



**Federal Aviation
Administration**

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From: Alan K Miller

Title: ASI

Date: 12/09/2009

Pages: 4 w/Cover

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Statments

SUPPORTING DEPOSITION (L. § 100.20)

PAGE 1 OF 2

THE PEOPLE OF THE STATE OF NEW YORK
—VS.

DEFENDANT(S)

LOCATION OF INCIDENT:	
STATE OF NEW YORK _____ COURT	
COUNTY OF _____	
_____ OF _____	

LOCATION OF DEPOSITION:	
STATE OF NEW YORK	
COUNTY OF <u>Franklin</u>	
<u>Tam</u> OF <u>Makre</u>	

On DATE: 11/17/09 at TIME STARTED: 12:35 PM I, JENNIFER L. KEARNEY

state the following: that I live at [REDACTED] Potsdam, NY with my daughter, Katelynn, age [REDACTED]. About a year and a half ago, Katelynn started taking flying lessons from Den with in Makre at the DuFort Airport. Over time, Katelynn spent a lot of time with Den and obtained his her own Certified Flight instructor license just last week. Katelynn arranged to swap flight time with a man who had a helicopter for the morning of Sunday, November 15, 2009. I arrived at Makre airport with Katelynn around 9:30 AM. Den should have been there, but he was not. We left for Massena and arrived near 10:30 AM. Since Den was not there with his twin engine plane, she did not do the scheduled swap. Instead Katelynn helped another student get more flight time. We returned at about 3:15 PM in Makre. I went to the office and talked with Hugh Schizke, a friend and pilot out of Makre. We talked and realized Den missed heading the night before and a dinner with friends, with Den not showing up for the trip to Massena, we became concerned.

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 17th day of November, 2009

-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)

TIME ENDED: 12:54 PM

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

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK COURT

COUNTY OF

OF

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF FranklinTown OF Malone

On DATE: at TIME STARTED: 1. FULL NAME: Jennifer Kerney

state the following: Husband and I decided to call for help. I knew Don had gone to the airport in Fulton County to check on ride. Don was still there. I spoke with a person named Janel who told me another pilot was there and thought Don left. Someone at 4:25 PM on 11/15/09. I called an airport out of Albany named Million Air, who transferred me to Flight Services at the FAA. I reported Don and his airplane as missing. I also told the FAA that Ron Renshaw was with Don. Don was flying a single engine Piper Cherokee white with red and black trim, tail # N173T. The person I spoke to asked if I was positive and I told him I knew something was wrong because Don and Ron's cars were at the airport. I tried calling Don's cell phone and he never picked up. We thought the phone rang, but they could not track the phone. Both Don and Ron were single, so no one expected them back home at a regular time. I knew Don was an experienced pilot and I could not think why he would have had a problem because the airplane was well maintained.

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Affirmed under penalty of perjury

this 17th day of November, 2009

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)

TIME ENDED:

12:54 AM

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

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Affidavit

Page 1 of 2 pages

State of New York
County of Schenectady

City of Schenectady

) Patrick W Morris

)

) State NY

) Tel#

) Age

)

Zip 12302

DOB

Time Started: 14:00

Date: November 17, 2009

I, Patrick W Morris, being duly sworn, deposes and says:

On Sunday November 15, 2009 I had an appointment with Dan Wills to take an FAA practical test for a Sport Pilot License. He was going to fly down from Malone and meet me at Saratoga County Airport where I keep my plane. The forecast ceilings for the weather looked low in the early morning so we had planned on meeting at 10am. The weather was due to improve considerably as the day went on. I received a call at about 9:20 from Dan. He said that the weather still did not look good for him to fly down but we both agreed that it was due to improve in the near future. Dan said that all he had going on was a Hockey Game at 6:30. He said he would call me in a little while when the weather improved. At about 11:30am Dan called and said he was going to grab some lunch and then head down. He called again at about 12:20am and said he was heading down to Saratoga and would be there at about 1:30pm. At about 1:45pm Dan arrived at the airport in a Piper Cherokee. I observed him land and taxi, all appeared normal with the operation of the plane. He was accompanied by a person who he introduced to me as his friend Ron. We headed over to my hangar and started some paperwork for my practical flight test. After the paperwork we reviewed the rules of the Sport Pilot license as is required as the oral part of the practical test. He then watched as I did the preflight inspection on my plane. His friend Ron stayed around the hangar observing and looking over the planes. Dan and I then entered my plane and started the flying part of my exam.

(continued)

17th Day of November, 2009

Signed:

Inv Joel Revette
NYSP Troop B

Affidavit Continuation

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We departed and headed towards Galway. We did a landing at Galway and headed back towards Saratoga and did several flight maneuvers on the way back. We landed back at Saratoga shortly before 4pm and completed more paperwork for the issuance of my Sport Pilot License. I walked Dan and Ron back to their plane at the North American hangar where they used the restroom and got a drink and snack out of the machine. A lineman in the hangar asked if they needed anything. I asked Dan if he needed fuel or anything and he stated no. I said goodbye and they started entering the plane. I walked back over to my hangar where an individual was observing my plane. I talked to him for a few minutes and then entered my plane for a short ride before dark. As I started to taxi I announced over the radio frequency for the Saratoga airport that I was taxiing and I heard Dan say over the radio "good luck Pat". I believe he was already in the air at that time. Saratoga airport does not have a control tower and pilots are to announce their positions near the airport on a specific frequency. I did not see him take off from the airport. I stayed in the general vicinity of the airport. I did climb to 2000' MSL to the north of the airport with very good visibility. As I recall it appeared fairly clear above Saratoga at that time although some clouds could be seen in the distance. I believe Dan was headed back to Malone when he departed but he did not say so specifically. Dan and Ron both appeared to be in good health and exhibited no unusual behavior. During my contact that day with Dan, we did speak briefly about the flight over. He said it was a nice flight and that they hit a couple bumps over the mountains but was mostly smooth. Dan did refer to being "pushed down a bit" at one point on the way over. Also in our conversations in the morning he did sound like he was referring to specific weather data that he was looking at while talking with me.

On November 16th at a little after 4pm I received a call from North American Flight service at Saratoga Airport inquiring about whether I had contact with a Dan Wills on Sunday. She said that they received a call from a woman that said Dan had not been heard from that day. I told them about my practical test with him on Sunday and that he had left Saratoga a little past 4pm. (End)

17th day of November, 2009

Signed: _____

Time Ended: 14:30 _____