



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. —

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK _____ COURT

COUNTY OF St. Lawrence

Town OF Louisville

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF St. Lawrence

Village OF Massena

On DATE: 1/28/23 at TIME STARTED: 9:48 AM I, FULL NAME: HARLEY N. DIAZ-BAEZ

state the following: I HARLEY N. DIAZ-BAEZ am providing this deposition to Investigator Ryan Stave of the nys police.

I am employed by ACRO Logistics. I drive truck and deliver^{and} car parts. on January 28, 2023 at approximately 7 AM I picked up my work truck in Watertown, NY and drove to Watertown. I made some deliveries and left Watertown at approximately 2:15 AM. I had another delivery in Massena, NY. I was driving a box truck with car parts and was the only occupant in the truck. ~~When~~ ^{I recall} being almost to Massena but don't recall what road I was on or where exactly I was. I remember see another vehicle coming in my direction with its high beams on. The other vehicle was coming at me and when I realize it was in my lane, I tried moving to the Right, but it was too late. Right when we were about to impact, I slammed on my brakes. After we hit I remember my truck still moving off to the Right. After my truck stopped I remember another car stopp^{ing}.

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 28th day of January, 2023

- OR -

[Signature]
(SIGNATURE OF DEPONENT)

* Subscribed and Sworn to before me

this _____ day of _____

(WITNESS)
[Signature] 1488
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:

10:11A

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

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

DEFENDANT(S)

LOCATION OF INCIDENT:

STATE OF NEW YORK _____ COURT

COUNTY OF St. Lawrence

Town OF Louisville

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF St. Lawrence

Village OF Massena

On DATE: 1/28/23

at TIME STARTED: 9:48 AM

I, FULL NAME: HARLY N. DIAZ-BACZ

state the following: and I believe the operator called 911. Shortly after the other operator arrived the firefighters showed up. I was pulled out of the truck and placed onto the gurney. The ambulance transported me to Massena hospital. I was treated at the hospital and eventually asked questions by the police. I don't recall any other events about the accident that I have not already provided to the police.

HO

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[Signature]
(SIGNATURE OF DEPONENT)

(WITNESS)

[Signature]
(NAME OF PERSON TAKING DEPOSITION)

TIME ENDED:

10:11 A.

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK
- VS.

Defendant(s)

<p><u>INCIDENT LOCATION:</u></p> <p>STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT</p> <p>COUNTY OF <u>ST LAWRENCE</u></p> <p>TOWN of <u>LOUISVILLE</u></p>	<p><u>LOCATION OF DEPOSITION:</u></p> <p>STATE OF NEW YORK</p> <p>COUNTY OF <u>ST LAWRENCE</u></p> <p>TOWN of <u>LOUISVILLE</u></p>
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Date On <u>01/28/2023</u>	at <u>09:39 AM</u>	Time Started	Full Name: I, <u>CHRISTOPHER G VALERO</u>	State <u>GA</u>
Date of Birth <u>[REDACTED]</u>	No. and Street <u>[REDACTED]</u>	CITY <u>DULUTH</u>		

State The Following:

I, 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

[Handwritten signature] CGV

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Affirmed under penalty of perjury
this 28 TH day of JANUARY, 2023

- OR -

- Subscribed and Sworn to before me

this _____ day of _____

[Handwritten signature] CGV
[Handwritten signature] CGV
 (SIGNATURE OF DEPONENT)
 Tpr. Steven Latulipe Tpr. Steven Latulipe
 (WITNESS)

Time Ended
01/28/2023 10:53 AM

(NAME OF PERSON TAKING DEPOSITION)

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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.

[Handwritten signature]
[Redacted signature]
[Handwritten signature] CGV

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Affirmed under penalty of perjury

this 28 TH day of JANUARY, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

[Handwritten signature] CGV
(SIGNATURE OF DEPONENT)
[Handwritten signature] 4/16/4
Tom Spain Catalina
(WITNESS)

Time Ended
01/28/2023 10:53 AM

(NAME OF PERSON TAKING DEPOSITION)

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