

****WITNESS CODE B** FW: Richard McSpadden accident KLKP**

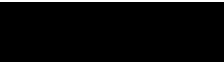
From eyewitnessreport [REDACTED]
Date Mon 6/24/2024 2:13 PM
To Todd Gunther <todd.gunther@ntsb.gov>

Todd,

FYI

Rolando Garcia

Senior Advisor - Special Operations
Office of the Managing Director (MD-5)



From: André Durocher [REDACTED]
Sent: Monday, June 24, 2024 2:06 PM
To: eyewitnessreport [REDACTED]
Subject: Richard McSpadden accident KLKP
Importance: High

[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Good day,

On October 1st, 2023 I was a witness for Mr McSpadden accident. It took me a while to contact your organization because life is taking too much of my time.

I am a glider pilot and my glider club (Montreal Soaring Council) and 2 other clubs (Rideau Valley Soaring Club) and Gatineau Gliding Club were at their annual September gathering at KLKP.

A little bit before 16h, I just landed long (because of rough ground) on the right side of runway 32 (where we always land). We were on grass (as always) pushing back our glider (heading 140 degrees) when we saw the Bonanza taking off so we stopped for security and watched the Bonanza t-o. I said to my wife: look there is no door because I think they will take aerial pictures. A short while after (30 secondes?) the Cardinal t-o too so we were watching him t-o. The t-o took longer (maybe 100 ft) compare to the Beech. Just barely off we saw white smoke from the Cardinal exhaust pipes like: pouf,,,pouf...pouf...Then nothing. One or 2 seconds later the Cardinal turn slowly to the left about 20-30 degrees and was barely going up. It continues in this direction for about 1 mile then turn right to come back to the airport. The plane was about 300-400 ft on a right base for runway 14 but was always turning right (no square base). When its heading was about 80-90 degrees and still 300-400 ft above the ground the nose dropped down and the plane continued to turn right heading for runway 14 threshold. I don't remember hearing the engine because we were probably too far. Then the Cardinal disappeared what looks to be in the runway centerline and short of runway 14 threshold.

I hope my observations will be helpful.

André Durocher [REDACTED] Gatineau, Qc, Canada, J9H 3L1
EAA, SPA, COPA and AQ (Aviateurs Quebec) lifetime member and AOPA member.
9000 hours, IFR multi, floatplane, skiplane, aerobatic, glider.

Statement to Todd Gunther, NTSB, from David M. Hirschman, Aircraft Owners and Pilots Association Editor at Large, ATP/CFII.

Date: October 19, 2023

On October 1, 2023, I was flying an A36 Bonanza (“Bonanza”) with photographer David Tulis, on a planned AOPA air to air photo flight over Lake Placid, NY.

The subject airplane was a Cessna 177RG, registration number N545PZ, flown by Lake Placid business owner Russ Francis. AOPA colleague Richard McSpadden was in the right seat.

Tulis, McSpadden, and I had flown the Bonanza from AOPA Headquarters in Frederick, Maryland, to Lake Placid Airport (KLKP) on the morning of Oct. 1. Once there, we prepared the Bonanza for the photo flight.

We held a preflight briefing in the FBO with Francis, McSpadden, Tulis, and me. During the briefing, we covered various topics including the fact that Francis was pilot in command of the Cardinal, he would perform the takeoff and landing, and McSpadden would manipulate the controls during the photography portion of the flight. We also set 4 p.m. as our engine-start time, which allowed me time to perform the standard preflight checks on the Bonanza.

Both airplanes were on the ramp at 4 p.m. when we started the engines. I taxied the Bonanza to a line-abreast position with the Cardinal so he could see the photo ship (the Bonanza) was ready.

About 30 seconds after the Cardinal’s engine started, I heard the engine stop and saw the prop stop. Then, about five seconds later, the engine started again and the prop turned normally again.

McSpadden was operating the radios and checked in on the air-to-air frequency (122.75) and said they were ready to taxi so I shifted the flight to the CTAF frequency and announced we were taxiing as a flight to Runway 32 for departure. As I went through my runup and before takeoff checks for the Bonanza, each aircraft ran up its engine, and as briefed, McSpadden indicated with a thumbs-up sign when the PIC of the Cardinal, Francis, was ready for takeoff. I announced our takeoff on the CTAF frequency.

We had briefed that the two airplanes would take the runway together, and the Bonanza would begin its takeoff roll about five seconds before the Cardinal.

The Bonanza takeoff was normal, and I raised the landing gear, climbed to pattern altitude, and throttled back to allow the Cardinal to rejoin.

About the time I was throttling back, McSpadden made a radio transmission on CTAF: “Dave, we’ve got a problem. We’re returning to the airport.”

I acknowledged his transmission with a double-click of the mic button. I proceeded straight ahead for about one mile to stay out of the way. Then I made a 180-degree left turn to return to the airport well behind the Cardinal.

As I rolled out of the 180-degree turn about three miles northwest of the airport, I heard someone say on CTAF that “An airplane has just crashed at the Lake Placid Airport.”

As I entered a left downwind for Runway 32, I could see that the Cardinal had come to rest against an embankment just short of Runway 14. The fuselage was buckled, the occupants appeared to still be inside the aircraft, and there was no visible smoke or fire.

I told the person monitoring the CTAF/Unicom frequency at the Lake Placid Airport the location of the downed aircraft, its type, and number of occupants, and directed him to call 911 immediately for emergency medical assistance.

I made a normal landing on Runway 32 and rolled out at the end to get as close to the accident site as possible if our assistance was needed.

Once there, however, several vehicles including first responders were arriving on the scene already. I taxied the Bonanza to the main ramp and shut down, then went to the accident site, but was prevented reaching the airplane because police and firefighters had cordoned off the area.

To: Todd Gunther, NTSB
From: David Tulis
Date: October 19, 2023
Re: Witness Statement, N545PZ

My name is David Tulis, Aircraft Owners and Pilots Association Senior Photographer, [REDACTED] [REDACTED] Frederick, Maryland, 21701. I am a private pilot land and sea with approximately 1,200 hours pilot-in-command time.

As you requested during our telephone interview on October 11, 2023, this statement pertains to the flight of a Cessna Cardinal 177RG, registration number N545PZ ("the Cardinal") on October 1, 2023, at Lake Placid Airport (KLKP) in Lake Placid, New York.

AOPA's Richard McSpadden, Dave Hirschman, and I arrived at KLKP at about 2:45 p.m. Eastern time after flying up in an A36 Bonanza ("the Bonanza"). Arrangements had been previously made to perform an air-to-air photo shoot of the Cardinal in the vicinity of KLKP.

The three of us were met on the ramp by the Cardinal pilot and local business owner Russ Francis and moved inside the FBO to hold a pre-flight briefing. The briefing included, but was not limited to, discussion of weather, altitudes, communications, expected mission maneuvers and flight profiles.

It was briefed that for the Cardinal, Russ Francis would be pilot in command (PIC), including takeoff and landing, and would occupy the left seat of the Cardinal. It was also briefed that later in the flight when the Cardinal was to form up with the Bonanza (which would serve as the photo ship) for the air-to-air photo shoot, pilot-rated passenger Richard McSpadden was to manipulate the controls from the right seat of the Cardinal.

Dave Hirschman was PIC of the Bonanza. I strapped into a safety harness and further secured myself with the aircraft's safety belt in the aft-facing passenger-side seat. At this time, I was focused on preparing my camera equipment.

The Bonanza lined up for takeoff and rotated about one-third of the way down Runway 32. I observed the Cardinal climbing with landing gear down. The Bonanza's tailplane then briefly blocked my view of the Cardinal. However, when the Bonanza tailplane view cleared, the Cardinal appeared to be heading about 180-degrees opposite of takeoff direction. It appeared to me that the altitude of the Cardinal was about less than half the altitude between the Bonanza and the ground. The Cardinal was flying about parallel to the runway and away from the approach-end of Runway 14.

The Cardinal was flying straight and level and it did not appear to be gaining altitude. At that point I recall hearing a radio call in Richard McSpadden's voice announcing, "... we have a problem, returning to the runway ..." at about the same time the Cardinal began a right-hand

turn toward the approach end of Runway 14. The Cardinal continued turning right and appeared to be under control, maintaining a slight bank to the right.

The landing gear was down and the flaps appeared to be up as the Cardinal approached the runway environment several feet lower than the runway elevation and appeared to crash. I alerted Dave over the intercom. Dave broadcast over the CTAF to send emergency vehicles and for someone on the ground to call 911, and to send an ambulance to the approach end of Runway 14.

We then landed on Runway 32 and expedited taxiing to the ramp. Dave then shut down the aircraft. I directed two arriving fire engines and an EMT vehicle from the FBO area across the field to the threshold of Runway 14.

We followed suit, hoping to provide additional assistance.

RECORD OF ☐ VISIT ☐ CONFERENCE OR ☒ TELEPHONE CALL		TIME 12:08	DATE 10/16/2023
NAME (S) OF PERSON (S) CONTACTED OR IN CONFERENCE AND LOCATION		ROUTING	
		SYMBOL	INITIALS
Jeff Butler (phone conversation)			
SUBJECT Interview of Witness - Lake Placid Accident			
DIGEST			
Called Jeff Butler, a pilot with prior US Army Helicopter flight experience, with 400 hours tail wheel time, and over 2000 total hours flight time. Jeff mentioned he was flying a 1939 Aeronca 65 in the area of Lake Placid airport around the time of the accident. Jeff mentioned he was the first aircraft to take off, followed by the Bonanza, and then the Cardinal which was the accident aircraft. Jeff stated he was around 1500 AGL approximately 2 miles away downwind from runway 32 when he heard what he believed to be Richard McSpadden making a radio call to Dave saying, "we got a problem, we are going to be returning to the airfield." Jeff mentioned another transmission followed stating "There will be an accident at the end of three-two." The pilot mentioned he was unable to see the aircraft upon impact as he was already too far out to have a visual. Jeff witnessed all parties conducting a briefing prior to the flight but did not recall any details of that briefing. Jeff further mentioned that all parties involved were very professional and smiling prior to takeoff.			
CONCLUSION, ACTION TAKEN, OR REQUIRED Filed statement of conversation			
DATE 10/16/2023	TITLE Aviation Safety Inspector	SIGNATURE	

RECORD OF ☐ VISIT ☐ CONFERENCE OR ☒ TELEPHONE CALL		TIME 11:55 AM	DATE 10/18/2023
NAME (S) OF PERSON (S) CONTACTED OR IN CONFERENCE AND LOCATION		ROUTING	
		SYMBOL	INITIALS
Laurence (Larry) Trow,			
SUBJECT N545PZ			
DIGEST			
Spoke to Mr. Trow and asked if there was any indication or issues/recurring issues that might have contributed to the accident? He stated that the aircraft has been a really clean aircraft with very few issues. He did recall that someone had mentioned that he heard about the incident when the baggage door with "Chris" happened a few weeks before but had never experienced anything else. He then said that a couple people had mentioned that the fuel was shut off after the flight and might not have been turned back on. evidently it was a possibly a new policy to turn off the fuel after the flight and been flown and been missed on the preflight. this cam from Terry a local part time employee and part time police officer for lake placid. Then Larry stated that Terry (Politi) has a hanger on the field and said that he thinks he heard the engine sputter on takeoff and then start running like normal again. that was the extent of our conversation he then was going to make an effort to put me in contact with Mr. (Politi.)			
CONCLUSION, ACTION TAKEN, OR REQUIRED			
no conclusion at this time			
DATE 10/18/2023	TITLE Aviation Safety Inspector	SIGNATURE CHRISTOPHER A COLEMAN	
		 Digitally signed by CHRISTOPHER A COLEMAN Date: 2023.10.18 13:42:37 -04'00'	

Todd Gunther

From: Chris Dydzulis [REDACTED]
Sent: Tuesday, October 3, 2023 10:35 PM
To: Todd Gunther
Subject: Lake Placid

[CAUTION] This email originated from outside of the organization. Do not click any links or open attachments unless you recognize the sender and know the content is safe.

Good evening Todd,

This letter is in regards to our quick discussion this afternoon at Lake Placid Airport.

Roughly a week and a half to two weeks ago Russ Francis asked if I would sit the right seat of the cardinal RG N545PZ to accompany him on a practice flight to prepare for the AOPA photo flight Sunday Oct 1. I agreed having flown the cardinal Hangul of times over the past couple years. Start up, taxi, run-up were all normal, I read off the checklist for Russ. We discussed what the PIC would do in the result of any emergency during takeoff roll and departure. We would be departing runway 32.

Upon take off. Roughly 200 feet in the air we heard a noise followed by a draft. I turned around and found the cargo door wide open. I told Russ, at this point we were roughly 500 feet to 800 feet above ground and over the trailer park. Off the departure end of 32. He immediately made a very steep bank to the left to turn back to runway 14. It was upsetting to say the least. He continued the landing as normal.

Please let me know if you need anything else.

Thank you,
Chris Dydzulis
[REDACTED]



MEMORANDUM FOR RECORD

Todd Gunther
Air Safety Investigator
Eastern Region

Date: October 3, 2023
Subject: Information Provided by Edward McNeil (Witness)
NTSB Case Number: ERA24FA001

According to Mr. McNeil, the airplanes were supposed to do two flights that day.

The airplanes took off from runway 32. The Bonanza took off first followed by the Cardinal.

The Cardinal after takeoff still had its landing gear down and was not “climbing that great.”

Both airplanes were about 1,000 feet apart at this point.

He did not notice if the landing gear ever was retracted as he was unable to observe the landing gear anymore when the airplane entered a “tight right bank and steep descent.”

Mr. McNeil also advised that there was a radio transmission which was something similar to “We have a problem we’re returning to the field.”

Prior to the impact with the berm, Mr. McNeil could see the entire airplane.

When the airplane hit the berm it was just below the top.

When he saw the impact, he got in his vehicle, and drove to where the accident happened. When he arrived, he thought what happened to the airplane, as he did not see it. When he walked up to the edge of the berm though he realized that it had slid about 30 feet down the embankment and was now lying sideways to its direction of travel, with the right wing down and the left wing pointing up the embankment.



MEMORANDUM FOR RECORD

Todd Gunther
Air Safety Investigator
Eastern Region

Date: October 5, 2023
Subject: Information Provided by Terris Politi (Witness)
NTSB Case Number: ERA24FA001

According to Mr. Politi, on the day of the accident, he heard Russell Francis and another individual talking about fueling prior to the flight but was unsure if they had taken on any fuel that day.

When the Cardinal took off, it almost sounded like the propeller was in a setting for climb and not takeoff. It then “surged” as if someone had ether pushed the prop control in further or the propeller governor had commanded it. After, takeoff the airplane made an early left turn, and it sounded like it was a reduced power setting.

He later thought that it ‘must be fine” but then heard a bang which he thought was a truck or something. He later learned that the airplane had crashed.

RECORD OF ☐ VISIT ☒ CONFERENCE OR ☐ TELEPHONE CALL

TIME

1415

DATE

02 OCT 23

NAME (S) OF PERSON (S) CONTACTED OR IN CONFERENCE AND LOCATION

ED McNeil

ROUTING

SYMBOL

INITIALS

Pilot Scaphere 4,000 hrs

SUBJECT

Accident Investigation (Interview)

DIGEST

- Knows both people on Board
- @ 4:04 PM
- took off from FBO for Ariel Filming
- and Act 7 to take off seen then take off
- gear lower than normal at take off
- Crown of Hill preceded by cloud of dust
- caught Right wing first and slid down Bank
- Steep Angle just over trees
- noted gear still down
- Dave Herberman (AOPA) Piloted a nearby Airplane
- David Tulis Back of Banana as Photographer
- Radio contact made by Richard stating a problem exists

CONCLUSION, ACTION TAKEN, OR REQUIRED

DATE

02 OCT 2023

TITLE

Aviation SAFETY INSPECTOR

SIGNATURE

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	ESSEX	COUNTY OF	ESSEX
TOWN	of NORTH ELBA	TOWN	of NORTH ELBA
Date	Time Started	Full Name:	
On 10/01/2023	at 04:59 PM	I, EDWARD W MCNEIL	
Date of Birth	No. and Street	CITY	State
01/05/1942		LAKE PLACID	NY

State The Following:

My name is Edward McNeil and I am here providing a statement to Trooper Schmitt pertaining to an airplane crash I witnessed on today's date October 1st, 2023 at approximately 4:04 pm. Russ Francis was the pilot, meaning he was in the left seat of the airplane. Richard McSpadden was the co pilot in the right seat of the airplane. The purpose of the flight was to capture fall colors, in the Lake Placid area, for an AOPA article and cover shot for the magazine. This flight was a flight of two airplanes, the first took off with Dave Hirschman piloting, and David Tulis, a photographer in the backseat of the first plane. The second airplane had Russ piloting with Richard co piloting, and they took off approximately 700 feet behind the first airplane. Richard and Russ were approximately 300-400 feet in the air at this point, they made a gentle left turn to join with the first airplane as planned and then suddenly made a hard right turn turning back towards the airport. I was told that Richard came on the radio during the hard right turn and stated "we have a problem, we're turning back". They were unable to clear the steep embankment prior to getting back to the runway. This caused the airplane to strike the bank. The plane hit head on, with the right wing low causing it to turn as it struck the bank just below the top of the bank. I was next to the Northeastern most hanger at the airport in my truck watching this happen. I immediately drove over to the scene where I saw Russ's hat on the top of the bank. I hiked down the embankment but could not get all the way to the wreck due to how steep the bank was. Jim Bisson who arrived shortly after me was able to get down to the wreck and actually get the fire extinguisher out of the plane in case we needed it due to the fuel now coming out of the airplane and just barely missing Richards head as it drained. Many people at the airport converged at the scene at this point. 911 was called at this point and emergency crews started to

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

Affirmed under penalty of perjury

this 01ST day of OCTOBER, 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 DEPOSANT)

Time Ended
10/01/2023 05:38 PM

(NAME OF PERSON TESTIFYING)

SUPPORTING DEPOSITION (CPL §100.20)

NEW YORK STATE POLICE

State The Following:
arrive on scene.

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 01 ST day of OCTOBER, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

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

Time Ended
10/01/2023 05:38 PM

SUPPORTING DEPOSITION (CPL §100.20)

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 ESSEXTOWN of NORTH ELBALOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF ESSEXTOWN of NORTH ELBA

On	Date 10/01/2023	at	Time Started 09:25 PM	I,	Full Name: HANNAH E SPRING	CITY LAKE PLACID	State NY
	Date of Birth 02/25/1998		No. and Street [REDACTED]				

State The Following:

My name is Hannah Spring and I am here with Trooper Schmitt providing a statement pertaining to an airplane crash that I was the first EMT on scene for. The plane crashed on October 1st, 2023 around 4 pm. I was dispatched with Fire to an airplane crash, patients inside, unknown life status. Upon arrival bystanders were on scene and down with the wreck. The plane was over a very steep embankment, facing sideways and not stable. Fire arrived around the same time and started attaching straps to stabilize the plane. I threw blankets and towels down to the bystanders that were at the scene so they could cover the patients since fuel was leaking from the plane and pouring directly on their faces. After fire stabilized the

HS

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 01 ST day of OCTOBER, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

Time Ended
10/01/2023 10:11 PM

(NAME OF PERSON TAKING DEPOSITION)

NEW YORK STATE POLICE

State The Following:

HS

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 01ST day of OCTOBER, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(SIGNATURE OF DEPOSITOR)

Time Ended
10/01/2023 10:11 PM

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>ESSEX</u>	COUNTY OF	<u>ESSEX</u>
TOWN	of <u>NORTH ELBA</u>	TOWN	of <u>NORTH ELBA</u>

On	Date <u>10/01/2023</u>	at	Time Started <u>05:39 PM</u>	I, <u>BARTLOMIEJ W SZCZECH</u>	Full Name:
Date of Birth <u>04/19/1984</u>	No. and Street <u>[REDACTED]</u>	C/TN <u>LAKE PLACID</u>	State <u>NY</u>		

State The Following:

My name is Bartlomiej W. Szczech and I am speaking to Trooper Moore voluntarily and willingly regarding an incident that took place earlier today.

I am an on call surgeon for Adirondack Health. At approximately 4:30 PM today I received a call that there was a plane crash at the Lake Placid airport, providing me with information to be on standby for a possible operation or other care if needed. Since I live right by the airport I then promptly drove to the airport to gather information on what resources we may need and if I could lend a hand on scene. Upon arrival I stood off to the side.

This is the end of my statement.

Notice
(Penal Law §211)

In a written instrument, any person who knowingly makes a false statement or who knows or has reason to believe that the statement is not true has committed a crime under the laws of the state of New York punishable as a class B misdemeanor.

Affirmed under penalty of perjury

this 01 ST day of OCTOBER, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

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

(WITNESS)	Time Ended <u>10/01/2023 05:52 PM</u>
(NAME OF PERSON TAKING DEPOSITION)	

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 ESSEXTOWN of NORTH ELBALOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF ESSEXTOWN of NORTH ELBA

On	Date 10/01/2023	at	Time Started 04:59 PM	I,	Full Name: DAVID M HIRSCHMAN
Date of Birth 08/30/1961	No. and Street [REDACTED]	CITY JMASVILLE	State MD		

State The Following:

My name is David Hirschman and I am speaking with Trooper Murchison. I am employed as a pilot with be the Aircrafts Owner and Pilots association. I was working in at Lake Placid Airport. Located at Lake Placid, NY, County of Essex on 9/30/2023 at approximately 4:15 PM I was flying the lead air plane N4GA around the lake placid airport with David Tulis the photographer who were sitting in the rear seat of plane N4GA. While in air, I heard Richard McSpadden in another airplane report "We have a problem and we're returning to the airport." He was a passenger in another airplane, a Cessna 177 Cardinal, that had just taken off from Lake Placid Airport. I flew back to Lake Placid Airport and saw that the Cessna 177 Cardinal had crashed short of Runway 14. I landed in N4GA and walked to the accident site where I learned the two occupants of the Cessna 177 Cardinal were deceased.

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 01 ST day of OCTOBER, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

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

 Time Ended
10/01/2023 05:20 PM

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

Defendant(s)

INCIDENT LOCATION:

STATE OF NEW YORK LOCAL CRIMINAL COURT

COUNTY OF ESSEX

TOWN of NORTH ELBA

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF ESSEX

TOWN of NORTH ELBA

On Date 10/01/2023 at Time Started 05:05 PM

Full Name:
DYLAN M PODKOWKACITY
OTTAWAState
ONDate of Birth
03/04/1994

State The Following:

I am speaking with Trooper Goff while located at the Lake Placid Airport in Lake Placid NY following witnessing an airplane crash today at approximately 415PM on this date. I state that I arrived here on Friday from Canada to attend an outing for our gliding club. I would like to offer that I am a recreational pilot of thirteen years and came up here to fly in the area with my club. I was able to fly today and upon my return to the hanger I exited the plane I was using and went to the terminal building which is called the FBO. I was out of the aircraft and was speaking to a gentleman and he mentioned that two aircraft were going to do Ariel photos and filming and were preparing to take off. The first plane took off ok and without incident. Moments later I heard the startup of the planes and saw them taxi to the runway to take off. I am aware from flying as to the sounds of aircrafts and this aircraft did not sound right, to me it sounded different. Hearing this I looked in that direction which was North west. I saw the aircraft low at about 200 feet climbing slow and then going out left which was unexpected to me seeing it was surprisingly low. The aircraft then banked a right, at which I had more concerns as I felt it was turning back towards the runway to abort the flight. That type of action would only be done in an emergency. After this I saw the aircraft fall below the tree line, and it was out of my vision at which point I saw dust. A couple of people went out with vehicles and I advised the attendant named DON at the airport and he had another person call 911. When I went down to the aircraft a couple people were down near the aircraft and said they remarked that they were breathing. I believe it is a four-passenger plane, but it had two people in it. I waited until Fire, Ems and Police arrived. I am aware that both people have passed away.

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 01ST day of OCTOBER, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

(To be returned by the court)

Time Ended
10/01/2023 05:37

ION (CPL §100.20)

NEW YORK STATE POLICE

PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

INCIDENT LOCATION:

STATE OF NEW YORK LOCAL CRIMINAL

COURT

COUNTY OF ESSEX

TOWN of NORTH ELBA

LOCATION OF DEPOSITION:

STATE OF NEW YORK

COUNTY OF ESSEX

TOWN of NORTH ELBA

Date 10/01/2023	at 05:22 PM	Full Name: DAVID TULIS	CITN FREDERICK	State MD
Date of Birth 08/26/1958	No. and Street [REDACTED]			

State The Following:

My name is David Tulis and I am speaking with Trooper Murchison. I am employed with Aircraft Owners Pilot Association as the senior photographer content producer located at 421 Aviation Way, Frederick, MD 21701. On 9/30/2023 I was flying in airplane N4GA Beechcraft A36 with Dave Hirschman. The skies were clear with a few thin clouds, and not windy. Dave Hirschman was flying the airplane. I was sitting in the right side rear facing passenger seat preparing to do air to air photography of the Cessna cardinal 177RG airplane. The rear door was detached from plane N4GA Beechcraft A36. Dave Hirschman and I began our take off roll, and took off. While we were gaining altitude, the Cessna Cardinal 177RG airplane took off shortly after us as planned. We were flying on runway heading and I saw the Cessna Cardinal 177RG airplane turn left going south as Pilot Richard McSpadden stated over the radio "Were having a problem." Then I observed the Cessna Cardinal 177RG airplane take a turn to the right heading north towards runway 14. The Cessna Cardinal 177RG airplane descended rapidly and came to an abrupt stop a few feet below the end of the runway. I said to Dave Hirschman that "it looks like Richard crashed and looked as if it was the approaching end of runway 14 near the trees." It did not look like there was a fire. Dave Hirschman took a left turn which is the normal airport procedure and after turning left and flying parallel to the runway, he made a radio call on 122.8 and advised there was an aircraft crash and to send emergency vehicles and an ambulance. We landed and taxied back to the ramp. I took off my safety harness and directed emergency vehicles to the back end of airport.

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 01ST day of OCTOBER, 2023

- OR -

* Subscribed and Sworn to before me

this _____ day of _____

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

Time Ended
10/01/2023 05:51 PM