



Human Performance Factual Report Attachment

New York State Police Supporting Depositions

Schoharie, NY

HWY19MH001

(8 pages)

THE PEOPLE OF THE STATE OF NEW YORK
VS

DEFENDANT(S)

LOCATION OF INCIDENT:
 STATE OF NEW YORK, LOCAL CRIMINAL COURT
 COUNTY OF _____
 OF _____

LOCATION OF DEPOSITION:
 STATE OF NEW YORK
 COUNTY OF Albany
 Town _____ OF _____
 Colonie

On **DATE:** 10/06/18 at **TIME STARTED:** 5:16 AM PM, **FULL NAME:** Nauman Hussain

STATE THE FOLLOWING:

I am the manager of Prestige Limousine and Chauffeur Service located in Gansevoort, NY. The company is owned by father Shahed Hussain. My father is currently overseas and unavailable, so I am running the business. Today at about 8:56AM a person who identified himself as Axel Steenburg called my Limo service looking to rent a limo for today. He told he had rented another service but they were having problems, so he was looking for limo for today from my company. He told me the pick up point would be 19 Pleasant St in Amsterdam, NY and that they would be going to the Omegang Brewery in Cooperstown, NY. Also, he would tell the driver the name of other places they would be going. I gave him a quote and he said he would check with his party and get back to me. A short time later he called back and agreed to the price. I called one of my drivers, Scott Lisinicchia, asked him if he was available for the job and he said yes. I then texted him all the info for the service, where to pick them up, customer name and where they were going. He responded that he would go get the car. I did not have any other communication with Scott. It is common not to hear from a driver until the trip is completed. At about 3:55PM today I received a phone call from Investigator Erica Hock telling me that my vehicle was in a serious accident out in Schoharie somewhere near 30 and 30A maybe. I had to ask her a couple times because it didn't seem real.

NH

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 6 day of OCTOBER, 20 18

- or -

*Subscribed and Sworn to before me
this _____ day of _____, 20 _____

(SIGNATURE OF DEPONENT) - Nauman Hussain

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED: 5:43 AM PM

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

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK
-- vs.

Defendant(s)

INCIDENT LOCATION: STATE OF NEW YORK LOCAL CRIMINAL COURT COUNTY OF SCHOHARIE TOWN of SCHOHARIE
LOCATION OF DEPOSITION: STATE OF NEW YORK COUNTY OF MONTGOMERY VILLAGE of FULTONVILLE

Date 10/07/2018 Time Started 02:21 PM Full Name: MELISSA A HEALEY
Date of Birth No. and Street C/TN FULTONVILLE State NY

State The Following:

My name is Melissa A. Healey, I am currently with Investigator John Keough of the New York State Police giving him a deposition at the police station at SP Fonda located at,3003 Sr-5s in the Village of Fultonville. On October 6, 2018, I was texting my friend, Erin McGowan regarding an outing she was going on in a limo. Erin invited me to go with her and a group of people. I wasn't feeling well and told her I wouldn't be able to go. At 1:04 PM I texted Erin, "Have fun !". Erin sent a text back to me at 1:15PM that read, "The party bus broke down before it came to pick us up so axel got a limo", "The limo sounds like its going to explode" This was followed by three crying emojis, and then "Literally". I texted back at 1:16 PM, "Oh man", "Lol", "Let's hope you get there". Erin sent back a text at 1:17 PM, "Smoking cigs", followed by two crying emojis. At 1:17 PM I sent, "In the limo ?" and Erin responded right back with, "Yes haha it's a junker literally". I sent back at 1:18 PM, "Lol", " Poor guy !!! It will make for a fun memory for you guys. Lol". Erin sent back, "Holes in the ceiling. Omg u should of came". This was followed by a picture of Shane McGowan sitting in the limo with his middle finger in the air. At 1:27 PM Erin sent, "The motor is making everyone deaf", followed by five crying emojis at 1:28 PM. I immediately sent back, "Omg", "Where did he rent from ?". At 1:37 PM Erin sent, "Craig's list", "No I guess luxury limo....idk haha", "When we get to brewery we will all b deaf". That was the last text I received from Erin.

Notice

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Affirmed under penalty of perjury this 07 TH day of OCTOBER, 2018

(SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me this day of

(WITNESS) Time Ended 10/07/2018 02:56 PM (NAME OF PERSON TAKING DEPOSITION)

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

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK
-- vs.

Defendant(s)

INCIDENT LOCATION: STATE OF NEW YORK LOCAL CRIMINAL COURT COUNTY OF SCHOHARIE TOWN of SCHOHARIE
LOCATION OF DEPOSITION: STATE OF NEW YORK COUNTY OF SCHOHARIE TOWN of ESPERANCE

On 10/07/2018 at 11:04 AM I, HOLLY A WOOD
Date of Birth No. and Street C/T/V ESPERANCE State NY

State The Following:

I am speaking to Trooper Munks of the New York State Police regarding a motor vehicle accident that occurred yesterday, October 6, 2018, outside of the Apple Barrel on SR-30A at the intersection of SR-30 in the Town of Schoharie. Yesterday, at approximately 1:50 PM, I was in my car, a 2016 Jeep Patriot NY Reg [redacted] driving on SR-30 southbound, stopped at the stop sign at SR-7. My daughter, Evangeline Peck, was in the front passenger seat of my Jeep. When we were stopped there I saw a white SUV stretch limo turning right from SR-7 eastbound into SR-30 southbound. When it turned I could see the limo was full of people. The limo made a very slow turn and just as it finished the turn it pulled over on the right shoulder with its flashers on. I thought the driver was giving me the OK to go around him but there was oncoming traffic, so I didn't. The driver then pulled out and continued southbound on SR-30 and I continued directly behind him.

After crossing the I-88 bridge I noticed that limo's flashers were still on. I also noticed that the clear backup lights were also on and the backup alarm was sounding, but the limo was still going forward. After the bridge the driver pulled the limo over again to the right side of the road, but not a complete stop. That is when I proceeded to pass him. When I passed him this time I saw the driver appeared to be point towards the valley. I thought the passengers must have been sight-seeing. I then continued down SR-30 and I stopped at the stop sign at the intersection of SR-30 and SR-30A, by the Apple Barrel. As I was stopped at the stop sign I saw a dark blue colored car driving on SR-30A, northbound towards the Apple Barrel. The next thing I noticed the sound of the limo. It sounded like a jet engine, that is how loud it was. I then looked in my rear-view mirror and saw the limo still in the right lane flying up behind me. I thought it was going to crash into me and I froze. It didn't even dawn on me to get out of the way. I yelled for my daughter to hold on. The SUV then swerved into the left lane.

Notice

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Affirmed under penalty of perjury

this 07 TH day of OCTOBER, 2018

[Signature]
[Redacted Name]

- OR -

* Subscribed and Sworn to before me

this day of

(WITNESSES)
[Redacted Name]
Time Ended 10/07/2018 11:36 AM
[Redacted Name]

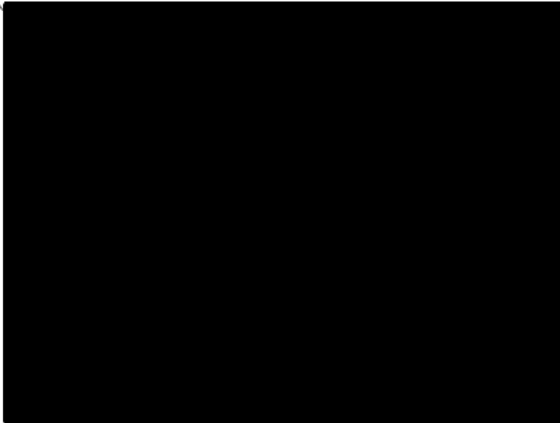
* This form need be sworn to only when specifically required by the court

14/31

NEW YORK STATE POLICE

State The Following:

missing my vehicle and striking the blue car that was traveling north on SR-30A. It was awful. The blue car went flying. I didn't even see where it landed. I then saw the limo flew right into trees and the ditch. the back end came up about 45 degrees, and then slammed down. The limo ended up laying on the bank of the ditch, sort of on its left side, facing northwest. I pulled over, put my flashers on and ran over. My daughter was on the phone with 911. I walked over towards the Apple Barrel and saw two deceased men. one was between two vehicles in the lot and the other was entangled in trees and bushes. I then took the phone from my daughter and told the 911 operator what I had seen. Shortly after that police arrived. This statement is true and accurate to the best of my knowledge.



Notice

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Affirmed under penalty of perjury

this 07 TH day of OCTOBER, 2018

[Handwritten signature]
[Redacted signature line]

(SIGNATURE OF DEPONENT)

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

[Handwritten signature]
[Redacted signature line]

(WITNESS)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended
10/07/2018 11:36 AM

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

15/31

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK
-- vs.

Defendant(s)

INCIDENT LOCATION: STATE OF NEW YORK LOCAL CRIMINAL COURT
COUNTY OF SCHOHARIE
TOWN of SCHOHARIE
LOCATION OF DEPOSITION: STATE OF NEW YORK
COUNTY OF SCHOHARIE
TOWN of SCHOHARIE

On 10/07/2018 at 05:41 PM, Full Name: EVANGELINE N PECK
Date of Birth, No. and Street, C/TN: ESPERANCE, State: NY

State The Following:

My name is Evangeline N. Peck, my phone number is [redacted] and I am speaking with Trooper Lenaghan of the New York State Police.

Yesterday 10/6/2018 me and my mom Holly Wood were heading to the harvest festival in Middleburgh. We left our house from 4141 US Highway 20 in Esperance. We went east on 20 and first went to an animal sanctuary on Gage Rd. After we left there we took back roads to Route 30 then we got to the intersection of 30 and 7. When we were stopped I saw a white SUV limo coming up 7 and saw it turn right onto 30. Once the limo turned me and my mom went across the intersection and came up behind them because they were going slow. The limo crossed over the white line and then it came back into the lane. After then it continued over the bridge and I saw the brake lights come on. They were still going forward by then I heard a beeping that comes on when vehicles are backing up but they were still going forward. They were going slow but never stopped completely. After we heard the back up noise they pulled off to the side of the road but they were still going and never stopped they were just creeping along. At that point once they got off to the side of the road me and my mom passed them and got to the end of the road and stopped at the stop sign where 30 and 30A meet. When we were behind them you could tell there were people in the limo but the windows were dark so you couldn't tell how many were in there. I didn't see the driver either. It seemed like the driver knew we were behind them because he pulled over as to let us pass. Then when we were sitting at the stop sign my mom yelled my name and I looked over to her and I saw the limo swerve around us and fly passed her window on the driver's side of our car. After that I don't really remember much because it happened really quick. I don't remember hearing any brakes. I don't think he had his brakes on at all. The only other thing I remember after it went by us was it smashing into the embankment on the other side of the road. I told

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Affirmed under penalty of perjury

this 07 TH day of OCTOBER, 2018

- OR -

* Subscribed and Sworn to before me

this day of

[Signature] (SIGNATURE OF DEPONENT)

(WITNESS) [Signature] Time Ended 10/07/2018 06:08 PM (TITLE OF PERSON TAKING DEPOSITION)

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

8/31

NEW YORK STATE POLICE

State The Following:

my mom to pull over to the side of the road and she told me to call 911. so I grabbed my phone and dialed 911 while getting out of the car. Then I ran over to the accident to see if I could do anything. Then I handed the phone off to my mom and I ran over to the limo to see if anyone needed help over there. I was standing at the top of the bank looking down at the limo. I couldn't see or hear anything or anyone. Then I saw the body of an older gentleman that was on the edge of the parking lot and shrubs. My mom and me waiting there until the cops and ambulance got there. A cop came over to me and my mom and took our information and told us that someone would be contacting us. Then me and mom left and came back

END OF DEPOSITION EP

Notice

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Affirmed under penalty of perjury

this 07TH day of OCTOBER, 2018

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

[Signature]

(SIGNATURE OF DEPONENT)

(NAME OF PERSON TAKING DEPOSITION)

Time Ended	10/07/2018	06:08 PM
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* This form need be sworn to only when specifically required by the court

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK
-- vs.

Defendant(s)


<p align="center"><u>INCIDENT LOCATION:</u></p> <p>STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT</p> <p>COUNTY OF <u>SCHOHARIE</u></p> <p>TOWN _____ of <u>SCHOHARIE</u></p>	<p align="center"><u>LOCATION OF DEPOSITION:</u></p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>SCHOHARIE</u></p> <p>TOWN _____ of <u>SCHOHARIE</u></p>
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On <u>10/07/2018</u> at <u>01:28 PM</u> I, <u>JASON J MCKELVEY</u>
Date of Birth <u>[REDACTED]</u> No. and Street <u>[REDACTED]</u> CTN <u>SCHOHARIE</u> State <u>NY</u>

State The Following:

My name Jason J. McKelvey, my phone number is [REDACTED] and I am speaking with Trooper Lenaghen of the New York State Police.

Yesterday 10/6/2018 around 1:55ish pm i was headed to Amsterdam from my house located at 233 State Route 443 in Schoharie I took State Route 30 and when I was coming up on Route 7 I saw a white stretch SUV limo turning right onto State Route 30 off of 7. The limo took the turn really wide and crossed over into my lane. I was far enough away so i didn't have to stop but I did have to swerve over the fog line onto the shoulder briefly. It really didn't affect me but I wanted to be cautious and not affect the limo. When it went by I made eye contact with the driver. From what I saw in a split second the driver looked like an older white guy with reddish or strawberry blonde hair that was all I saw and remember from that split second. I couldn't make out how many people were in the limo but when it went by me I could see silhouettes of people through the blacked out windows. After the limo went by me it looked like the limo was swerving over to the shoulder on their side of the road. After it passed me I was able to get back on the roadway and stopped at the stop sign where it intersects with Route 7. I then looked in my rear view mirror and saw the limo had pulled over onto the side of the road. I didn't see anyone exit the limo. I just saw their brake lights. I then continued over Route 7 onto 30 and didn't see anything else and didn't think much of it until I heard about the accident. It just struck me as odd that he was coming up 7 and then turned right onto 30.

END OF DEPOSITION 

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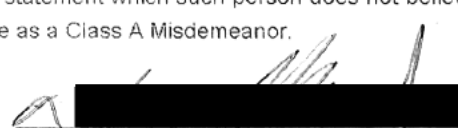
Affirmed under penalty of perjury

this 07TH day of OCTOBER, 2018

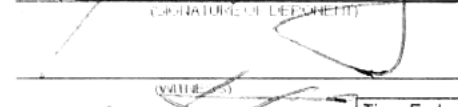
- OR -

* Subscribed and Sworn to before me

this _____ day of _____



(SIGNATURE OF DEPARTMENT)



(NAME OF PERSON TAKING DEPOSITION)

Time Ended	<u>10/07/2018</u>	<u>01:47 PM</u>
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11/31