

**STATEMENT OF ANDREW BERNSTEIN
RE: AIRCRAFT CRASH OF JANUARY 26, 1995**

We left Destin after dark on January 26, 1995, bound for Westside Airport in Houston. I estimate the time of our departure was 6:30 pm. We stopped at grocery store before I turned in my rental car at National counter at Destin Airport. Their records show the car was dropped off at 6:10 pm.

Scott filled up the airplane with gas and checked out the plane. The entire process took 15-20 minutes.

Taxi and takeoff were relatively quick. Warmup probably took 2-3 minutes. Take-off was approximately 6:30 pm.

Prior to taking off, and after take-off, two lights were on in the aircraft. One was the "aft door warning light" on the upper portion of the instrument panel, and the other was a light above the front door (next to me). Scott told me these were not problems. Scott covered the aft door warning light on the panel with a piece of paper (to shield the light so it would not cause a glare on the control panel) and I held a coat over the light on the door to block the light. After a while (approx. 10 min.), the light on the door went out, and I threw the coat in the back. There was no problem with the front door or the aft door during flight.

Even though we were not flying high enough to require oxygen, Scott and I were both on oxygen. Scott said if I planned on "getting lucky" after we got to Houston, oxygen would enhance my performance. (I believe the oxygen might have made a difference in my strength and stamina after the crash.)

Route taken: We generally followed the Gulf Coast. We stayed over the beach until New Orleans. I recall crossing over land before Scott said we were over Lake Pontchartrain. I believe Scott made contact with New Orleans Air Traffic Control. At some point after New Orleans, an Air Traffic Controller recognized Scott. Scott was not very talkative with the controller (usually he was very outgoing). After New Orleans, Scott made no major turns (> 20%) prior to Beaumont, which is where first problem was noticed. I do not recall following I-10 at any particular time. I saw the big mall [Parkdale] when coming into Beaumont. I looked for Gateway Shopping Center, but did not find it. I was watching the instruments (as I usually do) more than outside the aircraft.

Altitude: We started at 6,000 ft. Scott took us down to 5,000 feet (estimate) and then 4,500 feet, as the cloud ceiling lowered. We were not flying in the clouds, with few exceptions; when we encountered clouds, Scott would go lower. Visibility was always excellent (at least 5 mi.); we could see lights of the next town when left Beaumont. Final altitude before engine quit the first time was about 3,500 feet.

Fuel: I noticed one tank was a little higher than the other somewhere near Beaumont, and I asked Scott about it. He said he was switching back and forth between the two tanks, and was about to switch back. I noticed our fuel level again about ten minutes before the crash, and each tank was between one-third and one-half full.

The first sign of trouble was coming into Beaumont. I heard a repetitive "beep". Scott had the autopilot on for both direction and altitude. He also had set the "vector" (four digit device) on the plane, and was periodically adjusting the "vector."

When the beeping started, Scott said: "Hmm. My auto-pilot's not working." He fiddled with it a bit, and then said, "I guess I'll have to fly manually. I'll get it fixed when I get to Houston." He shut the auto-pilot off and flew manually. The plane behaved normally. The beeping stopped when the auto-pilot was turned off.

Near the same time the beeping stopped, I noticed another instrument, which is to Scott's left on the panel, and has a triangle inside a circle, which appeared "cock-eyed" or crooked. Scott said it worked in conjunction with the auto-pilot. Scott was aware of the instrument, but did not appear to be overly concerned about it.

Approximately two-thirds of the way over Beaumont, I smelled something odd. I said to Scott, "Scott, I smell something burning." Scott said, "It's probably the refineries in Beaumont," and he reached up and opened the vent above our heads, and the smell drifted away. After a few minutes, I told Scott I was cold, and he partially or totally shut the vent. I did not notice the smell afterward.

After we passed over Beaumont, a warning light on the instrument panel, close to the aft door warning light, and a buzzer (constant, not beeping) for the automatic trim went on. Scott told me to check the fuses on my side of the airplane. I did so, and none felt to be out of position. Scott also checked the fuses on his side of the airplane, and also checked the fuses on my side of the plane. Scott said none were out of place. Scott told me to look for the label on the fuse box for the automatic trim, and I did so. Scott told me to pull the fuse, and I did so, and the warning light went out and the buzzing stopped. The plane was still flying normally.

Scott then radioed the tower the first time regarding the trouble. He said, "We have an electrical problem. It's not an emergency, but I want to land at the nearest airport." We could see lights (appeared to be a town, which Scott said was Anahuac) in front of us, and the engine was still operating normally.

My recollection of the final sequence of conversations between the controller and Scott, and the exact timing of when the engine quit, are unclear. I believe the controller told Scott there was one airport 22 miles away, and Scott said that was too far away. The controller then said there was another airport south of them about six miles away. Scott banked the plane hard to the left, to head south toward the closer airport. The controller then came back on the radio, told Scott he'd made a mistake, the closer airport had no

lights, he would have to go to the airport 22 miles away. The engine had quit once during this time, and Scott had gotten it restarted. It quit again, and when the controller told us the closer airport had no lights and tried to direct us to the other airport, Scott said he was not going to make it that far, and that he needed to land on the freeway or in the swamps. The controller then gave Scott directions and he banked hard to the right. That was the last transmission. I believe hearing the tapes of the conversations would enhance my memory of the sequences.

Scott put his hand on my leg and said, "I'm happy you're with me." Then he gave me his heavy coat from the back, said, "put this over your head, and strap yourself in like you've never strapped yourself in before."

Scott reached over and opened the door about six inches, on the way down. I looked at my watch, and it was 9:05 pm. I believe Scott set the vector for the emergency frequency of 7000. The landing gear was not down. I heard the gear warning, and looking out from under the coat, saw three lights on the panel I believe are gear warning lights. The landing lights were on, and I could see the trees, and knew we were going to hit the trees. The next memory I have was after the crash.

I do not recall taking my seat belt off. I remember getting out of the plane. My glasses were knocked off in the impact, and I cannot see well without them. I called for Scott, and when I realized Scott was not out of the plane, I went back into the plane for him. That is when I think I was burned most severely, although I was burned during or just after the impact, and before I got out of the plane, I had noticed the right side of my face felt "plastic." There was fire all around the plane. The entire area was lit up. After I got out, I realized Scott was still in the plane.

I made several attempts to free Scott, and it was not until I knew Scott was dead that I went to the tail of the plane, pulled myself up and waited for help.

I looked at my watch when the helicopter was over me. It was 10:05 pm. The helicopter circled several times. I attempted to wave, but could not support my body well with my left arm, so I could barely wave. I did not see the frogman descend from the plane, and was shocked to hear something behind me. I turned and saw a big guy in a wetsuit, goggles, etc. The guy said his name (I thought it was Dave, but have learned since it was Craig), and that he was there to save me.

Many of my feelings and observations after the crash have been omitted from this account, since this account focuses on what took place immediately prior to and during the crash.


ANDREW A. BERNSTEIN

PERSONNEL STATEMENT

FEDERAL AVIATION ADMINISTRATION
HOUSTON INTERCONTINENTAL TOWER/TRACON

January 26, 1995


The following is a report concerning the incident involving aircraft N725OU, a Beechcraft Bonanza, on the 355 radial 18 DME from the Trinity VOR on January 26, 1995, at approximately 0341 UTC.

My name is Clinton M. Matheny, Jr. (MY). I am employed as an air traffic control specialist by the Federal Aviation Administration at the Houston Intercontinental TRACON, Houston, Texas.

During the period 1935 UTC on January 25, 1995, until 0435 UTC on January 26, 1995, I was on duty in the Houston Intercontinental TRACON. I was working the Departure North position from 0300 UTC until 0422 UTC on January 26, 1995.

At approximately 0343 UTC, I became aware of the possibility of N725OU crash landing east of Houston. I contacted Ellington Tower to see if a Coast Guard helicopter was available. The Ellington Tower controller advised that the helicopter was on the ground and it would take approximately 20 minutes to get it airborne. I acknowledged the Ellington Tower controller and requested that the Coast Guard helicopter be launched. The Ellington Tower controller acknowledged. At approximately 0350 UTC, the Departure East position was combined with the Departure North position. At this time, N24AJ was on the frequency assisting in the search for N725OU. I continued to provide vectors to the pilot of N24AJ and at approximately 0351 UTC, advised him that he was over the last observed location of N725OU. The pilot of N24AJ acknowledged. At approximately 0354 UTC, the pilot of N24AJ advised that he observed a small fire and might have located the aircraft. I acknowledged the pilot of N24AJ. At approximately 0357 UTC, the pilot of N24AJ confirmed the location of N725OU as the 355 radial 18 DME off the Trinity VOR. I acknowledged the pilot of N24AJ and thanked him for his assistance. N24AJ subsequently continued on to his original destination. At approximately 0405 UTC, the pilot of Coast Guard 6585 reported airborne on my frequency. I acknowledged the pilot of Coast Guard 6585 and provided him with the approximate location of the aircraft and radar vectors to the location. At approximately 0422 UTC, the pilot of Coast Guard 6585 advised that they had located the aircraft in the trees in a marshy area. I acknowledged the pilot of Coast guard 6585. At this time, I was relieved from the position.

I had no further communications regarding N725OU.


Clinton M. Matheny, Jr.
Houston Intercontinental TRACON