

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs.

Defendant(s)

INCIDENT LOCATION:STATE OF NEW YORK LOCAL CRIMINAL COURTCOUNTY OF NIAGARATOWN of PORTERLOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF NIAGARATOWN of PORTEROn Date 06/11/2023 at Time Started 04:25 PM I, Full Name: CATHERINE D SYLVESTERDate of Birth No. and StreetCITY
YOUNGSTOWNState
NY

State The Following:

I, CATHERINE SYLVESTER DO STATE, ON TODAY'S DATE AT APPROXIMATELY 3:00 PM I WAS OUT ON THE DECK WITH MY HUSBAND WORKING. WE HEARD CHRIS'S PLANE TAKE OFF AND WE MOVED TO THE DRIVE WAY TO WATCH HIM FLY. HIS PLANE IS ORANGE. HE WAS FLYING LOW WHICH SEEMED LOWER THAN NORMAL. I SAW CHRIS FLY BY AND THEN I LOST SIGHT OF HIM BECAUSE THE NEIGHBORS HOUSE BLOCKED MY VIEW FROM WHERE I WAS. SOON AFTER I HEARD A BOOM, AND SAW SMOKE AND FLAMES FROM ACROSS THE STREET. MY HUSBAND TIM THEN SAID TO CALL 911 WHICH I DID.

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 11TH day of JUNE, 2023

- 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)

Time Ended
06/11/2023 04:34 PM

(NAME OF PERSON TAKING DEPOSITION)

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- VS. --

CHRISTOPHER M. CARUANA

Defendant(s)

INCIDENT LOCATION:

STATE OF NEW YORK LOCAL CRIMINAL COURT

COUNTY OF NIAGARA

TOWN of PORTER

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF NIAGARA

TOWN of PORTER

On	Date 06/11/2023	at	Time Started 04:55 PM	Full Name: JASON H. BERGER
Date of Birth	No. and Street:		C/TN LEWISTON	State NY

State The Following:

My name is Jason Berger I can be reached at [REDACTED] am speaking to Trooper Castellani regarding an incident that occurred today. I am the owner of a small airport- 63NY and "Skydive the Falls" a local Sky diving company located at [REDACTED] in the Town of Porter. Today was a regular day at the airport, we had approximately seven or eight jumpers come out, the weather wasn't great, so not a lot of people. We went up and flew two flights and had two groups of jumps. Approximately 10:45 AM one of my Pilot friends, Christopher Caruana flew his private plane out from Grand Island as he often does, he hung out with us and flew on one of the flights with me. After the flights we spent some time at the property, Chris cut some grass until approximately 3:00 PM when he said he had to go as he had dinner plans with his brother. Chris got in his Plane, A Orange Harmon Rocket, Tail number N85TP, Chris has a routine that he does when he takes off and leaves, he took off south and climbed over the trees, did a 180 degree turn, did a low pass over the runway going North. He usually climbs and does a barrel roll before turning south and heading home, but as he was maneuvering and attempting to climb he lost altitude hit the trees. There was an explosion and his plane crashed in the open field across the street. I ran over and found him deceased in the plane. I had a portable radio and was in contact with him right up until the explosion. Everything sounded normal, until I heard him say "Oh FU", Chris realized something was wrong. When I came back to the hanger I was told by one of our patrons that they heard a piece of his prop hit the ground prior to the collision, I showed the police when they arrived.

Notice

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Affirmed under penalty of perjury

this 11TH day of JUNE, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

 Time Ended
 06/11/2023 05:20 PM

(NAME OF PERSON TAKING DEPOSITION)

NEW YORK STATE POLICE

Defendant(s)

STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT		STATE OF NEW YORK	
COUNTY OF <u>NIAGARA</u>		COUNTY OF <u>NIAGARA</u>	
TOWN <u>of PORTER</u>		TOWN <u>of PORTER</u>	
On	Date <u>06/11/2023</u>	at	Time Started <u>05:32 PM</u>
		I,	Full Name: <u>DEREK J REMINGTON</u>
Date of Birth	No. and Street		CITY <u>LOCKPORT</u>
			State <u>NY</u>

State The Following:

I am Derek J. Remington (DOE [REDACTED]) I can read, write and understand the English Language.

I am speaking to Trooper A. Moen on my own free will at [REDACTED] Road, Town of Porter. I just started to skydive at Skydive the Falls approximately a month ago. I started today at 08:30 AM. One of our pilots, Chris, flew his personal aircraft to our location at 11:00 AM. We had two skydives or fun jumps planned for the day. I participated in both jumps. The first jump was at 10:00 AM and the second jump was at 02:00 PM. I don't recall if Chris co-piloted the second jump in the Skydive the Falls aircraft. After our jumps I was sitting outside the main building and facing the north towards Braley Road. I observed Chris taxing his personal aircraft south and heard Chris's aircraft idling. I observed the aircraft fly north over the general vicinity of the main building. The aircraft began losing altitude approximately 50 yards from my location and his wings were almost level with the residence north of my location. It appeared Chris feathered the aircraft through the trees. I observed the engine getting louder, however the aircraft was not increasing in altitude. The aircraft started to barrel roll as it continued to navigate through the tree line. I immediately observed a large fireball and loud explosion. We all paused, and sprinted to the crash and fanned out in attempt to locate Chris. There was a female by the cockpit who discovered Chris. Chris was obviously deceased and there was no life saving measures made. First responders immediately responded on scene of the accident.

**Notice**

(Penal Law §210.45)

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Affirmed under penalty of perjury

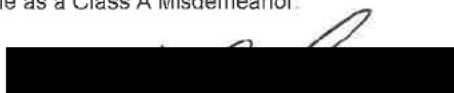
this 11TH day of JUNE, 2023

- OR -

* Subscribed and Sworn to before me

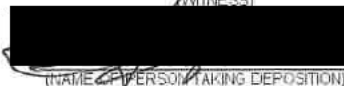
this _____ day of _____

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(SIGNATURE OF DEPONENT)

(WITNESS)



(NAME OF PERSON TAKING DEPOSITION)

Time Ended
06/11/2023 06:04 PM

NEW YORK STATE POLICE

-- vs.

Defendant(s)

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

On	Date 06/11/2023	at	Time Started 04:57 PM	I, Full Name: JOHN M BITTNER
				YOUNGSTOWN
				NY

State The Following:

I am John M. Bittner [REDACTED] I can read, write and understand the English Language.

I am speaking to Trooper A. Moen on my own free will at [REDACTED] Town of Porter. On today's date at approximately 03:08 PM, I was at my residence of [REDACTED] was outside of the residence and heard an explosion. I walked to the end of the driveway and observed smoke west of our residence. I immediately contacted Niagara County 911 and my girlfriend, Susan E. Cairns, and I immediately responded to the scene. When we arrived on scene there was a lot debris and small fires from an aircraft north of Braley Road. We immediately checked the brush line and attempted to locate a pilot/operator or any other survivors. We over heard the pilot was still in the aircraft. I observed majority of the pilots body inside the plane. The pilot was obviously deceased and there was no life saving measures to be made. There were no other occupants of the plane observed, only the pilot. First responders immediately responded on scene of the accident.

Notice

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this 11TH day of JUNE, 2023

- OR -

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this _____ day of _____

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(SIGNATURE OF DEPONENT)

Time Ended
06/11/2023 05:11 PM

Defendant(s)

INCIDENT LOCATION:STATE OF NEW YORK LOCAL CRIMINAL COURTCOUNTY OF NIAGARATOWN of PORTERLOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF NIAGARATOWN of PORTEROn 06/11/2023 at 05:13 PM I, DAVID A MONTGOMERY

Date of Birth

No. and Street

C/TN
YOUNGSTOWNState
NY

State The Following:

I am David A. Montgomery (), I can read, write and understand the English Language.

I am speaking to Trooper A. Moen on my own free will at () Town of Porter. I am an employee at Skydive the Falls. I have been employed for 3 years. I started today at 08:30 AM. Our pilot, Chris, flew his personal plane to our location at approximately 11:00 AM. Chris co-piloted a fun jump load at approximately 01:30 PM in an aircraft owned by Skydive the Falls. Immediately after the jump, I taught a packing class inside the main building. I don't recall the time frame, however I heard Chris taxing his personal aircraft south and takeoff towards the north. I then heard a loud explosion. I immediately exited the main building and responded to the smoke. I continued traveling to the field north of Braley Road and I saw the aircraft and debris in the treeline. I saw Chris in the main cockpit of the aircraft. Chris was obviously deceased and there was no life saving measures made. When I returned back to the main building, I observed a piece of what appeared to be a prop.

RAA

Notice

(Penal Law §210.45)

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Affirmed under penalty of perjury

this 11TH day of JUNE, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

Time Ended
06/11/2023 05:27 PM

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 NIAGARA

TOWN of PORTER

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF NIAGARA

TOWN of PORTER

On	Date 06/11/2023	at	Time Started 05:46 PM	I, Full Name: MARK J LIGHT
Date of Birth	No. and Street	CITY	State	
		NIAGARA FALLS	NY	

State The Following:

I am speaking with Trooper Wackowski of the New York State Police on my own free will about an incident that just occurred. I was sitting outside on the bench at Skydive the Falls and I heard him take off. Right after he passed over us I heard the crash and we all took off. I searched the area of the tree line when at first I heard he wasn't in the cockpit and shortly after I heard that he was in fact in the cockpit. When others were talking about the way the plane sounded when it took off I believe I also heard it sound like a whine in the engine which I'm not sure if its abnormal or not because I had never ridden in his plane. I believe I also heard a clink right before the sound of the plane crash.

Notice

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Affirmed under penalty of perjury

this 11TH day of JUNE, 2023

- OR -

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this _____ day of _____

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(SIGNATURE OF DEPOSITION)	Time Ended 06/11/2023 05:53 PM
(NAME OF PERSON TAKING DEPOSITION)	

NEW YORK STATE POLICE

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

Defendant(s)

<u>INCIDENT LOCATION:</u> STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT COUNTY OF <u>NIAGARA</u> TOWN <u>of PORTER</u>		<u>LOCATION OF DEPOSITION:</u> STATE OF NEW YORK COUNTY OF <u>NIAGARA</u> TOWN <u>of PORTER</u>	
On	Date <u>06/11/2023</u>	at	Time Started <u>05:40 PM</u>
		Full Name: <u>THOMAS P NEILSON</u>	
Date of Birth <u>07/12/1955</u>	No. and Street <u>[REDACTED]</u>	CITY <u>HAMBURG</u>	State <u>NY</u>

State The Following:

I am speaking with Trooper Wackowski of the New York State Police about an incident that just occurred. I am a part owner with Jason Berger, and John Huber of the land at [REDACTED] Youngstown. We run a sky diving business here and it is a privately owned airfield. I was at our other drop zone and I was called by Jason who told me what had happened and I headed over here.

Notice

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- OR -

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<u>[Signature]</u> (SIGNATURE OF DEPONENT)	
<u>[Signature]</u> (WITNESS)	
Time Ended <u>06/11/2023</u>	<u>05:44 PM</u>

SUPPORTING DEPOSITION (CPL §100.20)

NEW YORK STATE POLICE

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

Defendant(s)

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

On	Date	at	Time Started	Full Name:
	06/11/2023		05:30 PM	CAROL A HEUSER
Date of Birth	No. and Street	CITY	State	
03/20/1978		PORTER	NY	

State The Following:

I am speaking with Trooper Wackowski of the New York State Police about an incident that just occurred. I was in my house with the side door open and heard the plane took off sounding like it was going north. I heard a pop and all our power went out and there was a second loud boom. I saw people running from all directions on the street. I started yelling did anyone eject. I ran towards the debris and scanned to try to find Chris who everyone was yelling for. I started looking in the tree line. They couldn't get close enough to the plane yet and we noticed the power lines down and I went back to the road to tell cars not to go through the downed power lines. Finally the fire in the plane went down enough that people near the plane confirmed that Chris was inside the plane. I did not see the plane in the air.

Notice

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[Redacted Signature]	
(SIGNATURE OF DEPOSITION)	
[Redacted Signature]	
(WITNESS)	
[Redacted Signature]	
Time Ended	06/11/2023 05:38 PM

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

INCIDENT LOCATION		LOCATION OF DEPOSITION	
STATE OF NEW YORK LOCAL CRIMINAL COURT		STATE OF NEW YORK	
COUNTY OF NIAGARA		COUNTY OF NIAGARA	
TOWN of PORTER		TOWN of PORTER	
Date	Time Started	Full Name:	
On 06/11/2023 at	04:46 PM	JAMES L BLASKO	
Date of Birth	No. and Street	CITY	State
		NIAGARA FALLS	NY

I am speaking on my own free will to Trooper Wackowski of the New York State Police about an incident that just occurred: I was being taught a packing class at Skydive the Falls and I heard a plane wind up and take off and it sounded fast cause he's in a fast plane. I heard the crash and went outside and ran down the driveway to see what was going on. We were all just running around looking for him. We saw Chris's legs hanging outside of the crashed plane and that's how we knew he had passed away.

(Pera law §21C.45)

TH day of JUNE, 2023

this day of

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

[REDACTED]
[REDACTED] (Sponsor) of [REDACTED]
[REDACTED]
[REDACTED] (Witness)
[REDACTED]

Time ended
06/11/2023 04:51 PM

(NAME OF PERSON being interviewed)

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- VS. --

Defendant(s)

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

On	Date 06/11/2023	at	Time Started 04:09 PM	Full Name: TIMOTHY R SYLVESTER
Date of Birth	No. and Street	CITY	State	
		PORTER	NY	

State The Following:

I am speaking with Trooper Wackowski of the New York State Police on my own free will about an incident that just occurred. I was on my back deck when I saw an orange plane going by going north low to the ground. It was about 100 feet approximately above the ground. I couldn't tell with how fast it went by if it was listing left or right or out of control. I lost sight of the plane and then I heard a loud crash. I told my wife to call 911 and I jumped in my pick up truck and drove out to the street on Braley Rd. I observed plane wreckage in the field about 150 yards north of the rd. I ran to the wreckage and couldn't tell if anyone was inside the plane due to the smoke and fire. I searched the tree line for a short time and went back to the plane and observed the body of a white male. The male party appeared to be deceased. There were obvious signs of body dismemberment and no signs of life and it was burned. The owner of the airport, Jason Berger, was on the scene and touched the body on the hand. I led Jason away from the body and wreckage and back to the airport as he was very upset. The local fire department arrived as there were downed power lines and some brush that caught fire on both sides of Braley Rd. On the south side of Braley approximately a 150 yards there is a chunk of propeller in the ground that appears to be from the plane. The chunk of propeller has not been moved. The pilots name is Chris Caruana and I was told it was Chris by Jason Berger. I know that Chris was an experienced pilot and did crop dusting for a living.

Notice

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(SIGNATURE OF DEPOSED)
(WITNESS)
(NAME OF PERSON TAKING DEPOSITION)

Time Ended
06/11/2023 04:24 PM

NEW YORK STATE POLICE

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

Defendant(s)

<u>INCIDENT LOCATION:</u> STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT COUNTY OF <u>NIAGARA</u> TOWN <u>of PORTER</u>	<u>LOCATION OF DEPOSITION:</u> STATE OF NEW YORK COUNTY OF <u>NIAGARA</u> TOWN <u>of PORTER</u>												
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">On</td> <td style="width: 15%;">Date <u>06/11/2023</u></td> <td style="width: 10%;">at</td> <td style="width: 15%;">Time Started <u>04:52 PM</u></td> <td style="width: 10%;">I,</td> <td style="width: 35%;">Full Name: <u>TARA L COBB</u></td> </tr> <tr> <td>Date of Birth</td> <td colspan="3">No. and Street</td> <td>C/TN <u>SILVER CREEK</u></td> <td>State <u>NY</u></td> </tr> </table>		On	Date <u>06/11/2023</u>	at	Time Started <u>04:52 PM</u>	I,	Full Name: <u>TARA L COBB</u>	Date of Birth	No. and Street			C/TN <u>SILVER CREEK</u>	State <u>NY</u>
On	Date <u>06/11/2023</u>	at	Time Started <u>04:52 PM</u>	I,	Full Name: <u>TARA L COBB</u>								
Date of Birth	No. and Street			C/TN <u>SILVER CREEK</u>	State <u>NY</u>								

State The Following:

I am speaking with Trooper Wackowski of the New York State Police about an incident that just occurred. I was sitting outside the barn at Skydive the Falls on Braley Rd. Chris was taking off in the plane going south bound and he took off south and was in the air when he turned around and was going north. I didn't see any smoke coming from the plane. It did not seem to be out of control. He seemed like he was flying low when he came back over and we heard the sound of the crash almost right afterwards. Jaime and I went up close enough to the plane and could see that he was deceased.

Notice

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(SIGNATURE OF DEPOSITIONER)			
(WITNESS)			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Time Ended <u>06/11/2023</u></td> <td style="width: 40%;">04:59 PM</td> </tr> </table>		Time Ended <u>06/11/2023</u>	04:59 PM
Time Ended <u>06/11/2023</u>	04:59 PM		

NEW YORK STATE POLICE

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

Defendant(s)

INCIDENT LOCATION:LOCATION OF DEPOSITION:

STATE OF NEW YORK LOCAL CRIMINAL COURT

STATE OF NEW YORK

COUNTY OF NIAGARA

COUNTY OF NIAGARA

TOWN of PORTER

TOWN of PORTER

Date On <u>06/11/2023</u>	at <u>05:02 PM</u>	Full Name: <u>SUSAN E CAIRNS</u>
Date of Birth <u>[REDACTED]</u>	No. and Street <u>[REDACTED]</u>	CITY <u>PORTER</u>
		State <u>NY</u>

State The Following:

I am speaking on my own free will to Trooper Wackowski of the New York State Police about an incident that just occurred. I was painting in my garage and we heard the plane take off full throttle and sounded louder than normal. We're used to it because we live here and it sounded louder. We heard a pop and I felt the ground shake. I said "What was that" and my brother, Patrick Cairns, said "That was a plane crash." I went inside to grab my purse with my keys and drove to the scene of the crash. My boyfriend John Bittner jumped in the car with me and when we got out everyone was looking for Chris the pilot. John went around the side of the plane and we saw his leg hanging out of the side of the plane. We could tell he was deceased and I tried keeping everyone else from seeing it. I did not see the plane in the air.

Notice

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- OR -

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this _____ day of _____

(SIGNATURE OF DEPOSEE)

(WITNESS)

Time Ended
06/11/2023 05:10 PM

(NAME OF PERSON TAKING DEPOSITION)

NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

<u>INCIDENT LOCATION:</u>		<u>LOCATION OF DEPOSITION:</u>	
STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT	STATE OF NEW YORK		
COUNTY OF <u>NIAGARA</u>	COUNTY OF <u>NIAGARA</u>		
<u>TOWN</u> of <u>PORTER</u>	<u>TOWN</u> of <u>PORTER</u>		

On <u>06/11/2023</u>	at <u>05:12 PM</u>	Full Name: <u>PATRICK G CAIRNS</u>
Date of Birth <u>[REDACTED]</u>	No. and Street <u>[REDACTED]</u>	CITY <u>NORTH TONAWANDA</u> State <u>NY</u>

State The Following:

I am speaking with Trooper Wackowski of the New York State Police about an incident that just occurred. I was down at my mothers house at [REDACTED] Rd when I heard the plane take off full throttle which sounded normal because I've heard that plane take off all the time and it sounded the same. Within about 5 seconds from that I heard the loud crash and instantly knew what it was. I ran to truck and came down here to help try to locate the pilot. They said his name was Chris and we were digging through the brush looking for him. My sister and her boyfriend located Chris inside the plan and I was putting out small fires in the brush. I did not see the plane in the air.

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(SIGNATURE OF DEPOSITION) (WITNESS) (NAME OF PERSON TAKING DEPOSITION)	Time Ended 06/11/2023 05:19 PM
---	--