

STATE OF WISCONSIN	CIRCUIT COURT	LA CROSSE COUNTY
STATE OF WISCONSIN	DA Case No.: 2023LC003632	
Plaintiff,	Assigned DA/ADA:	
	Agency Case No.: 10-23-53249	
vs.	Court Case No.:	
	ATN:	
Cody A Anderson		
102 Placer Creek Road		
Wallace, ID 83873		
DOB: 01/12/1992		
Sex/Race: M/W		
Eye Color: Blue		
Hair Color: Brown		
Height: 5 ft 11 in		
Weight: 185 lbs		
Alias:		
Defendant.		

CRIMINAL COMPLAINT

Sergeant Brandn Penzkover, La Crosse County Sheriff's Department, being first duly sworn on oath says that on information and belief:

Count 1: ATTEMPT ARMED CARJACKING

The above-named defendant on or about Saturday, November 11, 2023, at 2709 Fanta Reed Road, in the City of La Crosse, La Crosse County, Wisconsin, while possessing a dangerous weapon and by use or threat of use of the weapon against another, attempted to intentionally take a vehicle without the consent of the owner,, contrary to sec. 943.231(1), 939.50(3)(b), 939.32 Wis. Stats., an attempt to commit a Class B Felony, and upon conviction may be sentenced to a term of imprisonment not to exceed thirty (30) years.

Count 2: ATTEMPT ARMED ROBBERY WITH THREAT OF FORCE

The above-named defendant on or about Saturday, November 11, 2023, at 2709 Fanta Reed Road, in the City of La Crosse, La Crosse County, Wisconsin, with intent to steal, attempted to take property from the person or presence of the owner,, by threatening imminent use of force against another present, with intent thereby to compel the owner to acquiesce to the taking or carrying away of the property, and accomplished by use or threat of use of a dangerous weapon, contrary to sec. 943.32(1)(b) and (2), 939.50(3)(c), 939.32 Wis. Stats., an attempt to commit a Class C Felony, and upon conviction may be fined not more than Fifty Thousand Dollars (\$50,000), or imprisoned not more than twenty (20) years, or both.

Count 3: TERRORIST THREATS

The above-named defendant on or about Saturday, November 11, 2023, at 2709 Fanta Reed Road, in the City of La Crosse, La Crosse County, Wisconsin, as an actor who intended to cause an interruption or impairment of governmental operations or public communication, of transportation, or of a supply of water, gas, or other public service, did threaten to cause the death of or bodily harm to any person or to damage any person's property, contrary to sec. 947.019(1), 939.50(3)(i) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 4: BOMB SCARE

The above-named defendant on or about Saturday, November 11, 2023, at 2709 Fanta Reed Road, in the City of La Crosse, La Crosse County, Wisconsin, did intentionally convey or caused to be conveyed a threat or false information, knowing such to be false, concerning an attempt or alleged attempt being made or to be made to destroy any property by the means of explosives, contrary to sec. 947.015, 939.50(3)(i) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 5: FAILURE TO COMPLY WITH OFFICER'S ATTEMPT TO TAKE PERSON INTO CUSTODY

The above-named defendant on or about Saturday, November 11, 2023, at 2709 Fanta Reed Road, in the City of La Crosse, La Crosse County, Wisconsin, did intentionally refuse to comply with an officer's lawful attempt to take him into custody and retreated or remained in a building or place and, through action or threat, attempted to prevent the officer from taking him into custody and while doing each of the above, remained or became armed with a dangerous weapon or threatened to use a dangerous weapon regardless of whether he had a dangerous weapon, contrary to sec. 946.415(2), 939.50(3)(i) Wis. Stats., a Class I Felony, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Count 6: CRIMINAL DAMAGE TO PROPERTY

The above-named defendant on or about Saturday, November 11, 2023, at 2709 Fanta Reed Road, in the City of La Crosse, La Crosse County, Wisconsin, did intentionally cause damage to the physical property of another, without that person's consent, contrary to sec. 943.01(1), 939.51(3)(a) Wis. Stats., a Class A Misdemeanor, and upon conviction may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than nine (9) months, or both.

and prays that the defendant be dealt with according to law; that the basis for complainant's charge of such offense is:

FACTUAL BASIS:

The complainant is informed by police reports from the La Crosse Police Department.

From the Report of Officer Vang of La Crosse Police Department

On 11/11/2023, at 2:58 p.m., Officer De Florian and his trainee were dispatched to a trouble with party complaint at Colgan Air Services, 2709 Fanta Reed Road, in the City and County of La Crosse. Dispatch indicated B.H. called to report a male white, about 6'0", 150 pounds, with a backpack and a grocery bag seemed intoxicated. He came to the office and seemed to have some type of issue Dispatch could not discerned. Dispatch asked that I call the complainant back. I called the complainant, who I verbally identified as B.H., and he provided updates to me as I was en route to the incident location.

INITIAL CONVERSATION WITH COMPLAINANT:

B.H. indicated a male white came into their office and he appeared intoxicated. I asked if the male was still there, and B.H. indicated he did not know. He started asking staff inside the office and then alerted me that the suspect had just rammed past one of their gates, into the runway. He asked that officers get there as soon as possible. I remained on the phone with him while I continued to be en route to the location.

B.H. further updated that the suspect, who officers later identified as Cody Anderson, did several donuts around an airplane. He then went down the runway, turned back around, and then parked next

to a small airplane located outside of Colgan Air Services on the runway. I arrived on scene at this time and B.H. indicated the suspect was getting into the airplane, which was a private jet airplane. I drove around to the damaged gate and entered the runway from this gate.

I approached the airplane as the suspect was shutting the door. There was a male white present and he indicated this was his airplane. This gentleman was later identified by other staff at Colgan Air Services as R.E. R.E. indicated he could open the door for me. I asked about keys to the airplane, and he said the keys were in the airplane and the engine was on. He indicated the suspect could take off with the plane any minute. I observed a person in the cockpit. I waited for additional officers to arrive on scene before we initiated contact.

A male party, who I later identified as M.D., approached me and said the suspect had a knife and brandished the knife. M.D. indicated he works for the La Crosse Airport and observed the suspect do a couple of donuts around the airplane and then went north on the runway as M.D. was coming down the runway. M.D. was in his truck and after the suspect passed him, the suspect turned back around and came back towards him. The suspect drove toward the airplane and parked his truck on the west side of the airplane.

M.D. was inside his car and attempted to engage in dialogue with the suspect, Cody, as Cody was getting out carrying a backpack. Cody threw a pair of headphones at M.D.'s truck before he pulled out some type of knife. Mitchell indicated the suspect wanted to make sure he saw the knife by the way he brandished the knife by holding it in front of him. There were no verbal threats of any kind made at that time.

ADDITIONAL ACTIONS ON SCENE:

Officer De Florian and his trainee, Officer Grode, arrived on scene with Town of Campbell Police Officer Czys. R.E. opened the door and the suspect, Cody, brandished what appeared to be a black pocketknife in front of him. He was on top of the stairs. Officer De Florian deployed two bean bag rounds/less lethal rounds during this entire contact. Officer Czys deployed his taser and pepper spray, but they were not effective.

I engaged him in dialogue. We gave commands for him to drop the knife repeatedly and he did not comply. He also indicated he has 2 bricks of C4 wired together on the plane with him, as well as the control device to detonate the C4. During officers attempts to engage in dialogue to deescalate him, he mentioned comments about government conspiracy. He also indicated he was there to die anyway if he we did not give him the distance he requested of 30 feet to use the bathroom and to exit the plane. During this entire contact with Cody, the door to the plane remained open with the continued push of a button by the left side by the front of the plane. Officer De Florian and Officer Lewis were finally able to get Cody to drop his knife. He threw his knife on the top step of the stairs. The knife was moved by Officer Lewis. Officer LaBrec arrived on scene and continued dialogue with Cody.

During their conversation with each other, I overheard Cody reiterate he has C4 and that he would blow up the plane and all of us if we did not move back 30 feet. This comment was made after Officer LaBrec gave him opportunities to approach the doorway with his hands up in the air. He made additional comments about killing himself, with one of the statements being something to the affect that he was not afraid to blow himself and everyone else up.

Cody also mentioned during the contact with him that he has two pistols, one in his hands and the other on his waistband. He mentioned this comment after Officer Oleson advised officers on scene that he located bullets inside a bag in Cody's truck. Officers shifted their position after he made comments that he was in possession of two handguns. Officer Lewis, Officer LaBrec, and myself subsequently moved into the plane and Cody did not put up any further resistance. Officer Lee-Baker placed Cody into custody, being the fourth officers who got onto the plane.

From the Report of Officer De Florian of La Crosse Police Department**INITIAL CALL:**

On 11/11/2023, at approximately 2:58 p.m., Officer Grode and I were dispatched to Colgan Air Services located at 2709 Fanta Reed Road for a trouble with party. Dispatch initially advised a male, approximately 6'0", with a backpack seemed intoxicated and dropped something, then went to a blue, white, and black plane. Dispatch advised to call the complainant, as the male had stumbled off. Officer Vang contacted the complainant. Officer Grode then began driving to the scene. I requested Dispatch request mutual aid assistance from Campbell Police Department to assist. While en route, I heard on the radio Officer Vang advise someone was driving a vehicle on the airstrip. Dispatch also received a call from the airport, indicating someone was driving a vehicle on the strip and stated it was a white Dodge pickup 1500. Officer Vang then advised on the radio that a subject had a knife and had waved it at an employee then entered an airplane.

ARRIVAL ON SCENE:

I arrived on scene and obtained Squad 33's less lethal 12-gauge shotgun, which was equipped with five super sock bean bag rounds.

CONTACT/OBSERVATIONS WITH CODY ANDERSON:

As I exited the squad car, I observed there was a gate to the airport secured area which had been severely damaged, as if a vehicle had driven through it. I observed an employee standing by the gate. The airport employee informed me the male had entered the airplane. I asked the subject if he knew if there was any way to disable the airplane from the outside. He indicated he did not know. Officer Grode and I then made our way to the airplane.

As Officer Grode and I approached the plane, there was an employee standing outside the plane, indicating he could open the door from the outside. We also determined the subject, who was later identified as Cody Anderson, was the only person on the airplane. I asked the employee if there was any way to disable the plane from the outside. He indicated there was not, but he could open the door from the outside.

Investigator Czys from the Campbell Police Department and I observed Cody enter the cockpit and was seated in the captain's chair of the airplane. It was learned Cody would have full control of the airplane if he was able to start it.

At this time, the driving force to open the door was Cody being in the cockpit with full access to the controls and potentially starting the airplane. Also, it was unknown what Cody's intent was. I was in fear that if Cody was able to start the airplane, there would be the potential he could take off in the aircraft then crashing causing death to innocent citizens and or officers in the area. Investigator Czys and I had the employee open the door to the airplane.

Once the door was open, I gave an order in heavy control talk "Police Department, come out, drop it!" Cody began to come out of the cockpit and I observed he was armed with what appeared to be a fixed blade knife. I also heard Investigator Czys giving Cody commands. I informed other officers I was going to deploy a bean bag. I observed Investigator Czys deploy his Electronic Control Device (ECD) at Cody. It did not appear to be effective as the door began to shut and Cody began to retreat back into the cockpit. We had the employee open the door again. Investigator Czys then deployed Oleoresin Capsicum (OC) Spray into the cockpit area of the plane. I observed Cody was displaying an early warning sign of excessive emotional attention. Early warning signs are defined as *"signals or certain behaviors provided by the subject that are often associated with a high level of danger to officers."* I heard Cody yell something to the effect, "I have been practicing, show me your birthmark." I gave Cody another order in heavy control talk of "Police Department, come out you are under arrest!" Cody

then responded by saying "I will cut you." It should be noted, all police officers on scene were wearing their department standard issued uniform. A short time later Cody said "I'm a suicide bomber." I again gave Cody an order in heavy control talk, "You are under arrest come out now!" Cody responded by screaming "Allahu Akbar." Cody began to step out of the cockpit again but immediately retreated back into the cockpit once seeing police. I heard Cody say "I'm going to cut my wrist."

I heard another police officer say that Cody still had the knife in his left hand. I gave an order in heavy control talk of, "Sir drop the knife and come out." Cody responded by saying "nope." Cody was still in the cockpit and had not presented an opportunity for me to deploy a less lethal bean bag round at that time. Cody then said something to the effect of shutting the door, asking for a pilot and stating "I won't blow it up here."

Cody then stepped towards the door of the airplane. I observed Cody was still armed with the knife in his hand. Due to Cody's threats to cut officers, continued resistance by failing to comply with orders and potential threat to the greater public if he was able to start the aircraft, I deployed one less lethal super sock bean bag round in attempt to impede Cody. The target area was Cody's lower thigh/ knee area as this was the only visible part of the preferred target area. I estimated I was approximately 15 feet from Cody when I deployed the round. It should be noted, due to Cody's erratic behavior by only stepping towards the door for very short periods at a time, I was unable to verbalize "less lethal" prior to deploying the round. Once I deployed the round, I gave an order in heavy control talk of, "Police Department come out now!"

It appeared the bean bag round had struck Cody in the knee area. Cody did not drop knife and retreated back into the cockpit. I did request Tri-State Ambulance to be on standby. Other officers continued talking with Cody and giving him commands to throw the knife out and come out with his hands up. Eventually Cody did throw the knife on the stairway of the plane. It was recovered by other officers. Cody then began to exit the cockpit but only stood near the doorway with part of his body exposed. I observe Cody still had something in his hand.

I gave Cody orders in heavy control talk to "drop it" however Cody did not comply. I observed the object in his hand was shiny and silver in color. I estimated the object to be approximately six inches in length. The object appeared to be an edged weapon. Again, due to Cody's threats, continued resistance and what appeared to be an edged weapon in his hand, I deployed a second less lethal super sock bean bag round in attempts to impede Cody. The target area was Cody's lower thigh/knee area as this was the only visible part of the preferred target area. I estimated I was approximately 15 feet from Cody when I deployed the round. Prior to deploying this round, I did verbalize "bean bag." Once the round was deployed I gave Cody orders in heavy control talk of, "Drop it, Drop it!" Cody did not drop the object and retreated back into the cockpit.

Officers continued to verbalize with Cody. A short time later, Cody began to exit the cockpit and I observed he was holding a cigarillo package in his hand. This package did appear to have shiny and silver in color around the outside of the package. Officer Lewis was speaking with Cody at this time. I heard Cody say he had "C4" with him. I heard Officer Lewis ask Cody where he got the C4 and Cody stated from the government. Officer LaBrec took over communications with Cody. At one point, I heard Cody say something to the effect of "back up 30 feet or we all die." Cody then began counting down from 10 to 1. Cody made mention of a "dead man switch" along with being armed with two pistols. While Officer LaBrec was speaking with Cody, I stood by with the less lethal shotgun until he was taken into custody. Once Cody was in custody, I requested Tri-State Ambulance enter the scene,

From the Report of Officer Lange of La Crosse Police Department**ARRIVAL ON SCENE:**

Due to the totality of the circumstances, I communicated over the radio to Sergeant Gyllander if he wished for me to take the BearCat armored vehicle up to the airport. He advised that I should. At this time, I got into the BearCat and drove emergent to the Colgan Air Services Airport with myself, Officer LaBrec, and several other officers. When I arrived on scene, I was directed by Sergeant Gyllander to drive the BearCat directly in front of the plane in which the suspect was present. At this point, I entered the tarmac area and parked the BearCat directly in front of the plane where the suspect was.

ARREST:

Once on scene, I assisted officers by holding the open door to the plane at gunpoint, watching for the suspect, due to unknown weapons inside of the cockpit. After a short amount of time, Officer LaBrec began communicating with the suspect inside the plane, and I stood by as a cover officer for him. While standing by, I heard the suspect make several comments about having bombs on the plane and threatening to blow up himself and officers, along with the plane.

After an extended period of time, while standing by with Officer LaBrec, who was communicating with the suspect, the suspect went silent, at which time Sergeant Gyllander advised that we would need to go onto the plane to place the suspect under arrest. At this point, I took out my less lethal taser and entered the plane with Officer Lewis, who was standing in front of me with the ballistic shield. I turned on the laser of the taser and followed Officer Lewis onto the plane, at which time we made contact with the suspect, who was lying down in the cockpit. Officer Lewis began yelling commands, at which time I was able to reach around Officer Lewis and place the laser of the taser on the suspect, based on his previous threats of harm toward officers and himself. The male immediately advised that he was giving up, at which time Officer Lewis made physical contact with the suspect. I took hold of the suspect's right arm, after placing my taser back in its holster, at which time we were able to remove the suspect from the cockpit, stabilizing him against the wall of the plane inside, at which time handcuffs were placed on the suspect behind his back and doubled locked them for safety. While still inside the plane, I asked the suspect if he had any weapons on his person, at which time he stated he had a pocketknife in his pocket, but no other weapons. I began to search the male, along with Officer Lee-Baker. Myself and Officer Lee-Baker removed all the contents of his pockets. Once all of the contents of his pockets were removed, I escorted the suspect down the plane stairs, out of the plane, and onto the tarmac. The suspect was later able to be identified as Cody Anderson.

Once Cody exited from the plane, I asked Cody if he was hurt. He stated that he was only hurt in his leg where he was shot with the less lethal shotgun beanbag rounds. Cody was immediately turned over to Tri-State Ambulance Service staff, and I stood by with Cody. Cody was cooperative once with Tri-State and was placed on the ambulance to be transported to Gundersen Hospital for medical clearance. I then rode with Tri-State to Gundersen Hospital.

From the Report of Investigator Burg of the La Crosse Police Department**R.E. STATEMENT (VICTIM/WITNESS):**

I interviewed R.E. in a conference room at Colgan Air Services building. The interview occurred separate from all other parties involved.

Aircraft Prep:

R.E. explained that there is a one hour start up process that he and the crew use to get everything ready on the aircraft. Approximately one hour before R.E. expected the owners to return, R.E. exited the Colgan Air Services building and got onto the aircraft, which was parked immediately outside of the Colgan Air building, in a secured area. In order to get out to the plane, a Colgan Air staff member had

to “buzz” the door to allow him outside where the aircraft was parked, immediately outside of the building, a few hundred feet away.

R.E. said he was the first one to attend to the aircraft. A few minutes later, S.H. and L.B. also exited the Colgan Air building and got onto the aircraft to begin prep work. As a result, all three flight crew members; R.E., S.H., and L.B., were all on the aircraft.

Unknown Male Approaches Aircraft:

Approximately 15 minutes into the prep work, R.E. was in the cockpit when he observed an unknown male exit through the secure door of the Colgan Air building and begin walking towards the aircraft. R.E. said he could see the male through the cockpit window. The male had bags in his hands and a backpack on his shoulders. R.E. noticed the man was making a “direct line” to the aircraft. R.E. thought this was unusual because there were no other planes around, however, he stated it is not out of the ordinary for a passenger to enter the wrong plane.

R.E. continued with his prep work as the male walked towards the aircraft. R.E. said the male ultimately got so close to the aircraft that he “couldn’t see him anymore”.

Unknown Male Enters Aircraft:

Seconds later, R.E. stated he felt the “distinct feeling” of somebody walking up the aircraft steps. When R.E. physically felt the male going up the steps into the plane, he told S.H. (co-pilot) something similar to, “He’s coming up the stairs.” R.E. said the man got to the top step and put his bags down. R.E. said there were multiple bags, with some being on the top step and one of the bags being inside of the airplane.

After the unknown male put the bags down, R.E. heard him say something similar to, “I forgot my charger.” R.E. said the male was not making the statement to anybody directly, but appeared to be talking to himself when he said it.

Unknown Male Goes Back Into Colgan Air Building:

After putting his bags down on/in the aircraft and making a statement about forgetting his charger, R.E. said the male went back down the aircraft steps and “moved quickly” back towards the Colgan Air building. R.E. observed the male walk back towards the Colgan Air building and specifically remembers the male was not stumbling, which, to R.E., indicated he was not intoxicated.

Yelled – No Reaction:

I asked R.E. if he said anything to the male when he came up the aircraft steps. R.E. said he yelled, “Yo,” as the male was walking back down the steps. The male did not verbally respond. R.E. said he did walk back to the steps leading into the plane, but upon doing so, the male had already began walking back towards the Colgan Air building, as described above.

Status of Plane at that Time:

R.E. stated, at that point, the plane was ready to fly, everything was ready for takeoff, and the flight plan was in the system. Merely pushing a few buttons would have resulted in the plane taking off.

Took Bags Off Aircraft:

After the male went back to the Colgan Air building, leaving his bags on the aircraft, R.E. and S.H. immediately realized they needed to get the bags off of the aircraft due to their unknown contents. R.E. said one of the bags contained food, there was a coffee mug, and a heavy backpack. R.E. did not open the backpack. He and S.H. carried the items back into the Colgan Air building as L.B. remained on the plane, alone.

Contact with Front Desk/Door Attendant:

R.E. said when he entered the Colgan Air building, the unknown male was nowhere to be seen. He asked the front desk/door attendant, "Who's that guy?" At that point, the female said something similar to, "Is he not part of your flight?" R.E. told her he was not. The girl told R.E. the male indicated he was with them. R.E. asked the attendant where the unknown male went. As he asked the desk attendant the question, the unknown male appeared from behind him and made a statement similar to, "Oh, you grabbed my stuff."

Unknown Male Attempts to Exit Building:

R.E. said the male picked up his bags and pushed the door, attempting to get back out to the aircraft area, however, the desk/door attendant did not buzz the door open for him. At that point, R.E. and S.H. asked the male what he was doing. R.E. said the male said something similar to, "I don't know who I am, I don't know what I'm doing."

Male Lights Cigarette in Building:

After not being allowed to exit the building towards the aircraft, R.E. said the male sat down on a leather couch and lit up a cigarette inside the building. Upon doing so, a male Colgan Air staff member had arrived and told the unknown male he was not allowed to smoke in the building. Staff told the male to leave.

S.H. Goes Back to Aircraft:

At that point, R.E. told S.H. to call police. R.E. and S.H. did not have their phones because their phones were on the aircraft. As a result, S.H. used the Colgan Air male staff member's phone to call police.

After S.H. called police, R.E. told him to go back to the aircraft to get their phones. R.E. said he stayed in the building because he was worried about the safety of the female staff member's safety, if he left. S.H. went back to the aircraft. At that time, S.H. and L.B. were in the aircraft, while R.E. remained in the Colgan Air building with the unknown male and Colgan Air staff members.

Unknown Male Escorted Out of Building to Public Parking Lot:

R.E. explained that the west door of the Colgan Air building is secured and requires staff to unlock it in order to enter the aircraft/runway area. The east door of the Colgan Air building leads to the parking lot, open to the public. As the unknown male sat on the leather couch and began to smoke, R.E. said the male Colgan Air staff member became upset and escorted the unknown male out of the building, through the east doors to the public parking lot. R.E. said he followed the staff member and the unknown male out of the building.

Unknown Male Leaves Southbound in Truck:

R.E. watched the Colgan Air staff member escort the male all the way to the unknown male's truck. R.E. observed the male get into a white truck and exit the parking lot southbound at a high rate of speed. R.E. distinctly remembers a coffee cup falling off the truck as the male sped away. R.E. watched the truck travel southbound before quickly turning right, westbound, just south of the Colgan Air building. Upon seeing the male turn right at a rapid speed, R.E. asked the Colgan Air staff member if there was a gate at the location the male turned. The staff member told R.E. there was a gate, but it was "secured". R.E. told the staff member that it wouldn't matter.

Observes Unknown Male Drive Truck through Secured Gate:

R.E. was worried about the male driving through the "secured gate" and into the area of the aircraft. R.E. said he essentially ran through the Colgan Air building to the west door and, as he exited the west door, he looked southbound and saw the truck crashing/driving through the closed gate. R.E. described the suspect's truck as "barreling through" the gate.

Unknown Male Driving Around Plane:

Upon seeing the truck drive through the gate, S.H. tried to run out to the aircraft, but the truck was driving towards him. R.E. said the truck was driving at a high rate of speed and began driving circles around the aircraft. R.E. did not feel safe moving between the space of the building and the aircraft, due to the truck driving through that area at a high rate of speed. R.E. explained that, as the truck was driving in the circle around the aircraft, it briefly went forward a few feet directly towards him before sharply turning right again to continue on with the circle. R.E. explained, in that brief moment, the truck diverted from the path it had been taking, and drove directly towards him. R.E. estimated the truck was approximately 40-feet away from him before it quickly turned right to continue with the circular, clockwise motion, driving around the aircraft.

Feared for his Safety:

At that moment, R.E. feared for his life/safety and retreated back to the building. However, R.E. was also very concerned about the safety of L.B. and S.H., who remained onboard the aircraft. R.E. said the truck was driving at a high rate of speed and was very close to striking the wings of the plane while making laps around the aircraft. R.E. also explained that the aircraft had just been filled full of fuel prior to takeoff. R.E. was worried about the truck crashing into the aircraft, which could cause an explosion. R.E. also did not know what the male's intentions were at that time or what he had in his truck.

Directs S.H. to Shut Down Plane:

R.E. yelled to S.H. and told him to do a fast "shut down" of the plane. R.E. said S.H. completed those brief steps to do so. Upon doing so, the white truck diverted from the clockwise circular motion around the plane and drove northbound, away from the aircraft.

S.H. and L.B. Exit Plane:

In that brief moment, R.E. said S.H. and L.B. exited the plane and came to the Colgan Air building, where he was.

Unknown Male Returns, Enters Aircraft:

Shortly after S.H. and L.B. got to the Colgan Air building, R.E. observed the male return in his white truck and park next to the aircraft. The truck was parked on the side of the aircraft where the entrance/exit steps were. At that time, the steps remained down. As the male parked and got out of his truck, R.E. observed an airport security officer truck arrive on scene. R.E. said he was going to go out to the aircraft at that time, but S.H. told him to stop.

Knife Displayed:

R.E. observed the unknown male display a knife in the presence of the airport security officer. R.E. stated the knife appeared to be silver in color and was approximately 4-inches long. R.E. said the male held the knife at belt level from what he could see. The male displayed the knife while walking from his truck to the aircraft. After displaying the knife, R.E. said the security officer did not approach the male. The unknown male went up the steps, onto the aircraft. Upon entering the aircraft, the aircraft was off due to S.H. conducting the emergency shut down. Soon after entering, R.E. observed the lights come on in the cockpit, which he knew only could have occurred if the suspect turned on the left and right "battery master" switches, which are overhead buttons in the cockpit.

Possible Aircraft Knowledge:

This was concerning to R.E. and a possible indicator that the male knew how to operate an aircraft due to how quickly that button was found, amongst several buttons, and turned on. R.E. said he has been flying planes for 15 years, many aircrafts are different, and if he got onto an unknown aircraft, it may have taken him longer to find that specific button, than it did for the unknown male to find it, and activate it upon entering the plane.

Officers Arrive on Scene:

At that point, R.E. said the first few officers arrived on scene. When the officers arrived, R.E. escorted them to the aircraft. The unknown male had activated the button to put up the entrance/exit steps after turning the battery power on. As a result, the door was closed and officers were unable to access the plane with the unknown male inside.

Exterior Door Switch:

R.E. was aware of an exterior switch that would put the steps back down in order for officers to enter the plane. That switch was under the "nose" of the plane's exterior. R.E. went to that location and flipped the switch to begin the process of bringing the entrance/exit steps back down to the ground. However, upon activating the switch to lower the steps, R.E. said the male inside the plane activated the interior switch to close the steps back up. R.E. explained that the interior switch overrides the exterior switch, because the steps are an emergency exit. As a result, R.E. maintained his position and held the switch down continuously, to open / keep the door open. R.E. said he held the switch down for "8 to 10 minutes" before he ultimately taught an officer on scene what to do. The officer took over his role of holding the switch so he could remove himself from the situation for safety reasons. Upon doing so, he returned back to the Colgan Air building with L.B. and S.H. and observed the scene unfold from inside the building.

Phone Call to Maintenance in Ohio:

While the situation was unfolding outside the Colgan Air building, R.E. called the maintenance supervisor in Ohio, who has the most knowledge of the mechanical aspects of the plane. R.E. explained to the maintenance supervisor what was occurring and asked what could be done to ensure the unknown male could not continue operating the plane. The maintenance supervisor explained to him that there was an exterior access panel in the back of the plane, in an area he called the "hell hole". R.E. was told that there was a "main battery supply line" that could be disconnected to prevent any more power going to the plane, thus disabling the plane.

Plane Disabled through Hell Hole:

R.E. flagged down an officer on scene and explained to the officer what he was able to do. The "hell hole" was locked and required a key that R.E. and S.H. had. R.E. said he and S.H. were escorted by officers to the rear of the plane. They unlocked the "hell hole". R.E. said he and S.H. had the maintenance supervisor on "speakerphone". The maintenance supervisor verbally explained to them what to do. They conducted the steps, as advised, and effectively disconnected the main battery supply lines. After doing so, they were escorted back to the Colgan Air building by law enforcement personnel.

Subscribed and sworn to before me on 11/13/23

Electronically Signed By:

Nick Passe

Assistant District Attorney

State Bar #: 1061509

Electronically Signed By:

Deputy Daren Schieldt

Complainant