

Department of Justice

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Western District of New York

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PILOT ARRESTED FOR POSSESSING GUN **AT BUFFALO NIAGARA INTERNATIONAL AIRPORT**

BUFFALO, N.Y.--U.S. Attorney William J. Hochul, Jr. announced today that Brett Dieter, 52, of Barbersville, Virginia, was arrested and charged by Criminal Complaint with unlawfully possessing a concealed firearm as he attempted to board an airplane this morning at the Buffalo Niagara International Airport (BNIA). The charge carries a maximum penalty of 10 years in jail and a \$250,000 fine.

According to Assistant U.S. Attorney Michael McCabe, who is handling the prosecution of this case, Dieter is a pilot with Piedmont Airlines, which subcontracts with US Airways. The defendant reported to BNIA early this morning to pilot a flight to LaGuardia International Airport. As the pilot proceeded through security, a Transportation Security Officer observed what appeared to be a firearm concealed inside Dieter's bag. Niagara Frontier Transportation Authority police officers thereafter recovered a Smith and Wesson .357 magnum revolver, loaded with five rounds of ammunition, from the defendant's bag.

The Affidavit in support of today's charge reflects that the defendant apparently traveled with the bag containing the gun beginning on May 16, 2012. On this day, the defendant reported to work for Piedmont Airlines to pilot an airplane from Charlottesville, Virginia to LaGuardia International Airport. The defendant did not submit this bag to x-ray screening at the Charlottesville airport.

The Affidavit further states that after landing at LaGuardia, Dieter performed seven other flights over the course of two days, all with the firearm in his bag.

The defendant made an initial appearance this afternoon before U.S. Magistrate Judge Hugh B. Scott. Dieter was released and is due back in court May 23, 2012 at 10:00 a.m. before Magistrate Judge Jeremiah J. McCarthy.

"I commend the fine work of security personnel at the Buffalo Niagara International Airport for detecting this firearm," said U.S. Attorney Hochul. "While under certain circumstances, certain Government officials – such as sworn law enforcement officers - are allowed to travel with firearms on airplanes, the law is clear regarding the steps that must be taken before a gun is brought onto a plane. In today's day and age, we simply can't afford to have anyone ignore these important regulations, all of which are designed to protect the traveling public."

The arrest is the result of a joint investigation on the part of the Transportation Security Administration, under the direction of Rick Dipietro, the Niagara Frontier Transportation Authority Police Department, under the direction of Chief George Gast, and the Federal Bureau of Investigation, under the direction of Special Agent in Charge Christopher M. Piehota.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty.

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