

# NEWS

---

United States Department of Justice  
U.S. Attorney, District of New Jersey  
970 Broad Street, Seventh Floor  
Newark, New Jersey 07102

---

---



---

---

**Christopher J. Christie, U.S. Attorney**

---

---

**More Information?** Call the Assistant U.S. Attorney or other contact listed below to see if more information is available.

**News on the Internet:** News Releases, related documents and advisories are posted short-term at our website, along with links to our archived releases at the Department of Justice in Washington, D.C. **Go to:** <http://www.njusao.org/break.html>

---

---

Contact:  
Michael Drewniak, PIO  
973-645-2888

bana0323.rel  
FOR IMMEDIATE RELEASE  
March 23, 2005

---

Parsippany Man Charged with Interfering with Aircraft  
with Hand-held Laser, Lying to Law Enforcement

---

(More)

---

---

Public Affairs Office  
<http://www.njusao.org>  
Michael Drewniak, PAO

973-645-2888

Breaking News (NJ) <http://www.njusao.org/break.html>

---

---

NEWARK – A Parsippany man was indicted today on federal charges of interfering with pilots of a passenger aircraft by shining a hand-held laser into the cockpit and with twice lying to the FBI about that event and another when he allegedly directed the laser at a Port Authority helicopter investigating the first incident, U.S. Attorney Christopher J. Christie announced.

David W. Banach, 38, faces a maximum statutory penalty of 20 years in prison and a \$250,000 fine on one count of interference with pilots of an aircraft “with reckless disregard for the safety of human life.” Banach also faces maximum penalties of five years in prison and a \$250,000 fine on each of two counts of making false statements to law enforcement officers.

Banach will not be appearing in federal court today but will be arraigned on the Indictment sometime in the next two weeks before the District Judge to whom the case is assigned.

“This office will enforce federal law in the interest of protecting innocent lives and public safety,” said Christie. “We take the alleged actions of Mr. Banach very seriously, and we will not condone lying to federal agents.”

Banach was first charged by way of an criminal complaint following the Dec. 29 incident, in which a charter aircraft had its cabin illuminated by a green laser beam on approach to Teterboro Airport in Bergen County.

Banach allegedly targeted the jet with six passengers en route to Teterboro from Boca Raton, Fla. The plane was on the critical approach, traveling at about 3,000 feet at approximately 250 knots in a high-traffic area, when a green-colored laser beam illuminated the plane’s windshield and cabin three times, according to the Indictment.

“The laser beam flashes illuminated the cockpit, causing both pilots a temporary loss of night vision,” the Indictment reads. “This loss of vision briefly prevented the pilots from observing the aircraft’s flight instruments and other aircraft in the vicinity.”

After regaining his vision, the lead pilot radioed the Federal Aviation Administration (FAA) regional air traffic controller and reported the incident. According to the Indictment, Banach subsequently admitted in a handwritten statement to shining the laser into the aircraft.

On New Years Eve, the pilot joined law enforcement officers in a Port Authority helicopter flight of the same area, trying to locate the laser’s source. While circling above, the helicopter was struck with what the pilot said was a beam similar to what he

had witnessed two nights earlier. A helicopter crew member shined a spotlight on the house from where the laser beam emanated, and law enforcement officers on the ground responded to the residence, at which time Banach emerged to inquire about the police activity, according to the Indictment.

Banach then said, according to the Indictment, that his 7-year-old daughter had shined the laser on the Port Authority helicopter. Banach produced the cigar-shaped laser and, when an officer inspected it, Banach cautioned him not to shine it in his eyes because it could blind him, according to the Indictment.

The laser was later identified as a Jasper Class IIIa laser manufactured by a company known as “Bigha,” and capable of generating up to five milliwatts of power.

The Indictment alleges that Banach, despite saying he understood it was a crime to lie to law enforcement agents, then told a series of falsehoods to the FBI, among them that he was using the laser to teach his children about astronomy and that his daughter had shined it at the helicopter earlier that evening. Banach also said he had placed a telescope on the dining room table because he wanted the police to believe he was teaching his children about astronomy.

In a second interview with the FBI later on New Year’s Eve, Banach admitted that it was he, in fact, who had shined the laser at the helicopter earlier. Banach also said he was aware of the Dec. 29 incident but denied involvement.

Banach later on the night of Dec. 31, went to FBI offices voluntarily, was read his Miranda rights and agreed to discuss the incidents further. On Jan. 1, he provided a written statement admitting that he shined the laser at the helicopter, but he continued to deny involvement in the Dec. 29 incident.

Following further investigation, however, Banach admitted later on Jan. 1 that he had lied to law enforcement and had shined the laser beam on both the helicopter and the aircraft on Dec. 29, according to the Indictment.

Despite Indictment, all defendants are presumed innocent unless proven guilty beyond a reasonable doubt.

In determining an actual sentence, the federal judge in a criminal case would, upon a conviction, consult the U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence. Parole has been abolished in the federal

system. Defendants who are given custodial terms must serve nearly all that time.

Christie credited Special Agents of the FBI, under the direction of Special Agent in Charge Joseph Billy, Jr., with the investigation leading to the charges. Christie also thanked the Port Authority Police, under the direction of Superintendent Samuel Plumeri, Jr., and numerous local police departments, which responded in the days after the first laser incident, and the prosecutor's offices of Passaic, Morris and Bergen counties, for their assistance, and the FAA for its help in the investigation.

The case is being prosecuted by Assistant U.S. Attorney Christopher J. Gramiccioni

-end-

Defense Counsel: Gina Mendola Longarzo, Esq. Florham Park