

The Spectacular Flight and Rough Landing of the Freedom Jumpers

Three men BASE jumped from the One World Trade Center in September 2013. Six months later they were arrested. Their ongoing—and, many would say, harsher than necessary—legal battle raises the question: How serious a crime is leaping off a building?

By: [Tim Sohn](#)

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The video opens in near darkness. “You’re good,” says a disembodied voice somewhere off-camera. A second voice: “Is my back one on?”

“Yeah,” the cameraman answers as he pans up, offering a glimpse of a few lights, then of a streetscape, as the image gradually resolves into an urban skyline. Lower Manhattan. At night. Viewed from somewhere very high. The city rolls out below, avenues illuminated by the yellow halos of street lamps, the dark languid mass of the Hudson River to the west, with New Jersey beyond.

Just visible in the foreground are the silhouettes of two other men, each with a blinking red light on his head. All three, you slowly realize, are wearing helmet-mounted GoPro cameras.

“Everybody have a safe, good jump,” the first voice says. “Get away in one piece.”

“Well,” says the second voice, “hopefully we won’t be in the fucking fifth precinct tonight with a fucking felony charge.”

This video was recorded at just after 3 a.m. on September 30, 2013. The man wearing the camera that captured it, 32-year-old James Brady, was standing on the communication ring that tops [One World Trade Center](#)—a.k.a. the Freedom Tower—which was still under construction at the time. With him were Andrew Rossig, 33, and Marko Markovich, 27, who had teamed up with Brady to attempt a brazen stunt: parachuting off the building and landing safely on the streets of New York, 1,400 feet below. All were experienced BASE jumpers with dangerous urban leaps on their résumés, and to them the new tower represented a coveted prize. For Brady, the jump was something personal, too: he’d spent the past five years helping build it, during his day job as a union ironworker.

“Every piece of steel on the south side of the building I touched probably three times,” he told me later. “You live there. It’s like your place. So to me it wasn’t even like it was something wrong. It was like, we’re just finishing.”

The men completed their jumps and got away, but the law eventually caught up with them, and they were [arrested on March 24, 2014](#). Two weeks later, on April 10, a New York County grand jury in Manhattan handed down a four-count indictment: one felony charge, for third-degree burglary, and three misdemeanor charges, for second-degree reckless endangerment, reckless endangerment of property, and a violation of a New York City law that bans BASE jumping outright, passed in 2008 in the wake of a few high-profile stunts. After nine preliminary court appearances and numerous motions volleyed between prosecutors and defense lawyers, the men are headed to trial on May 18. The stakes are very high. A conviction on the felony count alone could carry a sentence of up to seven years in prison.

The videos that emerged from that night—[three in all](#), one shot from each jumper’s point of view—are immersive adrenaline trips, largely devoid of context or preamble. The defense team, led by Rossig’s lawyer, Timothy Parlatore, posted them on YouTube in the spring of 2014, starting with Brady’s on March 24, the day the jumpers were arrested.

Why do that, since his client was breaking the law? Parlatore saw it as a way to get ahead of the narrative. He hoped the videos would show that nothing about the stunt was hazardous to the general public and that nobody was endangered except the jumpers themselves.

There are various things you wouldn’t know from watching the videos: That the three jumpers had stashed bicycles in bushes along the West Side Highway for their getaway. That they had a lookout and driver on the ground. That they’d slipped into the construction zone through a gap in a fence on Vesey Street, on the tower’s north side, and had then nearly sprinted 104 stories to the top of the building. (“We ran like a bunch of little kids,” Markovich told me, laughing.) That they’d reached the top in just 20 minutes, a little after 11 p.m. That they hadn’t encountered a single police officer or security guard the whole time, and that they’d lingered on top for four hours, climbing to the communication ring, checking weather, waiting for traffic to die down below, and dealing with an unforeseen problem: Markovich had snagged his parachute on something as they ran up the stairs. After unpacking it on the roof, he’d decided to jump “open” rather than repack his gear in the dark.

In Markovich’s video, you see what he sees as he walks to the northwest corner of the building, looking at the lights of New Jersey. He moves to the edge and gazes down at the West Side Highway. He totters slightly.

“This is some fucking shit right here,” he says, breathing heavily, clearly unnerved by his compromised gear.

“Yeah, man,” Brady says, “you got this.”

“Three”—exhale, exhale—“two, one. See ya!”

He steps off, the parachute fills with a whoosh, and suddenly he’s gliding. “Beautiful!” Rossig says. Markovich looks back at the tower. “Have a good one, boys!” he shouts. And then he’s flying west, out over the river, taking time to look back at the tower once more—“Is that beautiful, or what?”—before turning perpendicular to the river’s edge and gliding down to land in a dark, grassy area in the middle of Nelson A. Rockefeller Park, on the west side of Battery Park City.

From the top of the tower, Brady and Rossig could see Markovich for only a few seconds before he was swallowed by the night. Then it was their turn. “You ready?” Brady asks Rossig in his video.

“Yup, have a good one, brother,” Rossig says.

“You, too, man,” Brady replies. He takes two steps forward and dives over the edge. Unlike in Markovich’s video, you can sense the speed as the shimmering glass of the new tower races by. After six or seven seconds of free fall, Brady deploys his parachute, grabs his toggles, and positions himself over the West Side Highway, heading north. There are a couple of cars, and if you watch closely, you can see a traffic light turn red as Brady flies over it.

Brady touches down at the intersection of Warren Street and the highway, drags his parachute onto the center median, and gathers it in his arms like a sleepy child. Two cars roll by. He runs to the West Side bike path and turns south toward Vesey Street, where he stops in the shadows to pack his chute and turn off the camera.

Rossig went last, and his video starts at the moment he jumps. He goes over the edge, and then things turn dark until the city skyline rotates back into view and you realize: This guy just did a backflip off the tower in the middle of the night. He free-falls for what feels like an eternity, probably ten seconds. He deploys his chute low and makes a quick left turn down Vesey Street, just south of the Goldman Sachs building, where he lands easily, gathers his chute, and runs.

Though Rossig’s video has gotten fewer YouTube hits than Brady’s, some online commenters prefer it. One said, “This was the ballsiest jump of the 3 by a longshot.” Another added, “And with a backflip LIKE A BOSS!!!!!!”

The men thought they’d gotten away clean. According to Markovich, this feeling lasted “until about eight the next morning, when a detective called me.”

Nearly nine months after the jump, on June 24, 2014, Brady, Rossig, and Markovich were seated at a defendants’ table in a lower Manhattan courtroom for the second time. Seated with them, but seemingly a man apart, was Kyle Hartwell, 29, who was charged with serving as their lookout and driver. Their lawyers stood behind them, with the assistant district attorney assigned to the case, Joseph Giovannetti, seated at the prosecution table.

As it stands now, Hartwell will be going to trial with Rossig, Brady, and Markovich, charged with the same felony and misdemeanor counts, on the grounds, according to the DA’s office, that he acted “in concert” with the jumpers. The prosecution could recommend more lenient sentencing for Hartwell than the others in the event of a conviction, but he has not been offered a plea deal, and discussions between the DA’s office and his attorney, Joseph Murray, have reached an impasse.

“We were very close to a deal,” says Murray, a retired NYPD officer, who thinks his client’s case should have been treated separately. “I think they’re mistaken about the importance of his role,” he says. “He’s been dragged through the mud with this case and just wants to get back to his normal life.”

Parlatore, representing Rossig, did most of the talking for the defense. Rossig had contacted him on February 17, 2014, the morning the search warrants were executed. When the other two jumpers needed counsel, Parlatore, seeking a unified front, had recommended his associates: Andrew Mancilla, who represented Brady, and Joseph Corozzo, who represented Markovich.

“This case involves the jumping off the tower, right?” Judge Charles H. Solomon asked from the bench, glancing down at a sheaf of papers. “There’s video of this, is there not?”

Solomon was referring to the defendants’ YouTube clips, but the chain of events that led to their arrest had started with a different set of images. On the night of the jump, a 911 call came in from an eyewitness who’d seen Rossig land on Vesey Street. Soon after that, the NYPD took a look at security footage from the Goldman Sachs building, which sits diagonally across from One World Trade, at the northwest corner of Vesey and the West Side Highway.

The electronic eye sees all, it seems, but it doesn’t always see clearly. When Ray Kelly, the NYPD’s commissioner at the time, called a press conference less than 12 hours after the jump, the details of what had happened were still blurry.

“At 3:07 this morning, two individuals apparently parachuted to the front of the Goldman Sachs building,” Kelly said. Markovich had landed beyond view of Goldman’s cameras, so the video showed only two jumpers. “What they came out of, we don’t know. They were wearing black suits of some sort and black helmets, and they are believed to be men.”

Investigators immediately started talking to known BASE jumpers, which is how they ended up calling Markovich the next morning and visiting him in person three days later. He stonewalled and tried to mislead the detectives. “[Jeb Corliss](#) wears black,” he said, “maybe it was him.”

“We checked,” an officer replied, “and Corliss is in China.” On November 26, when Brady was questioned at the Freedom Tower site, where he was still working, he told police that he wasn’t experienced enough to execute a jump of this magnitude.

The cops gradually closed in, moving from the Goldman Sachs footage to segments from on-street cameras, pulling a partial license-plate number off a vehicle that they linked back to at least one of the jumpers and using telephone records to find likely accomplices. This led to the execution of search warrants in February, which in turn led to the discovery of the jump videos in Rossig’s possession. It was at that time, also, that Hartwell, who is not a BASE jumper and was perhaps less accustomed to dealing with police than the others, confirmed the jumpers’ identities.

The jumpers’ self-surrender on March 24 made headlines, and their initial court appearances drew a scrum of reporters and a block full of TV-news vans. The defense team’s posting of the jump video on YouTube further stoked interest, but overall, public sentiment seemed to tilt more toward amusement, and any outrage was focused on security lapses at the site. This problem was loudly criticized by New York senator Charles Schumer, who [demanded](#) that the Department of Homeland Security review whatever security breaches allowed the jump to happen.

On April 10, the grand jury handed down its four-count indictment. The third misdemeanor charge was for violating the city’s BASE-jumping statute, which prohibits “climbing, jumping or suspending of oneself from structures.” It was passed in 2008, during the Michael Bloomberg administration, in the wake of Jeb Corliss’s 2006 attempt to jump off the Empire State Building and a rash of subsequent, headline-grabbing climbs up the *New York Times* building and other skyscrapers. Each misdemeanor carries a maximum penalty of a year in jail, a \$1,000 fine, or both, but they’re often resolved without jail time. The most serious issue was the felony burglary charge, for breaking into a building with intent to commit a crime. The defendants posted bail of \$3,500 each.

On May 6, the men made their first appearance before Judge Solomon, for the arraignment. They pleaded not guilty, but the combination of the videos, the defendants’ statements, and the summary of events provided in the defense’s own motions meant that there wasn’t much mystery about the crime’s details. As Parlatore wrote in a motion filed that day, this was “a case where almost none of the facts are in dispute. The Defendants entered the WTC and parachuted from the roof.”

The main question, then, was less about crime than punishment. What were the appropriate penalties for this?

The prosecution had indicated at the May 6 court date that a plea bargain might be allowed, but by June 24, the two sides were at an impasse.

“And how is your relationship with the district attorney?” Judge Solomon asked.

“Awful,” Parlatore said.

“I specialize in these sorts of cases,” the judge joked. “I was hoping this one would be different.”

In the defense team’s view, this was a victimless crime, a case of a few decent young men who were caught thrill-seeking, nothing more. Parlatore thought they were being unfairly prosecuted so that the NYPD and the Port Authority could save face. The appropriate level of charge, the defense argued, was something in line with how prior BASE cases had been handled: misdemeanor pleas resulting in some combination of community service, fines, and perhaps probation. “In a hastily arranged case, in response to political pressure,” Parlatore had written in the May 6 motion, “the People have chosen to improperly charge this case as a felony, rather than the misdemeanor that it is.” He reiterated that position in court in June.

“My clients will take anything short of jail time or the felony,” Parlatore said. “But when we’ve tried to talk to the DA, we’ve gotten nowhere.”

The judge addressed Giovannetti, an assistant DA. “Your office has decided you will not go for a misdemeanor in this case?”

“Pretty certain,” he said. In the prosecution’s opinion, the charges were fair. This was a calculated and premeditated crime, carried out at a sensitive site by a group of men who seemed to habitually disregard the law.

Outside the courthouse, Parlatore answered questions for a small group of reporters. “The only issue here is whether jumping off the building is a felony or a misdemeanor,” [he told them](#). “If they do not offer a misdemeanor, then we’ll go to trial.”

After the June 24 court appearance, I had lunch with Rossig, Brady, Markovich, and their attorneys at a deli near the courthouse. They were open about what they’d done but also insistent that they were being railroaded. Of course, they hadn’t planned on getting caught.

BASE jumping is, by necessity, an outlaw activity, particularly in big cities, where getting on top of jumpable objects usually means trespassing. But the men didn’t see this jump as any more outlandish than other jumps that they and their friends had executed, mostly unnoticed. The Freedom Tower was a bigger prize, but it also rated highly in a category that urban jumpers see as very important: accessibility.

“BASE jumping is free-form in New York City,” Rossig said. “Under-construction buildings are attractive because they’re easier to get into and there aren’t any people around to endanger.”

Poaching a prime target takes patience. Plans can be roughed out, but the final act is opportunistic, depending on shifting factors. “The under-construction buildings are changing day by day, and there are a lot of variables that need to line up,” Rossig said. “Can you get in? Is there somewhere to land? Is the weather going to cooperate?”

“If you want to go jump a building,” Markovich said, “you take your stuff, you go out there. If you can get in, you get in. If not, you try another day.”

The idea of jumping the Freedom Tower had occurred to them years ago. Brady had known Markovich, who owns a skydiving business in New Jersey, for five years and Rossig, a union carpenter who lives upstate in Warwick, New York, for two. He had jumped with each of them, both skydiving and BASE. Their plan to jump the tower started getting specific when construction neared completion during the summer of 2013.

“But it wasn’t anything like a plan,” Brady said. “Just something that I thought, you know, it’d be cool to do, and something that we talked about, but the whole big-plan thing—it’s not like that. There’s only so much you can do, and basically it happens that night.”

When the opportunity came, they didn’t hesitate.

“We’d been watching the weather,” Rossig said, “waiting for a good window Sunday night into Monday morning, when we knew the traffic would be slowest.”

The construction fences and overall site setup were changing daily, but they stuck to a rough scenario that they’d sketched out beforehand: enter on Vesey Street, sprint up the stairs, wait for a good jump window, and land on or near the West Side Highway.

Their impulse had precedents. Just as construction was winding down on the original Twin Towers, in 1974, French tightrope walker Philippe Petit pulled off the stunt made famous in the 2008 documentary [Man on Wire](#). A lesser known feat was a [1975 jump off the North Tower](#), which was done just before it opened by a man named Owen Quinn. Like Brady, Quinn was an ironworker who had helped erect the building. A photo of him going head-first off the northwest corner of the nearly completed North Tower is a seminal piece of proto-BASE-jumping history: the *Easy Rider*-style crash helmet, the beat-up workboots, the red bandana in the back pocket, and the green skydiving parachute on his back, which is massive and archaic compared with today’s smaller, more specialized BASE rigs.

Quinn, who jumped in broad daylight, was arrested immediately and went through a dozen court appearances before his case was dismissed. The years after that saw at least a couple of WTC jumpers who were not apprehended, as well as one famous jumper who was. Norwegian parachutist [Thor Axel Kappfjell](#) hit the trifecta of Manhattan BASE jumps in the late 1990s, evading police after jumping the Empire State Building and the Chrysler Building and then being arrested after jumping the WTC. He pleaded guilty to three counts of reckless endangerment and was sentenced to seven days of community service.

The city’s highest-profile recent BASE incident occurred in 2006 and led to the passage of the BASE-jumping statute: [Jeb Corliss’s attempt to leap off the Empire State Building](#). He was caught by security and handcuffed to a railing. After much legal back and forth, he was convicted of misdemeanor reckless endangerment and sentenced to three years probation and 100 hours of community service.

Aware of all this history, Rossig, Brady, and Markovich knew that if they were caught there would be consequences, but they still wanted to do it. “For me there was kind of a feeling of peace when we made it to the top,” Rossig said over lunch. “It was like, we’re going to get this jump now. I think we all kind of made a decision that if we get in trouble, we get in trouble.” The others nodded.

Each of them had previously been arrested for jumping buildings in the city—Rossig and Brady in the Bronx and Markovich on the Upper West Side—but they had been cited only for misdemeanors, which were plead down to violations.

Urban BASE jumps are predicated on discretion, and if they’re executed successfully, few people outside the BASE fraternity ever even know about them. (The late [Shane McConkey](#), for example, jumped the Chrysler Building, but few were aware of it until footage showed up in the posthumous documentary *McConkey*.) Rossig, Brady, and Markovich thought they’d been careful. Even the Goldman Sachs videos, which detectives had shown Markovich, looked inconclusive. “From what they had, I couldn’t identify myself even if I was in the video,” Markovich said. “They had nothing. So we thought.”

“We were pretty good about it for a while,” Brady said. “We weren’t parading this shit around.”

But the NYPD was working the case diligently, and the execution of the search warrants proved how seriously this was being taken. “When 12 cops showed up at my house with a search warrant, I personally felt they were overreacting,” Rossig said. “But at that point, if they’re willing to go that far, how much further are they willing to go?”

Rossig called Parlatore that day, and the attorney got to work. At every court appearance, he continued to insist that his clients were being treated unfairly, and incidents surrounding their surrender seemed to support this. He and his co-counselors had been negotiating for their clients to self-surrender to the NYPD and had, according to Parlatore, agreed on a “mid to late April” time frame. But on March 16, a 16-year-old from New Jersey named Justin Casquejo made headlines after he [squeezed through a hole in a different security fence at One World Trade](#). He took an elevator to the 88th floor and spent two hours on the roof, climbing the communication tower and taking selfies, before being caught by a worker as he

descended. The incident was fodder for embarrassing tabloid headlines about incompetent security at the site.

“The very next day I got a call from [the police] saying we need your clients to come in now,” Parlatore said. He was told that they had until March 27, and he hoped they could turn themselves in quietly. But then, after a reporter from the *New York Daily News* called to tell him that the NYPD was leaking the story of his clients’ arrest, Parlatore spoke to the paper for a piece that ran on the morning of Monday, March 24. “At noon,” he says, “I got a call saying, ‘Surrender by 5 p.m. today or we’re going to hunt them down.’”

The NYPD didn’t respond to requests for comment, but current commissioner Bill Bratton adopted his predecessor’s hard-line stance and has not been shy about blasting security shortcomings at the site. Shortly after the jumpers’ arrest, he [gave an interview to the *New York Post*](#) in which he got some basic facts wrong, alleging that the jumpers must have had inside help and that they didn’t walk up the stairs to the top. He demanded hard punishment. “They were satisfying their own need for attention and excitement at the public expense,” he said, adding an extralegal rationale for a harsh prosecution: 9/11. “Too many people jumped out of that building on 9/11,” he said. “I have no sympathy for [the defendants].”

It was an awkward echo, and Bratton and other critics largely failed to stoke much public outrage with such comments. In fact, the defense’s motion to dismiss was accompanied by supportive letters from a group representing parents and families of 9/11 victims who said that the true disrespect to 9/11 in this case was not the jumpers’ behavior but, rather, the complete failure of security at the site.

Regardless, by June the DA and the NYPD seemed to have dug in their heels. At our lunch, I asked Parlatore what he saw as the likely outcome. “I suspect this case will end with no felony record and no jail time,” he answered confidently. “Whether because the judge decides the motions in our favor or the DA decides to finally set aside politics, or whether we go to trial and win.”

On September 30, 2014, exactly one year after the jump, the men were in Judge Solomon’s courtroom again, on a day when the prosecution would deliver its response to the defense motions. When asked if there had been any progress, the prosecutor shook his head. “The People’s position remains unchanged.”

The defense team’s motions, filed on May 6 and August 5, had focused on knocking down the felony charge by parsing the wording of the burglary statute, which applies to a person who enters a building unlawfully “with intent to commit a crime therein.”

“However,” the defense’s brief said, “since jumping from the roof of the building is not a crime that is committed ‘therein,’ or inside the building, but rather on top of, or on the exterior of the building, the charge of burglary is legally insufficient and must be dismissed.”

The tone of the DA’s response indicates that prosecutors, like the NYPD, are taking this seriously, and perhaps even a little personally. It uses words like “ridiculous” and “absurd” to characterize the defense’s arguments and refers to Rossig’s “gratuitous backflip” and to the defendants’ “hot pursuit of their criminal objective” of a “selfish thrill.”

From the DA’s perspective, the jumpers were habitual criminals who intentionally flouted the law and seemed “not to appreciate the criminal nature of their conduct,” perhaps emboldened by past leniency. “Indeed,” the prosecution concluded, “the outlaw nature of BASE jumping and ensuing cat and mouse with police appear to be part of the activity’s appeal for the defendants.” Dismissal of the case would send the wrong message and inspire copycats.

The need for deterrence notwithstanding, several attorneys I spoke with could not recall a similarly harsh prosecution for BASE jumping or any examples of the burglary statute being applied in quite this way. Jeremy Saland, who worked as a prosecutor in the Manhattan DA’s office from 2000 to 2007, wrote about the prosecution’s “creative” use of the burglary statute on [his law blog](#). “The DA’s office is trying to send a message: don’t jump off our bridges, don’t jump off our buildings, if you do, you are going to be punished,” Saland told me. “But to potentially destroy their lives with a felony charge seems extremely severe.”

Yet, walking things back is hardly an option in a case with this high a profile. “They don’t want to look foolish, they don’t want to lose, and they don’t want to backtrack,” says Scott Greenfield, a prominent criminal defense attorney in Manhattan. “But it will likely be a very hard sell to a jury that these guys should be convicted of a felony.”

On November 18, 2014, Brady, Rossig, and Markovich were back in court. It was their last chance to avoid trial, and Judge Solomon, having read through both the defense team’s motions to dismiss and the prosecution’s response, was set to rule.

As court dates had come and gone, media interest had diminished, but the stakes for Rossig, Brady, and Markovich remained high. All the early publicity seemed to work against the possibility of leniency. Subsequent security breaches hadn’t helped, either. Shortly after the Casquejo incident, two CNN producers were arrested trying to enter the site, apparently while shooting a segment about the recent security lapses and daredevil stunts. The next day, the *New York Post* [published a photo of a security guard at the tower fast asleep](#). And then the Brooklyn Bridge, another high-profile site, became something of a prankster’s playground, first in July, when a pair of German artists [replaced the American flags on the bridge’s towers with white versions](#), and a month later, when a Russian tourist [took a walk to the top](#). Just a few days before the jumpers’ November 18 court appearance, [a French tourist had climbed onto the bridge’s beams](#).

Solomon called the court to order at 9:30 a.m., took attendance, and explained that he had carefully considered the motions, the prosecution’s response, and the grand jury minutes, and had made his decision. The bailiff handed out copies to the attorneys.

“I’ll give you a moment to look at the decision,” he said, “and then we’ll talk about how we’ll proceed.”

The decision minced no words, siding with the prosecution on almost every point. The defense team’s more technical motions to dismiss, Solomon wrote, were without merit. Furthermore, while the defendants may be model citizens in the rest of their lives — “hardworking individuals who have the support of family or friends” — in this case, he found their “thrill-seeking conduct . . . nothing more than inexcusable self indulgence. They were completely aware that their actions were unlawful and chose to disregard the law, clearly putting their own interests above those of society.”

By 9:50 a.m., the jumpers and their lawyers were exiting the courtroom, set to return on January 15, 2015, for a pretrial hearing. They were soon huddled in the hallway, talking to the few journalists who had turned out. Rossig, off to one side, didn’t hide his disappointment when I asked if this was what he’d expected. “Actually, no,” he said. “I was hoping for more today. I was hoping it would get knocked down to some sort of misdemeanor.”

Parlatore tried to put a good face on it. “I think I was hoping for a little more of a fair judgment,” he said, “but we didn’t think there’d be a resolution today.”

In the months since, the case has made little progress. After further appearances on January 15 and March 2, the men were back in court on March 19, nearly a year after their arrests, for the conclusion of pretrial hearings, after which they were told to return on April 7 to set a trial date. The entire process had begun to feel like *Groundhog Day*. Afterward, in the lobby of the courthouse, I passed Markovich, who was headed toward the door, motorcycle helmet in hand, having changed out of his suit and into jeans and a leather Ducati jacket. “Well,” he said, “see you next time, I guess.”

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