



Elliott Simpson
Senior Aviation Accident Investigator
Air Safety- WPR

Subject: WPR22FA048 - N601KS, Temecula CA

Contact: Kim Moore

During an in-person interview on November 24, 2021, Mrs Moore stated the following:

She is a real estate agent, for Woodside Homes, who are the company who make the homes in the new development next to the accident site.

She was standing outside 32219 Everview Terrace facing east talking to the homeowner. She heard a loud bang and looked up to see an airplane flying over the house to the northwest. The airplane rolled inverted such that she could see the bubble of the canopy, while diving diagonally toward the ground. After the airplane impacted, debris started falling from the sky almost directly overhead. The debris was a black automobile window shade and a green bag.

She did not specifically hear an engine sound, although she hears them so often she would not have even noticed. But the bang was unusually loud, and louder than the thud of the airplane hitting the ground.



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Contact: Cory Pollock

The following is an email from Cory Pollock dated November 24, 2021:

"My name is Cory Pollock, I was flying N61737 around 10:30 AM on 11/23/2021.

I heard two aircraft communicating back and forth about their altitudes. I did not see the aircraft that had the accident on my ads-b and ipad. We never saw him visually either. Right after my Student made his downwind call you could hear a very squaked call that the only word I think I could hear was Help. But I was not certain at the time that I actually heard that word or not and heard nothing else so I figured I was mistaken until I heard the Sheriff's Helicopter."

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Contact: Ken Smith

During multiple conversations between November 24, 2021, and April 26, 2023, Mr Smith stated the following:

He is the owner/builder of N601KS.

He has an arrangement with the pilot (Marshal Whatley) that he can fly the airplane at any time. He does not know the reason for the accident flight and was not aware that he was flying it that day. The last time he definitively knew of Mr Whatley flying the airplane was towards the end of 2020.

Mr Whatley flew a B95 airplane, but it was rented. He was building a Sonex airplane and had recently got his helicopter rating.

Mr Smith owned the Appareo ADSB unit that was found in the wreckage, and the Mr Whatley was free to use it at any time, and he did.

Mr Smith last flew the airplane after the most recent condition inspection; he confirmed that it was overdue for the inspection at the time of the accident. He had stopped flying some time before the accident and had not flown since.

The canopy had once opened during takeoff when Mr Smith was flying the airplane. It was accompanied by a very loud bang sound, and then loud wind noise. The canopy opened to about 6 inches, and he was able to maintain aircraft control and return to the airport to land. He stated that following that event, he disabled the airplanes standard lock by removing the striker-pins mounted on the canopy sill and installed a lock that consisted of two over-center latches mounted to the rear of the canopy frame. This was installed about 1 year before the accident. He did not install a secondary latch.

With regard to the original lock, he found that the standard lock was unreliable, and in particular it was sometimes hard to open, such that he was concerned about being trapped in an accident. He also had to use a C-clamp on the right side to also pull the canopy down hard enough to then engage the lock.

Because of his height, he moved the seat 4 inches forward, and raised it by 2 inches to enhance forward visibility, and that during turbulence his headset often touched the canopy. He surmised that the pilot, who was 8 inches taller, would have needed to lean inboard to avoid touching the canopy. He further stated turbulence was not uncommon in the accident area.

The airplanes autopilot has never been operational, he disconnected the servo units from the autopilot head.

In an email dated November 26, 2021, Mr Smith sated:

"... The corvair will not windmill after a loss of power when airborne with such a light prop. I have personal experience of this on two occasions whilst airborne, where on both occasions it stopped completely. The stop is not abrupt like a rotax engine shuts down, where the complete airframe seems to shudder, but it is also not as graceful as a Lycoming with a metal prop. I would be pleased to ship these pieces to you, just send me the address and I will have it done on Monday."

In an email dated November 26, 2021, Mr Smith sated:

"I have attached a photo of my Bose headset, which is exactly the same model Marshall used. It has a very hard plastic headband. Marshall was 73-74 inches tall. I am 66 inches, and built the plane to fit me. I raised the seat pan up by 2 inches and set the seat back 4 inches forward so that my visibility over the nose was improved. I flew the plane using a David Clark X11 headset and would occasionally touch the canopy in turbulence. Because of his body size, he would have to be leaning inboard to avoid his headset touching the canopy. If he experienced a sudden jolt from turbulence, which is not uncommon in that general area, then maybe his headset struck the canopy causing it to break."



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Contact: Andrea Whatley

During a telephone conversation on April 26, 2023, Mrs Whatley stated the following:

Her husband, Marshal, had an arrangement with the owner that he could fly the accident airplane anytime he wanted. He generally did not discuss his flying activities and did not mention any specific issues with the airplane.

On the day of the accident, he left the house about 0930, with his flight bag. She asked if he was going flying, he confirmed yes, but they did not discuss his intentions or destination. This was not unusual.

She does not know how often he flies, but he has always kept good records of the flights in his logbook, so assumes those entries are accurate.

She listened to the CTAF transmission after the accident, and confirmed Marshal was the voice on the recordings.