

Human Performance Attachment – Bus Driver Interview with NYSP

Louisville, NY

HWY23FH005

(5 pages)

SUPPORTING DEPOSITION (CPL § 100.20)

THE PEOPLE OF THE STATE OF NEW YORK — VS.

- VS.	\
DEFENDANT(S)	LOCATION OF DEPOSITION:
LOCATION OF INCIDENT:	
STATE OF NEW YORKCOURT	STATE OF NEW YORK
COUNTY OF St. Cowsence	COUNTY OF St. Courence
Town or Coursuille	Uillege OF Massera
	HARLY N. DIAZ-BASZ
ate the following: I HARLEY N. DIAZ	
eposition to Investigator Dyan Sour	
I am emplayed by ACRO Cogistics.	I Drive truck and delivers
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NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

- VS.

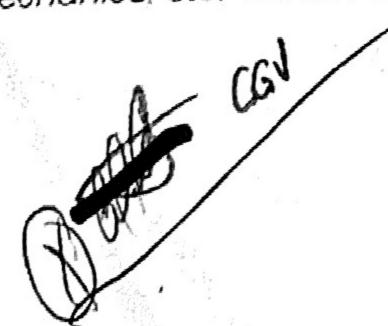
	Defendant(s)				
	INCIDENT LOCATION:			LOCATION OF DEPOSITION:	
STATE OF NE	W YORK LOCAL CRIMINAL	COURT		STATE OF NEW YORK	
COUNTY OF	STLAWRENCE		COUNTY OF	ST LAWRENCE	
TOWN	of LOUISVILLE	B	TOWN	of LOUISVILLE	
	Time Started Full Name:				
On 01/28/2023 at		PHER G VALERO	JC/T/V		State
Date of Birth	INU. and Street		DULUTH		10

State The Following:

1. Christopher Valero am speaking with Trooper Rodriguez of the New York State Police MASSENA. I am currently giving a statement of today's incident on my own free will. This statement was typed by Trooper Steven Latulipe during the interview.

I am employed by LBFNY and have been working with them since approximately August 2022. I've been working in this area since approximately mid December 2022 I've been staying at the Econo Lodge on State Highway 37, Massena for approximately 1 month and I am the designated driver of the group due to having a international license and a Venezuela license, and experience driving buses. We are working a solar farm, however I do not know the town name or address. I driver from the hotel to the site and back generally 6 times a week, sometimes 7, depending on weather conditions.

Last night I went to sleep in my room at approximately 9:30 PM. I occasionally consume wine on special occasions, but did not drink any alcohol last night, and I do not consume drugs or narcotics. I've consumed edible cannabis and vape pens in the past, but not recently. This morning, I woke up at approximately 5:10 AM and warmed up the bus. I went back into my room, prepared my lunch, got ready for the day, and went out to the bus at approximately 5:50 AM, then left at approximately 5:55 AM. Every morning before we leave, I do an inspection of the bus prior to travel. I check fluid levels. lights, basic mechanics, etc. We left with 15 people on the bus, including me. The bus had 2 Venezuelans



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.

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Time Ended 10:53 AM 01/28/2023

AKING DEPOSITION)

NEW YORK STATE POLICE

state The Following:

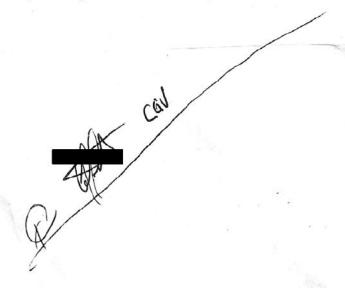
(including me) and the rest of the passengers were Mexican. I believe there were approximately 4 empty seats, I started driving the normal route / only one I know, which starts west bound on State Route 37. When we left, it was actively snowing and part of the road had a little snow on it, but there were also parts without snow. The snow on the road did not pull the vehicle or impair the operation of the vehicle. Due to the snow and visibility, I was leaning forward in the seat, concentrating on the road, and driving approximately 45-50 MPH. Which is the normal speed I travel in the bus.

Approximately 5 miles past County Route 14, Louisville, I was traveling in the west bound lane, I observed a truck, with both head lights on, traveling east toward me, in my lane of travel. I attempted to swerve right, to avoid collision. I was unable to avoid a collision and the bus was struck at the drivers side by the other vehicle's driver side. I do not recall where exactly the vehicles touched due to it happening so quick. After the collision, I don't recall what the vehicle did, I just remember it coming to rest on the north shoulder of the road, facing west/ the opposite direction I was traveling.

After the collision, the first thing I did was attempt to take off my seat belt and yelled to everyone, asking if they were okay. Everyone started to get off the bus. I had a difficult time removing my seat belt, so I was the last one to get up and exit the bus. I did not see anyone left on the bus initially. While exiting I observed 1 man outside of the bus, who was ejected, receiving CPR from someone who was passing by and stopped. I started to break down and cry. I went back on the bus to make sure no one was left, which is when I saw Gregorio slumped in his seat. I did not attempt any life saving measures, due to he appeared obviously deceased. I got back off the bus and did not go back on. I hugged Raul and told him about Gregorio. I didn't know what I could do, so I tried to flag down other people passing by to help at the scene and waited for police and emergency services to arrive. After emergency services arrived, I was medically evaluated and remained on scene to be interviewed. The only injured passengers I observed were Gregorio and the one who was ejected.

I did not interact with the occupants of the other truck after the accident, nor did I see how many occupants were in it.

I do not know anyones legal name on the bus, just names we give to each other that develop as we all work together.



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Affirmed under penalty of perjury TH this28 day ofJANUARY	CGV (SIGNATURE OF DEPONENT)
- OR -	1/164 Tem Spun Catelon
* Subscribed and Sworn to before me	(WITNESS)
thisday of	(NAME OF PERSON TAKING DEPOSITION) Time Ended 01/28/2023 10:53 AM

This form need be switch to only when specifically inquired by the coup.