

AFFIDAVIT

This affiant, John P. Allen, being duly sworn, depose and state the following:

I am a Special Agent of the Coast Guard Investigative Service (CGIS) and have been so employed for over six and a half years. My law enforcement experience prior to becoming a Special Agent with CGIS includes working with the Washington, D.C. Metropolitan Police Department for approximately four and one half years and working for the Norfolk City Sheriff's Office, Norfolk, Virginia. Before beginning my career in law enforcement, I was enlisted with the United States Coast Guard (USCG) for four years.

I am currently assigned as the Resident Agent in Charge of the CGIS Resident Agent Office, Mobile, Alabama. As such, part of my duties include investigating crimes that occur on, in or over the waters of the United States for which the Coast Guard has jurisdiction or crimes that affect the USCG in whole or in part. These duties also include investigating matters related to persons knowingly and willfully communicating false distress messages and causing the USCG to initiate a Search and Rescue (SAR) when no help is needed. Said conduct is a violation of federal law, specifically Title 14, United States Code, Section 88(c) that provides,

- (c) An individual who knowingly and willfully communicates a false distress message to the Coast Guard or causes the Coast Guard to attempt to save lives and property when no help is needed is –
 - (1) guilty of a class D felony;
 - (2) subject to a civil penalty of not more than \$5,000.00; and
 - (3) liable for all costs the Coast Guard incurs as a result of the individual's actions.

As a Special Agent with CGIS, I am also authorized to investigate other violations of the United States Code, including, but not limited to, violations of Title 18. As will be detailed, relevant to the investigation of this matter is a violation of Title 18, United States Code, Section 32(a)(1) that provides,

(a) Whoever willfully --

(1) sets fire to, damages, destroys, disables, or wrecks any aircraft in the special aircraft jurisdiction of the United States or any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce;

...
shall be fined under this title or imprisoned not more than twenty years or both.

RELEVANT CONDUCT

The information contained in this affidavit is based upon my conversations and briefings from multiple law enforcement officials from several state and federal agencies.

On January 12, 2009, your affiant was notified of a plane that had crash landed approximately one mile north of the Peter Prince Airfield in Milton, Florida during the late evening hours of January 11, 2009. According to a flight plan submitted to the Federal Aviation Administration (FAA) by Marcus Schrenker, this plane, a fixed wing, single engine PIPER, Model PA46-500TP, Air Craft ID: N428DC, departed from Anderson, Indiana and was en-route to Destin, Florida. The investigation has revealed that during the flight, Schrenker radioed to FAA and stated that his plane had a cracked windshield, that the windshield had imploded and that he, Schrenker, was bleeding profusely. Schrenker's report

of this alleged mishap occurred in the area of the City of Childersburg, Alabama. Thereafter, no further communications were received from Schrenker and the FAA was unable to reestablish contact with Schrenker.

As a result of Schrenker's communication to the FAA, the FAA notified the United States Air Force Rescue Co-ordination Center, Tindal, Louisiana, which in-turn contacted the USCG Command Center of New Orleans, Louisiana. Upon being notified of the incident, the USCG dispatched a HH65 Rescue Helicopter from Sector New Orleans, Louisiana and a HH60 Rescue Helicopter from the Aviation Training Center, Mobile, Alabama. The USCG Cutter Cobia, Mobile, Alabama and a forty-one Foot Utility Life Boat from USCG Station Pensacola, Florida were also ordered under way in anticipation of the impending crash into the Gulf of Mexico. Additionally, Naval Air Station (NAS) New Orleans, Louisiana dispatched two F-15 Fighter Jets to intercept the aircraft. The F-15's intercepted the plane near Birmingham, Alabama. The F-15 pilots reported that the window was intact, the door was open, no lights were illuminated on the plane, there was no pilot on board, and the plane appeared to be on auto pilot. The F-15's followed the plane until it crashed in a swampy wooded area north of Milton, Santa Rosa County, Florida..

After the crash, the Emergency Locator Transmitter (ELT) transmitted a message via satellite which the USCG Command Center received. The ELT provided the Global Positioning Satellite Coordinates for the downed aircraft. The USCG HH65 rescue helicopter arrived on scene, as did the Santa Rosa County Sheriff's Office (SRCSO) Water Response Unit. The HH65 rescue helicopter crew reported that there appeared to be no one

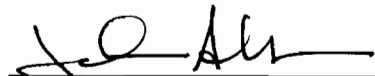
inside the wrecked aircraft. This fact was later confirmed by Sergeant (Sgt.) Ricky Perritt of the SRCSO Special Operations Unit. A subsequent inspection of the aircraft by Sgt. Perritt revealed that the front windshields of the aircraft were still intact after the crash. Sgt. Perritt and members of the Special Operations Unit also recovered several items of evidence which include, but are not limited to, the following: a fifty (50) state road map book, of which the states Alabama and Florida were ripped out; a book containing the campsites of America, of which the states Alabama and Florida were also ripped from the book. On the back of one of the books was what appeared to be a list containing bullet summary points which included the following: "cracked wind shield, window imploded, bleeding profusely" or words to that effect. Also located in the plane were Meals Ready to Eat (MREs) and other survival paraphernalia.

At approximately 0300 hours, on January 12, 2009, a local law enforcement official near Childersburg, Alabama encountered Schrenker and identified Schrenker through his FAA License. Schrenker told the law enforcement officer that he was involved in a canoeing mishap. The officer then took Schrenker to a local hotel and left the area. Shortly thereafter, the Childersburg Police Department was made aware of Schrenker's status through a bulletin. As a result, officers responded back to the hotel. A review of the hotel security tape revealed that Schrenker left the hotel on foot subsequent to the police departing the area. A police K-9 tracked Schrenker to a local storage rental facility, where the clothes he was wearing when taken to the hotel were discovered. Officers then learned that Schrenker had

rented a unit at the storage facility a couple of days earlier, where he had stored a red motorcycle.

As a part of the investigation, USCG officials provided your affiant with an initial estimate of the costs incurred by the USCG as a result of the SAR for Schrenker: approximately \$38,000.

Based on the above stated facts, your affiant has probable cause to believe that Marcus Schrenker, as the pilot of an aircraft, did knowingly and willfully communicate a false distress message and did cause the United States Coast Guard to attempt to save lives and property when no help was needed, in violation of Title 14, United States Code, Section 88(c), and that Schrenker did willfully damage, destroy or wreck an aircraft in the special aircraft jurisdiction of the United States or a civil aircraft used operated, or employed in interstate air commerce, in violation of Title 18, United States Code, Section 32(a)(1).



JOHN P. ALLEN (Affiant)
Special Agent
Coast Guard Investigative Service

SUBSCRIBED AND SWORN to before me this 14th day of January, 2009 at

Pensacola, Escambia County, Florida.



MILES DAVIS
UNITED STATES MAGISTRATE JUDGE