy

3

William J. Treacy
SIGNATURE

NAME: William J. Treacy

11/3 years, and the Cudamin (sp) for about 12 years. Neither of these has ever affected my driving ability. I wasn't tired this morning, or sleepy, and I was feeling well. The only reason I didn't stop for the stop sign is that I was concerned with finding Route 7. I have never been in that area, and wasn't familiar with it. This statement is true and accurate to the best of my recollection. WJT

FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE PENAL LAW. (By Dependent.)

WJT

4

William J. Treacy
SIGNATURE

STATEMENT

Reg. time 11:33 Am

STATE OF NEW YORK

PAGE ONE OF 2 PAGES

COUNTY OF Schoharie

DATED: 10-21-99

Town of Schoharie

I, Edward Neal Cook, AGE 52, BORN ON [REDACTED]

AND RESIDING AT [REDACTED] Berne, NY 12023 [REDACTED]

HAVE BEEN ADVISED BY Tpr. Robert J Carter

OF THE NYSR DANESBURG, OF THE FOLLOWING:

EC I HAVE THE RIGHT TO REMAIN SILENT, AND I DO NOT HAVE TO MAKE ANY STATEMENT IF I DON'T WANT TO.

EC IF I GIVE UP THAT RIGHT, ANYTHING I DO SAY CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW.

EC I HAVE THE RIGHT TO HAVE A LAWYER PRESENT BEFORE MAKING ANY STATEMENT OR AT ANY TIME DURING THIS STATEMENT.

EC IF I SHOULD DECIDE I DO WANT A LAWYER, AND I CANNOT AFFORD TO HIRE ONE, A LAWYER WILL BE APPOINTED FOR ME FREE OF CHARGE AND I MAY HAVE THAT LAWYER PRESENT BEFORE MAKING ANY STATEMENT.

EC I ALSO UNDERSTAND THAT I HAVE THE RIGHT TO STOP AT ANY TIME DURING THIS STATEMENT AND REMAIN SILENT AND HAVE A LAWYER PRESENT.

I FULLY UNDERSTAND THESE RIGHTS, AND AT THIS TIME I AGREE TO GIVE UP MY RIGHTS AND MAKE THE FOLLOWING STATEMENT:

[Handwritten Signature] SIGNATURE

WITNESS

on 10/21/99 at approx. 10:45am I was operating 1987 mack dump truck, color white, NY reg# DH1720 for my employer MUF Construction Co of R02 BOX 332-B Schoharie, NY Dwight Hazard and I were travelling westbound on ST-7 in the Town of Schoharie enroute to Red Barrel on ST-7 for fuel. I was towing an empty trailer 1988 Interstate NY Reg# 51727R. AS I was travelling w/B on ST-7 I was approaching the intersection of ST-7 and ZICHA Rd with a traffic signal flashing yellow in my direction. I was travelling at approx. 45mph approaching the intersection, I noticed a yellow school bus travelling north bound on ST-30A approx 20 feet south of the stop sign at ST-7. I noticed ->

NAME: Edward Neal LOOK

DATE 10/21/99

that the bus was NOT slowing down for the stop sign
 & I slammed on my Brakes. As I entered the intersection
 I tried to swerve left to miss^{TC} the bus and I was unable
 to miss it and my truck struck the rear quarter of the
 bus and my truck came to rest on the north side of
 ST-7 facing Zicha Rd on its west side. My truck remained
 upright the entire time and the school bus ended up facing
 south on the west side of Zicha Rd north of ST-7. ^{TC}

~~Edward Neal Look~~

STATEMENT

STATE OF NEW YORK

PAGE ONE OF _____ PAGES

COUNTY OF SCHOHARIE

DATED: 10/21/99

TOWN OF SCHOHARIE

I, DWIGHT C. HAZZARD, AGE 39, BORN ON [REDACTED],

AND RESIDING AT [REDACTED] CENTRAL BRIDGE,

HAVE BEEN ADVISED BY Tpr. MARK W BELLINGER,

OF THE NEW YORK STATE POLICE, OF THE FOLLOWING:

I HAVE THE RIGHT TO REMAIN SILENT, AND I DO NOT HAVE TO MAKE ANY STATEMENT IF I DON'T WANT TO.

IF I GIVE UP THAT RIGHT, ANYTHING I DO SAY CAN AND WILL BE USED AGAINST ME IN A COURT OF LAW.

I HAVE THE RIGHT TO HAVE A LAWYER PRESENT BEFORE MAKING ANY STATEMENT OR AT ANY TIME DURING THIS STATEMENT.

IF I SHOULD DECIDE I DO WANT A LAWYER, AND I CANNOT AFFORD TO HIRE ONE, A LAWYER WILL BE APPOINTED FOR ME FREE OF CHARGE AND I MAY HAVE THAT LAWYER PRESENT BEFORE MAKING ANY STATEMENT.

I ALSO UNDERSTAND THAT I HAVE THE RIGHT TO STOP AT ANY TIME DURING THIS STATEMENT AND REMAIN SILENT AND HAVE A LAWYER PRESENT.

I FULLY UNDERSTAND THESE RIGHTS, AND AT THIS TIME I AGREE TO GIVE UP MY RIGHTS AND MAKE THE FOLLOWING STATEMENT:

[Signature]
WITNESS

x [Signature]
SIGNATURE

On todays date, at approximately 10:30 am, Ed Cook and I were travelling west on ST-7. Ed was driving and I was the passenger. We were approximately 100 yards west of the intersection of ST-7 and ZICHA Rd, when Ed said "that bus isn't stopping". The bus traveled north through the intersection of ST-7 and ZICHA RD. We were travelling at approximately 30-40 miles per hour. Ed swerved the truck to the left and we struck the rear of the bus. Ed then grabbed the cell phone and called 911.

x [Signature]

STATE OF NEW YORK

COUNTY OF Schoharie
TOWN of Schoharie

Local Criminal COURT

THE PEOPLE OF THE STATE OF NEW YORK)

- vs.)

SUPPORTING DEPOSITION

(Defendant(s))

STATE OF NEW YORK)
COUNTY OF Schoharie)

ss.

TOWN of Schoharie)

On	DATE 10/21/99	at	TIME STARTED 11:52	<input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.	I.	FULL NAME Deborah A Clark
	DATE OF BIRTH		NO. & STREET			CITY Albany
						STATE N.Y.

state the following: That on Oct 21, 1999 at approx 10:15 I was riding on a school bus from School 18 in Albany. We were going on a field trip to the Pumpkin Patch. We had just left I-88 and turned Rt onto Rte 30A. I was standing in the middle ~~lane~~ ILE near the front of the bus. I was waiting for the bus to stop at the stop sign and I ~~was~~ saw a truck coming down on the right. The bus continued through the intersection and we almost got completely through but the truck hit the back end of the bus. The bus never made a stop at the intersection.

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 October, 19 99.

- OR -

*Subscribed and Sworn to before me
this _____ day of _____, 19 _____.

[Signature]
(SIGNATURE OF DEPONENT)

[Signature]
(WITNESS)

[Signature]
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED 12:01 a.m. p.m.

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

STATE OF NEW YORK

COUNTY OF _____

_____ COURT

_____ of _____

THE PEOPLE OF THE STATE OF NEW YORK)

- vs.)

SUPPORTING DEPOSITION

(Defendant(s))

STATE OF NEW YORK)
COUNTY OF SCHENECTADY)

ss.

VILLAGE of Coxsack)

On	DATE <u>10/21/99</u>	at	TIME STARTED <u>12:49</u> <input checked="" type="checkbox"/> a.m. <input type="checkbox"/> p.m.	I,	FULL NAME <u>JOHN M. EDWARDS</u>
	DATE OF BIRTH [REDACTED]		NO. & STREET [REDACTED]		CITY <u>ALBANY</u>
					STATE <u>NY</u>

state the following: ON 10/21/99 I WAS WITH THE SECOND GRADE FROM PUBLIC SCHOOL #18. I AM A TEACHERS AID AND WORK WITH MRS. LYONS. TODAY WE WERE ON OUR WAY TO THE PUMPKIN PATCH FOR A FIELD TRIP. I WAS SEATED ABOUT HALF WAY BACK ON THE BUS. I CAN REMEMBER THE BUS GETTING OFF OF I-88. AT THAT TIME A CHILD WAS CRYING AND I WAS DEALING WITH HIM.

I KNEW WE WERE CLOSE TO THE PUMPKIN PATCH BECAUSE EVERYONE WAS CHEERING, EXCITED. THE NEXT THING I KNEW THE BUS WAS SPINNING SIDWAYS. WHEN I GOT BACK UP I REALIZED THAT WE WERE IN AN ACCIDENT. JE

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 _____ day of _____, 19 _____.

- OR -

*Subscribed and Sworn to before me

this _____ day of _____, 19 _____.

[Signature]
(SIGNATURE OF DEPONENT)

[Signature]
(WITNESS)

[Signature]
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED 12:50 a.m. p.m.

JOHNSTON IC

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

SUPPORTING DEPOSITION (CPL §100.20)

New York State Police

STATE OF NEW YORK

COUNTY OF SCHOHARIE

LOCAL CRIMINAL COURT

TOWN of SCHOHARIE

THE PEOPLE OF THE STATE OF NEW YORK)

— vs.)

SUPPORTING DEPOSITION

(Defendant(s))

STATE OF NEW YORK)

COUNTY OF SCHOHARIE)

ss.

TOWN of SCHOHARIE)

On	DATE <u>10/21/99</u>	at	TIME STARTED <u>11:30</u> <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	I, FULL NAME <u>GARY ALLEN COOPER</u>
	DATE OF BIRTH		NO. & STREET	CITY <u>ESPERANCE</u>
				STATE <u>NY</u>

state the following: AT APPROX 10:15 AM I LEFT MY GIRLFRIEND'S IN CENTRAL BRIDGE I WAS TRAVELLING EAST ON STATE RTE 7 IN MY 1984 FORD PLU WHEN I GOT ABOUT 100 YARDS FROM STATE RTE 30A INTERSECTION (WITH THE BLINKING LIGHT) I LOOKED AHEAD AND SEEN A YELLOW SCHOOL BUS GOING NORTH THROUGH THE INTERSECTION HEADED TOWARDS ZICHA RD. I DID NOT SEE IF THE BUS HAD STOPPED PRIOR TO ENTERING THE INTERSECTION OR NOT. THE NEXT THING I SEEN WAS THE BUS'S ^{GLASS AND DEBRIS AND THE TRUCK'S FIBERGLASS} ~~FRONT GLASS~~ EXPLODE. I DID NOT SEE THE TRUCK UNTIL AFTER THE COLLISION. THE REAR END OF THE SCHOOL BUS SPUN IN A WEST DIRECTION COMING TO A STOP FACING SOUTH ON ZICHA RD. THE TRUCK, AFTER STRIKING THE BUS, AND ITS TRAILER SPUN AROUND TO THE SOUTH (CLOCKWISE) COMING TO REST FACING EAST ON STATE RTE 7 WITH ITS BOX STRIKING A UTILITY POLE ON THE NORTH WEST SIDE OF THE INTERSECTION. I THEN PULLED OVER AND RAN OVER TO THE BUS TO HELP GET THE KIDS OFF THE BUS BY THE TIME I GOT TO THE BUS SOME KIDS WERE ALREADY GETTING OFF THE BUS. THE LAST TIME I SEEN THE TRUCK DRIVER HE WAS STILL SITTING IN HIS TRUCK. END OF STATEMENT!!! G.C.

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 OCTOBER, 1999.

— OR —

*Subscribed and Sworn to before me

this _____ day of _____, 19 _____.

[Signature]
(SIGNATURE OF DEponent)

[Signature] (WITNESS)
THE E.F. BELL
 (NAME OF PERSON TAKING DEPOSITION)

TIME ENDED 11:54 a.m. p.m.

STATE OF NEW YORK

COUNTY OF _____

_____ COURT

_____ of _____

THE PEOPLE OF THE STATE OF NEW YORK)

- vs.)

SUPPORTING DEPOSITION

(Defendant(s))

STATE OF NEW YORK)

COUNTY OF SCHENECTADY)

SS.

VILLAGE of COOLSKILL)

On	DATE <u>10/21/99</u>	at	TIME STARTED <u>12:35</u> <input type="checkbox"/> a.m. <input checked="" type="checkbox"/> p.m.	I,	FULL NAME <u>DEBORAH A. LYONS</u>
	DATE OF BIRTH [REDACTED]		NO. & STREET [REDACTED]		CITY <u>TROY</u>
					STATE <u>NY</u>

state the following: I AM A SECOND GRADE TEACHER PUBLIC SCHOOL #18 IN ALBANY, NY. ON 10/21/99 I WAS TAKING MY CLASS AND ANOTHER SECOND GRADE ON A FIELD TRIP TO THE PUMPKIN PATCH. WE WERE DRIVING TRANSPORTED BY KENNECOT BUS CO. AS WE WERE PROCEEDING THE BUS WHILE WE WERE ON I-88 STARTED TO GET OFF AT EXIT 24. MYSELF AND OTHER CHAPERONES INFORMED HIM THAT EXIT 23 WAS THE CORRECT EXIT. WE CONTINUED AND GOT OFF AT EXIT 23 OF I-88. THIS DRIVER STOPPED ON THE RAMP. HE MADE A RIGHT TURN AND APPROACHED AN INTERSECTION. THE DRIVER SLOWED DOWN BUT NEVER STOPPED. AS WE WERE GOING THROUGH I LOOKED TO SEE IF THERE WAS A STOP SIGN AND THERE WAS. I ALSO REMEMBER A RED LIGHT, I BELIEVE IT WAS FLASHING. I THEN LOOKED AND SAW THE TRUCK COMING FROM THE RIGHT. THE TRUCK THEN HIT THE BUS. THE ACCIDENT OCCURRED AT ABOUT 10:45 A.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 _____ day of _____, 19 _____.

- OR -

*Subscribed and Sworn to before me

this _____ day of _____, 19 _____.

Deborah A. Lyons
(SIGNATURE OF DEPONENT)

(WITNESS)
TIME ENDED 12:45 a.m. p.m.
(NAME OF PERSON TAKING DEPOSITION)

JOHNSTONIE

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

SUPPORTING DEPOSITION

SEC. 100.20CPL

COBLESKILL POLICE DEPARTMENT

STATE OF NEW YORK)
COUNTY OF SCHOHARIE)
VILLAGE OF COBLESKILL)

PAGE 1 OF 2

SS.

I Deborah A. Clark DOB [REDACTED] RESIDING
AT [REDACTED] Albany, New York 12202,
(FULL NAME) (DATE OF BIRTH) (STREET NUMBER) (CITY/TOWN/VILLAGE) (STATE & ZIP)

STATE THE FOLLOWING: ON THE 10/21/99, AT AROUND 10:32 AM,
(DATE:MO/DA/YR) (TIME)

I am at the Cobleskill Police Department with Investigator Michael O'Brien discussing an accident that I was involved in today in Schoharie County. Today at around 9:30 am, I boarded a bus at Albany Public school #18 located on Hurlbert Street in Albany. I was a chaperon for my grandsons second grade class who was taking a field trip to the "Pumpkin Patch" farm in Schoharie. On the way to Schoharie County I noticed that the bus driver didn't seem to take the shortest route. He drove through the City of Albany on back roads instead of taking the interstate. I asked him if he knew where he was going because I was confused at the route that he taken. He entered State Route 90 at the St. Rt. 85 intersection and then got on the New York State Thruway. He got off of the thruway at exit 25A and headed West on I-88. At exit 24 (Duanesburg) he pulled the bus over to the side of the interstate and stopped. I was concerned that we would be hit due to the way that he stopped in the left hand side of the exit ramp. He seemed confused about where he was supposed to exit. At this point I told him that it was the next exit, not this one. The driver then pulled back out on the interstate and headed west again towards Central Bridge. He got off at the Central Bridge exit and took a right off of the exit. I remember the kids started to yell something about seeing the Pumpkin Patch. At this point we were headed North on St. Rt. 30-A towards another intersection. As we were traveling I was standing up in the middle isle talking to one of the teachers. I saw the stop sign and red flashing light at the intersection and noticed that the driver was not stopping. There was a dump truck coming down the road on the right hand side towards us. I thought for a minute that it was a four way stop intersection and that the dumptruck would stop. The driver drove right through the intersection without stopping at all. At no time did I feel any type of braking of the bus. We went through the intersection and three quarters of the bus cleared without being hit. I then felt the dump truck strike the back of the bus and spin us around to the other side of the road.

[Signature] 14

① ~~_____~~

NOTICE: FALSE STATEMENTS MADE HEREIN ARE PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT TO SECTION 210.45 OF THE NEW YORK STATE PENAL LAW.

SWORN TO BEFORE ME THIS 21st

DAY OF October 1999

~~_____~~
(SIGNATURE & TITLE)

* STRIKE OUT WORDS THAT DO NOT APPLY.

~~_____~~
(SIGNATURE OF DEPONENT)

(INCLUDE FULL ADDRESS)

CP315B/REV. 2-89