

Approved:

JASON P.W. HALPERIN
Assistant United States Attorney

Before: HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

- - - - - X
 :
 UNITED STATES OF AMERICA : COMPLAINT
 :
 - v. - : Violation of
 : 18 U.S.C. § 39A
 PHILIP AVERY PUTTER, :
 : County of Offense:
 Defendant. :
 : Westchester
 - - - - - X

14 m 95

SOUTHERN DISTRICT OF NEW YORK, ss.:

R. MATTHEW HAMMOND, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE

On or about July 3, 2013, in the Southern District of New York and elsewhere, PHILIP AVERY PUTTER, the defendant, knowingly aimed the beam of a laser pointer at an aircraft in the special aircraft jurisdiction of the United States, and at the flight path of such an aircraft, to wit, at the July 2013 Kensico Dam Fireworks Independence Day celebration, PUTTER aimed a high-powered laser pointer at a Westchester County Police Department helicopter that was conducting surveillance at the event.

(Title 18, United States Code, Section 39A.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

1. I have been a Special Agent with the Federal Bureau of Investigation ("FBI") for approximately six years and I have personally participated in the investigation of this matter. This affidavit is based on my conversations with other

law enforcement agents and persons, and my examination of reports, records, and documents. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

2. Based on my investigation, which has included interviewing witnesses, discussing this matter with other law enforcement officers, including officials from the Westchester County Police Department ("WCPD"), and reviewing documents, I have learned the following about the events of July 3, 2013 at the 2013 Kensico Dam Fireworks Independence Day celebration ("the Fireworks Celebration") in Valhalla, New York in Westchester County, New York.

3. I have interviewed the pilot ("Pilot 1") and the co-pilot ("Pilot 2"), who are officers with the WCPD and whose assignment on the evening of July 3, 2013 was to conduct aerial observation of the Fireworks Celebration. Pilot 2 said that he and Pilot 1 flew the WCPD helicopter from the nearby Westchester County Airport in White Plains, New York to the Kensico Dam area in Valhalla. Pilot 2 said they flew to the vicinity of the Kensico Dam shortly after 9 p.m. Pilot 2 said his specific assignment was to serve as the observer looking down at the ground while Pilot 1 flew the helicopter. Pilot 2 said their mission was to fly in a circular pattern around the Kensico Dam parking plaza. Pilot 1 explained that part of their assignment was to provide video footage of the area to the command post vehicle on the ground for the Fireworks Celebration.

4. WCPD Officials have informed me that they estimate that approximately 10,000-15,000 people attended the Fireworks Celebration on July 3, 2013.

5. I have seen the WCPD helicopter that was used that evening, and have observed that the front and sides are made almost entirely of clear windows.

6. Pilot 2 explained that very shortly after they arrived near the Kensico Dam and began their flight path over the face of the Dam, the helicopter was hit by a green laser beam. The laser contact lasted approximately 4-5 seconds as the helicopter flew from East to West along the Dam. Pilot 2 said the laser beam tracked the helicopter and stayed focused on it,

rather than appearing to be an inadvertent or quick hit. Pilot 2 said that because of the intensity of the brightness and the duration of the light, he immediately believed that the helicopter was hit with a laser. Pilot 2 said that the beam struck him directly in the eyes, from the lower left side window. Pilot 2 said the laser hit prevented him from being able to see objects outside the aircraft, and that after the beam struck the helicopter, his night vision was severely impaired.

7. Pilot 1, who was flying the helicopter and was wearing night vision goggles, explained that he too saw a light in the cockpit that he described as being as bright as sunlight. The light affected his night vision and impaired his ability to read the flight instruments for a period of time.

8. Pilot 2, who was not using night vision goggles, explained that upon starting their second orbit around the Kensico Dam plaza, the helicopter was hit by the green laser beam again. Once again, the beam was fixed on the helicopter for several seconds as the helicopter traveled from East to West over the Dam. At this point, Pilot 2 said that he radioed the WCPD dispatchers that the helicopter was being hit by a laser beam.

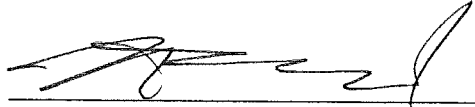
9. I have interviewed a WCPD police officer ("Officer 1") who was assigned during the Fireworks Celebration to a traffic control post near the main entrance to the parking area of the Kensico Dam plaza. Officer 1 received a radio call that the WCPD helicopter had been hit by a laser beam in the vicinity of Parking Area 2, which was adjacent to his post. Officer 1 looked up into the sky and saw a green laser beam pointing toward the WCPD helicopter. From his vantage point, Officer 1 could see the laser beam focused on the outline of the helicopter for approximately 2-3 seconds. Officer 1 said he followed the steady beam down to the ground and saw a man holding a laser pointer. Officer 1 walked over to the man and saw another WCPD police officer ("Officer 2") taking the laser away from the man, who subsequently identified himself as "Philip Putter." The man produced a NYS Driver's License with his photograph and with the name "Philip A. Putter."

10. Officer 2 informed me that he grabbed the laser pointer out of the hand of PHILIP AVERY PUTTER, the defendant, because the laser was actively emitting a beam and Officer 2 wanted to ensure that the beam did not strike the helicopter again.

11. After Officer 2 called for a supervisor, a WCPD Sergeant ("Sergeant 1") came over and spoke to PHILIP AVERY PUTTER, the defendant. Sergeant 1 told me that PUTTER asked Sergeant 1 if he could have his laser pointer back since it was "expensive."

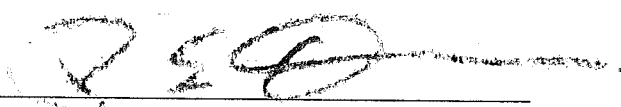
12. I have viewed the actual laser pointer that was taken from PHILIP AVERY PUTTER, the defendant, on the evening of July 3, 2013 at the Fireworks Celebration. The laser is considerably larger and much more powerful than one that might be used in a classroom presentation. On the laser itself, the following warning is written in all capital letters, "DANGER - LASER RADIATION - AVOID DIRECT EYE EXPOSURE."

WHEREFORE, deponent prays that a warrant be issued for the arrest of PHILIP AVERY PUTTER, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



R. MATTHEW HAMMOND
Special Agent
Federal Bureau of Investigation

Sworn to before me this
16 day of January 2014



THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK