

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

STATE OF RHODE ISLAND

v.

RYAN GREENBERG

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C.A. No. P1/07-4070A

**DEFENDANT'S RESPONSE TO STATE'S SENTENCE MEMORANDUM**

**INTRODUCTION**

Defendant Ryan Greenberg ("the defendant") hereby submits this Response to the State's Sentencing Memorandum filed on June 26, 2009. Although the Court's original briefing schedule did not contemplate responsive memoranda, Defense Counsel believes that the interests of justice and the defendant's right to a fair sentencing hearing require a response to the State's sentencing memorandum because certain representations made to the Court are inaccurate and beyond the bounds of reasonable advocacy.

The Commentary to Rule of Professional Conduct 3.8 notes that "[a] prosecutor has the responsibility of a minister of justice and not simply that of an advocate." R.I. R. Prof. Cond. 3.8 (Commentary). In this case, the State had an opportunity to set, on the record, the facts it would prove had this case gone to trial. The State indicated, at that time, that it would prove that on July 17, 2007, Ryan Greenberg operated a watercraft recklessly by driving it in the direction of Patrick Murphy's location in the Barrington River and thereby caused him injuries that resulted in his death. That is what this defendant agreed the State could prove.

Since that time, the Attorney General has appeared on public radio and indicated that Patrick Murphy's death resulted from the "intentional acts" of Ryan Greenberg. Following the

Attorney General's public statements, the State presented a sentencing memorandum that either exaggerates the record in several areas or presents an incomplete summary of witness testimony.

Specifically, the State has not candidly disclosed conflicting statements made by its own witnesses but selectively presented portions of testimony as uncontested fact. The State also has depicted this defendant, who was 17-years-old at the time of this tragic event, as completely narcissistic in every act or statement he made after the accident. The State has misleadingly presented events surrounding a mutually agreed upon restraining order between the parents of Ryan Greenberg and his then girlfriend. The State has made a specific sentencing recommendation in contravention of representations made to Defense Counsel and the Court during pretrial plea discussions. Moreover, the State has requested a specific sentence substantially above the sentencing benchmarks while agreeing to substantially lower sentences in recent cases involving juveniles that any reasonable person would view as either similar to, or more egregious, than the facts in this case.

### ARGUMENT

The State presents Brendan Loflin's grand jury testimony that Patrick Murphy proclaimed "Ryan No. No Ryan!" just before the accident as if it were a proven and uncontested fact. The State's sentencing memorandum misleadingly states that "[w]e only know [Patrick Murphy's] last words." (State's Sentencing Memorandum at 29). The State, however, fails to note that only one witness - Loflin - has ever contended that Patrick Murphy uttered the words "Ryan No. No Ryan!," before the accident occurred on the Barrington River. The State's memorandum fails to candidly disclose to the Court that Loflin never mentioned this information during two lengthy, recorded interviews with State prosecutors handling this case and with various law enforcement officials, including the Barrington Police Chief. Although Loflin

subsequently testified in the Grand Jury about this alleged remark and later claimed in Family Court testimony that he either lied or held back evidence “to help Ryan out,” the record reflects that Loflin actually lied for his own self-serving purposes.

In two separate, lengthy interviews with the State, Loflin told the Attorney General that both he and Ryan Greenberg had jumped from the Davis boat to search for Murphy in the water. When later informed that two witnesses had reported seeing one person on the Davis boat following the fatal accident and that there was a photograph corroborating their reports, Loflin realized he had a problem. In his second interview with the State, the day after the accident with his personal counsel present, Loflin was repeatedly told and warned by Deputy Attorney General Coyne that he had better be telling the truth (on 14 separate occasions) and that he should not hold anything back, (A copy of Loflin’s two transcribed interviews is attached as Exhibit A). Loflin repeatedly acknowledged that he understood this and indicated “that’s why I’m here.” Loflin had also repeatedly told the State that he and Sam Chrupcala and Patrick Murphy had gotten beer from some “woods” in Barrington. Loflin later learned that Chrupcala had told the police that they had bought the beer at a liquor store in Providence which was the truth. While some might argue that these false statements by Loflin did not concern crucial points of evidence, they clearly presented problems for a 17 year old Barrington youth who had previously been arrested for possession of alcohol and who had been repeatedly told by the Deputy Attorney General that he had better be “telling the whole truth” and was advised that this presented his only chance to do that.

Three months later, Loflin walked into a third meeting with his attorney and admitted that he and Chrupcala and Murphy bought beer at a liquor store in Providence and that he never jumped in the water with Ryan Greenberg and looked for his friend, Patrick Murphy. However,

Loflin now offered the State his new memory that Patrick Murphy had exclaimed “No Ryan No” seconds before the accident and that Ryan Greenberg never turned the boat away from Murphy. How did the State handle this new found version? There was no transcribed interview of the September 13, 2007 meeting. Barrington Detective Dino DeCrescenzo simply typed up a Narrative Report of the interview and claimed that Loflin had come into “clarify some points.” (See a Copy of Detective DeCrescenzo’s report as Exhibit B). Interestingly, the State apparently never went back to ask Phoebe Horne, the other eye witness, if she had heard this when she witnessed the accident and indicated she had heard swearing and yelling on the water. It must be assumed that Phoebe Horne did not hear “No Ryan No.” Neither did Ryan Greenberg.

Loflin actually met with the State three times prior to testifying before the grand jury. Combined, each meeting and the subsequent grand jury testimony, presents four distinctly different versions of the events of July 17, 2009. Knowing the patent inconsistencies in Loflin’s testimony, the State now brazenly presents Loflin’s cherry picked recollection as if it were the unvarnished truth. The Attorney General cannot hoodwink the Court into accepting the uncorroborated testimony of a witness who has told significantly different versions of the same event without disclosing that fact to the Court.

Further, on page 21 of its sentencing memorandum, the State again uses Loflin’s Grand Jury testimony in a misleading manner. Loflin admitted that he was untruthful when he stated that he jumped in the water after the accident. The State would now have this Court believe that it was Greenberg, while he was in the water searching for Murphy, who told Phoebe Horne not to call 911. Loflin’s Grand Jury testimony, cited on page 21, is self serving and, at best, unclear. Yet, the State presents it as uncontradicted fact. The only one consistently in the boat when Phoebe Horne and Laura Barton were witnessing events was Brendan Loflin.

The State also posits that, somehow, Ryan Greenberg orchestrated an extensive cover-up of what occurred on the River that day. That version simply strains credulity and did not happen. Did Ryan Greenberg, himself, say things just after the accident that were not true? Yes, and the defendant has candidly admitted that. However, even the State has acknowledged in conferences with this Court, that most of these other young men were more concerned with what might happen to them if they were caught with alcohol (especially since the Chief Judge of the Family Court had begun sending Barrington teenagers to the Training School for 48 hours for alcohol possession).

Greenberg's misguided, panic stricken statements, however, were not the predicates for a conspiracy as suggested by the State. Barrington Police Officer Gregg F. Koutros along with Assistant Harbor Master Dick Silva were the first law enforcement officers to interact with Ryan Greenberg, and the other boys, on the Barrington River on July 17, 2007. They arrived on the scene minutes after Patrick Murphy was lost. Officer Koutros consistently indicated that Greenberg and the other boys were "[p]anicky and upset;" Officer Koutros described Greenberg's demeanor as "upset ... [because] this is - - he told me this was his best friend and - - nothing out of the ordinary - - upset."<sup>1</sup>

The State now wants this Court to believe that Ryan Greenberg was a malignant hearted narcissist in every action he took, and has taken, since that awful day and disregard their own evidence that Ryan Greenberg was a scared 17 year old who had just struck one of his close friends with a boat. He was a teenager caught amidst traumatic and surreal events that continued to unfold throughout the night and into the morning hours of July 17 and 18, 2007. His initial lack of candor with law enforcement was the product of bad judgment and certainly can be

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<sup>1</sup> Officer Koutros also testified that he did not smell alcohol on Greenberg during the initial search for Murphy or when Koutros transported Greenberg from the River to meet with Detective DeCrescenzo.

considered by this Court, but it was not an elaborate conspiracy to conceal the truth. Contrary to the alternate version of reality portrayed in the State's sentencing memorandum, Greenberg did not embark upon a sociopathic endeavor to cause pain and suffering to Patrick Murphy and to the Murphy family. Characterizing the actions of a scared teenager as the deviant deeds of a criminal mastermind sensationalizes this case to a point where accuracy becomes a casualty of embellishment.

In fact, the very next day, Ryan admitted to his girlfriend that he thought he had hit Patrick with the boat. By that time, most of the other young men who were on the river that day had "lawyered up" and were represented by counsel during their interviews with state prosecutors and the Police.

Brendan Loflin, under questioning, admitted that he had not talked with Ryan Greenberg about what happened on the River since he left the Davis boat shortly after the accident. The next day he came in with an experienced criminal defense counsel and sat for a lengthy interview (transcribed in 33 pages).

During that interview Loflin was asked a series of questions by Barrington Police Chief LaCross and his Detectives:

**Q: (Chief LaCross)** And you can feel the boat move your body a little bit and the water comes up right?

**A:** Yeah.

**Q: (Birrell)** (inaudible)

**A:** Yeah it wasn't like fast enough for me to move, or anything though. Like I didn't jerk at all. Like it wasn't like,

**Q: (Chief LaCross)** But when he turned the boat hard to the right, you must've, he's goosing it the same time he turned the boat hard to the right?

**A:** Yeah I did move when that happened.

**Q: (Chief LaCross)** Ok.

**A:** But not like a lot.

**Q: (Chief LaCross)** And that's for zero to five seconds? Then you guys are (inaudible) Why did he back it down?

**A:** Um , so he could like get the tow rope.

**Q: (Chief LaCross)** How, do you say to him 'I think you just killed him'

**A:** Well, once I saw him, yeah then I was like 'he's dead,'

**Q: (Chief LaCross)** Did he back it down when you said that or did he back it down before you said it?

**A:** He backed it after, like right after it happened, slowed down so he could grab the tow rope.

**Q: (Chief LaCross)** But at the same time he's going to the right? Goosing it and then, he's screwing around and then he pulls it to the right?

**A:** Yeah.

**Q: (New questioner)** He's grabbing the tow rope?

**A:** Who?

**Q: (New questioner)** Ryan.

**A:** No, so Pat could grab the tow rope.

**Q: (Det. Lt.)** And you didn't feel anything?

**A:** No I did not feel anything.

**Q: (Det. Lt.)** Or hear,

**A:** I did not, hear, I have, have you looked at the kneeboard? Does it have any cuts or? Couldn't you kind of tell?

In his third statement, on September 13, 2007, Loflin now claimed that he recalled Patrick Murphy crying out "Ryan No. No Ryan!" and that Ryan never swerved to the right. In his Family Court testimony, Loflin tried to explain these inconsistencies away by saying he was "just trying to help Ryan out." However, the State neglects to advise the Court that on page 20 of Loflin's 32 page interview the following colloquy took place between Loflin and the investigators:

**Q: (Chief LaCross)** I think we mentioned and Gerry Coyne mentioned about this letter here that you have. If we interview Ryan, is he going to tell us something different? Or he's gone, last on (inaudible).

**A:** Which it makes it so hard for me turning my, (inaudible). Last night, me coming today is that like I know this is going to get Ryan like in trouble and I can't really protect him.

**Q: (New Questioner)** It's not your job to protect him.

**A:** I can't protect him and this kind of...

**Q: (New Questioner)** And you have an attorney with you now and you're having a letter from him saying that (inaudible) You're seventeen years old, your job is to protect yourself, unless it comes out that you were driving the boat.

**A:** No.

**Q: (New Questioner)** And you're lying, so you have really nothing to worry about except yourself. My question is, we're going to have Ryan in here again.

**A:** Are you going to tell him that I told you this?

**Q: (New Questioner)** We're not going to tell him anything you say.

**A:** All right.

This colloquy took place before Loflin described to all those present that the incident happened very quickly and that Greenberg put the throttle forward but "it didn't really kick" and than he swerved toward Patrick *and then away*.

The GPS analysis done in this case provides solid evidence that this accident happened in seconds and that the boat did swerve to the right which also accounts for Phoebe Horne on the shore seeing "the back end of the boat go over the boy."

In other words, Loflin's second version of events is closer to the truth. At no time, with his counsel present, did he ever mention Patrick Murphy yelling "Ryan No. No Ryan!" in that 32 page statement. Phoebe Horne did not hear that and neither did Ryan Greenberg. To present that recollection to the Court as uncontroverted fact is misleading, at best.

This less than candid use of Loflin's grand jury testimony is not the only example of the State's exaggeration of the record in this case. Following the accident, Ryan Greenberg was heard to repeatedly exclaim: "Tell me this isn't happening." This statement reflects the shock and disbelief of a teenager faced with the prospect that he might have struck one of his best

friends. Rather than acknowledge this natural human reaction, the State dubs the defendant's remark as "narcissistic." (State's Sentencing Memorandum at page 20.) The State, however, never informs the Court that their prized witness, Loflin, actually, didn't see it that way. At the conclusion of his 32 page interview the following exchange takes place between Chief LaCross and Loflin:

**Q: (New questioner)** So he was more upset about it happening than he was about the police finding (inaudible)(**Chief LaCross**) What do you think now, if it was an accident, why wouldn't he tell the truth? And ask you to change the story?

**A:** He's scared. I was scared too I mean you can't think you don't, I mean your friend just died. It's kind off, you know, shock."

This supposedly narcissistic 17 year old then jumped in the water to try and find Patrick Murphy. Loflin stayed in the boat.

The State does concede that Greenberg jumped from the boat into the water but in an attempt to deflect any sense of decency or concern, the State posits that Greenberg did not jump into the water near the point where the boat struck Murphy implying that the defendant's actions are somehow not relevant. (State's Sentencing Memorandum at page 20.) The testimony of all relevant witnesses suggests the opposite conclusion. When initially told that he may have struck Murphy, Greenberg immediately ended his cell phone conversation. He yelled "tell me this isn't happening!" He jumped into the water and searched for his friend. Portraying Greenberg's actions as purely narcissistic and selfish not only lacks testimonial support, it stretches and twists the record in an unseemly way in an effort to support a specific recommendation that is substantially above the sentencing guidelines.

In evaluating the State's sentencing memorandum in its entirety, perhaps nowhere does a more distorted view of the record emerge than when the State characterizes the events immediately preceding the fatal collision in this case. The State's sentencing memorandum

argues that Ryan Greenberg accelerated the boat directly at Patrick Murphy and gunned the boat at his friend. (State's Sentencing Memorandum at pgs. 28 - 29.)

The State's suggestion not only runs contrary to the record, it violates the plea agreement in this case.

Counsel for the defendant repeatedly advised State Prosecutors that if the State indicated in its statement of proof to the Court that Ryan Greenberg "gunned" the boat at Patrick Murphy over a substantial distance then there would be no plea as the defendant would not, and could not, agree to those facts. Ryan Greenberg did not gun the boat at Patrick Murphy. Ryan Greenberg did not admit to gunning the boat at Patrick Murphy during the plea colloquy. Ryan Greenberg admitted that he accelerated the boat as he drove in Patrick Murphy's direction and that his actions amounted to criminal negligence. The State ignores the only credible non-testimonial evidence in this case which indicates that Greenberg accelerated the boat to an approximate speed of nine (9) miles per hour over a distance of about 20 feet when the boat struck Patrick Murphy. The State's characterization of these events implies that Ryan Greenberg gunned the boat at Patrick Murphy at a high rate of speed with the intent to injure or kill him. (State's Sentencing Memorandum at pgs 28-29.) This implication is erroneous. Moreover, the State did not indicate that this is what it would prove when it had the opportunity to put the facts on the record and have the defendant acknowledge them.

Although the State's alleged expert filed a report indicating that Greenberg traveled at 21 miles per hour starting at a distance of 60 feet when the boat struck Patrick, no testimony or evidence corroborates the State expert's unfounded assertion. In fact, the State's expert then had in his possession a diagram indicating that Patrick Murphy was actually 20 feet from the boat. The State's star witness, Loflin, in one of his few instances of consistency, told law enforcement

officers, several times, (at his July 18, 2007 interview, his Grand Jury testimony and at the Family Court) that Greenberg was approximately 20 feet from Murphy when the acceleration process of the boat started.

It is notable that the defendant's experts, the only experts who analyzed the GPS data from the boat, concluded that Greenberg traveled at a rate of approximately 9 miles per hour over a distance of 20 feet before the vessel struck Patrick Murphy. A boat accelerating to nine miles per hour runs contrary to the sensationalized version of events that the State wishes to portray. That is why the State conveniently argues that speed is not important. (State's Sentencing Memorandum at page 29.) By focusing on the acceleration of the boat without even mentioning the speed, the State does a disservice to the facts in this case. The State has attempted to achieve, through omission and innuendo, what it could not achieve in a plea colloquy. The Court will recall that counsel for Ryan Greenberg adamantly refused to plead to any version of the facts suggesting that he gunned the boat at Patrick Murphy with the intent to injure him. The Court should not now accept the State's attempts to present a distorted summary of the evidence and label it as uncontroverted fact.

Loflin also consistently testified that the events of July 17, 2007 were not the product of "anger." The State chose to omit any reference to Loflin's testimony that Murphy and Greenberg often engaged in juvenile and profane banter and when specifically asked by law enforcement officials whether Ryan Greenberg was angered by Patrick Murphy's remarks Loflin answered, "No." Did the State inform the Court of that? No. Instead the State focused the Court on the testimony of Phone Horne, a stranger to the boy's familiar routine, who was over 300 yards away and thought the swearing she heard was a product of anger.

The State even seeks to deny any credit to the defendant's pleading to reckless boating, death resulting in this case. In its sentencing memorandum, the State acknowledges that the sentencing benchmarks normally call for a twenty-five percent reduction from the three-year low end range when a defendant pleads, to spare the cost of a trial. The State acknowledges that Ryan Greenberg pleaded nolo contendere – the equivalent of a guilty plea – in this case. The State argues, however, that Greenberg still caused the State to incur considerable cost in prosecuting this matter by having the State investigate the case and present it to a grand jury and then, cryptically, the State suggests that the Court should question why the defendant has pleaded in this case. (State's Sentencing Memorandum pgs. 27-28.)

As an initial matter, sentencing law allows the Court to consider a defendant's pleading before trial and saving the cost of a trial and the victim's family, the agony of a very detailed presentation of evidence. Yet, the State seems to say that just the necessity of investigating the case and presenting the case to a grand jury should be held against this defendant. Furthermore, counsel notes that the defendant could not plead earlier in this case given the need to rebut a second degree murder charge brought by the State against him and based upon the hypothesized report of an expert who provided conclusions without any record evidence to support his assertions. It should be especially noted here that the State had the GPS from the Davis boat in its possession since the night of the accident - July 17, 2007; EPO Edward Cabral's testimony implied to the Grand Jury that the State would analyze the GPS data in November of 2007. However, it was not until January of 2009 that the State finally agreed, in response to the defendant's discovery motions, to provide the GPS to Garmin so that the Garmin technicians could extract the data. When analyzed, the GPS data objectively details that the speed of the Davis Boat was, on average, 9 mph when Greenberg accelerated, far less than the planing speed

that the State's expert told the Grand Jury. This information was fatal to the State's expert report, and it was absolutely necessary that the defendant take the time and obtain and study this data. While taking the time to analyze the Garmin data (which Sgt Cabral had described to the Grand Jury as important evidence), the State would now like the Court to disregard what that evidence ultimately showed. One would think that the State would have considered presenting this evidence to the Murphy family to allow them to better understand what happened in this case.

The State also brings up a prior restraining order and leaves the Court with the impression that events surrounding Ryan Greenberg's conduct support a prior history of "anger." The State neglects to advise the Court that the restraining orders in question were mutual restraining orders to prevent two teenagers from contacting one another after this accident. The violation referred to was based on phone records showing both teenagers telephoning one another. Fair for the Court to consider? Yes, but in the full context of what really occurred here and for the weight it deserves.

Moreover, contrary to the State's suggestion, the defendant did save all parties a considerable expense and emotional toll in not proceeding to trial. A trial may have lasted several weeks. It would have cost the State and the defendant's family a considerable amount of money. More importantly, it also would have carried an unquantifiable emotional cost. By pleading guilty and accepting responsibility, this defendant saved the State money and resources, but more tellingly, saved the Murphy family and his own family the emotional wreckage that trials like this inevitably bring.

The State knows that a significant reason Greenberg pleaded nolo contendere was so that both the Murphy family and his own family would not have to endure an agonizing and painful

trial. During plea discussions, State prosecutors repeatedly stated their preference that pre-trial motions should not be filed or heard until there was no likelihood of a resolution. One of the reasons the State often cited for following this procedure was the cost and time involved in going to trial and the emotional cost to the Murphy family. To now disavow those representations to counsel, and the Court, is disingenuous, at best.

The instant case is not one where a defendant had no choice but to accept a plea. On the contrary, counsel felt, (and still believes) that the facts in this case presented a very triable case. Ryan Greenberg and his family were aware of this. Quite simply, Ryan Greenberg pleaded nolo to spare everyone – especially the Murphys – from reliving a nightmarish day over the course of several weeks. Any suggestion that the defendant had any other motivation in deciding to plea is patently false and unsupported by the record.

Finally, the defendant's youth is a very salient factor that not only contextualizes his actions but constitutes a significant factor that the Court should consider when sentencing him for this offense. In its sentencing memorandum, the State suggests that this Court should hardly factor the defendant's age in determining a sentence in this case. The State suggests that age is unimportant. The State's suggestion, however, runs directly contrary to United States Supreme Court precedent. As the United States Supreme Court noted in Gall v. United States, 128 S. Ct. 586, 601 (2007), "youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and psychological damage." Gall, 128 S. Ct. at 601 (internal citations and quotations omitted). Indeed, when evaluating a federal trial court's sentencing decision under a highly deferential abuse of discretion standard, the U.S. Supreme Court upheld the district court's reasoning that youth is a relevant factor in a sentencing decision. The Gall Court quoted the language of the district court's memorandum opinion wherein the

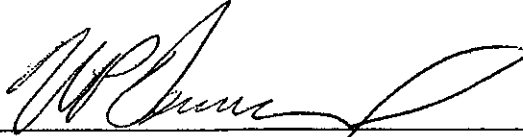
district court concluded that “[i]mmaturity at the time of the offense conduct is not an inconsequential consideration. Recent studies on the development of the human brain conclude that human brain development may not become complete until the age of twenty-five. The recent National Institute of Health report confirms that there is no bold line demarcating at what age a person reaches full maturity. While age does not excuse behavior, a sentencing court should account for age when inquiring into the conduct of a defendant.” Gall, 128 S. Ct. at 601 (quoting U.S. District Judge Robert Pratt’s memorandum opinion) (internal quotations and punctuation omitted).

The defendant’s actions in the instant case caused significant and devastating consequences but were largely the result of immaturity and the negligent handling of a boat. He was a boy operating an adult watercraft in a manner far too cavalier to appreciate the gravity of his situation. He was a boy not immediately comprehending that his actions may just have caused his friend’s death, and, was obviously not emotionally or intellectually ready to accept immediate responsibility for these actions. Contrary to the State’s suggestion, however, the Court should remember that Greenberg, like the defendant in Gall, was only 17-years-old at the time of the offense. Holding his actions to the same expectations accorded to an adult offender would not only run afoul of United States Supreme Court precedent, it would validate the State’s distorted argument here.

It has also come to counsel’s attention that the State conducted an interview with the defendant’s Home Confinement Counselor. Other than conceding that the defendant has complied with the conditions of home confinement, the State makes no mention of what the prosecutors learned in this interview. Since the State is now recommending a five year sentence with no work release (which counsel respectfully asserts to the Court is not the position the State

took in chambers discussions with counsel and the Court), counsel respectfully urges the Court to interview or confer with the Home Confinement Supervisor prior to sentencing in this case. Counsel believes, from prior reports, that the defendant's supervisor will indicate that the defendant's conduct on home confinement for one year was nothing less than stellar; that the defendant never once violated the conditions of his release on home confinement; that he displayed a positive attitude, and made significant improvements in his life; that the defendant had maintained a job; and has taken college courses at the Community College of Rhode Island ("CCRI"). Since the tenor of the State's memorandum suggests that any factor that mitigates in favor of the defendant should receive little attention, this Court, as the ultimate arbiter of a fair sentence, should inquire of the Home Confinement Supervisor.

Respectfully submitted,  
RYAN GREEBERG  
By his Attorneys,



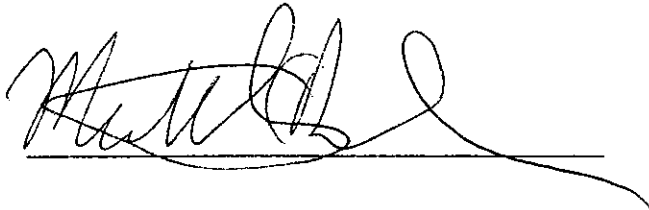
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**CERTIFICATION**

I hereby certify that on this 20<sup>th</sup> day of July, 2009, I served a true and correct copy of the within document via hand delivery to the following:

Gerald Coyne, Esq.  
Christian F. Cappizzo, Esq.  
Department of Attorney General  
150 South Main Street  
Providence, RI 02903





WITNESS STATEMENT

TIME: 2200 Hours
DATE: 7/17/2007
PLACE: Barrington Police Station

I, Brendan William Loflin, voluntarily, without threats or promises, make the following statements:

- Q. What is your name? A. Brendan William Loflin
Q. What is your date of birth? A. 1990
Q. What is your present address? A. 5 Tallwood Drive, Barr., RI
Q. What is your occupation? A. Student BHS

The time is 22:00 hours on the 17th of July 2007, the present is myself Detective Lieutenant DeCrescenzo, Chief John LaCross and Brendan

Q: Brendan could you spell and pronounce your full name for me?
A: Brendan William Loflin (spells name)

Q: And your address Brendan?
A: 5 Tallwood Drive

Q: In Barrington?
A: Yes

Q: And your phone number?
A:

About 60 seconds missing from tape.....

A: that, and we pretty much went on the boat afterwards and didn't do anything

Q: Alright what time did you eat, uh go to Burger King?
A: Um maybe around 1, I'm not sure
A: (Mom) I could tell you exactly because I talked to him

Q: 1 pm, (moms checking her cell phone)
A: (Mom) it couldn't have been 11:10am you were with me at the doctors

Q: So he's at the doctor's office?
A: (Mom) he's at the doctors with me until um about 11:30, we went to Dunkin Donuts, we got breakfast, we went back to my house and he left around a quarter to 12. And then he called me, I thought it was like 2:30 he called me when I was at the office and I said, where are, 'I called him I said where are you?' he said 'getting some food at Burger King'

Q: Okay so about 2:30

A: Around then I'm not even sure

Q: And how did you get to Burger King?

A: With Murphy

Q: In a car or?

A: Yes

Q: You and him?

A: And Chrupcala in the car. Sam Chrupcala

Q: Okay

A: And then, we went (inaudible) from there

Q: Alright, so you, Sam Chrupcala and Pat Murphy were in a car, who was driving?

A: Pat Murphy

Q: Pat Murphy driving. Okay and the Burger King in Seekonk was it?

A: Yeah .

Q: Okay and where did you go after that?

A: We came back to town

Q: And what did you do?

A: We just did really nothing until we went on the boat

Q: Okay and where did you go when you got back into town, whose house?

A: Um, we were just down (inaudible) at the beach for a little and then

Q: Who was there, at the beach?

A: Just us three

Q: Which was you, Sam Chrupcala and Pat Murphy, at the beach, in Pat's car?

A: Yes

Q: Okay and what time do you, do you hear from someone or how did you end up

A: Um Sam called Turner

Q: Called who?

A: Turner

Q: First name's Turner?

A: Yeah

Q: His last name?

A: Davis

Q: So Turner Davis?

A: Yeah

Q: And he had spoke

A: Yeah

Q: And what did he say to Sam, I mean to Turner?

A: What did Sam say to Turner? Uh when he was out of like soccer practice or something

Q: To do what?

A: To go on the boat

Q: Okay, what time was that?

A: Uh, well he got out I think around like 3 something, my phone, I, my phone wasn't with me so I don't know what time it was, it was in Pat Murphy's car

Q: Okay, and what time do you, how do you get on the boat, what time do you think it was?

A: We stop at the river

Q: How do you get to the river?

A: That's where we were, the river

Q: I thought you were at the beach?

A: No, I that's

Q: (Mom) you got to the river behind the library?

A: Yeah

Q: Okay so you're down the beach behind the library?

A: Yeah

Q: So you get down behind the library, what do you go by when you get there?

A: Uh the library

Q: And then you walk downhill?

A: Yeah

A: (Mom) by the cemetery there

A: Yeah

Q: Okay, uh so you walk down by the library behind the cemetery and you're down at the beach, they picked you up, who picked you up?

A: Well we swam out to Turner's boat

Q: Okay, who's all three?

A: Yes

Q: Leave, and who's on Turner's boat?

A: Uh Turner, Nick and Ryan

Q: Last names

A: Ryan Greenburg, Nick Panagos

Q: And Turner

A: Davis

Q: Davis, okay. So now there's six on the boat

A: Yeah

Q: Anybody else?

A: Oh and Trey Taylor was there

Q: Trey Taylor. How many boats?

A: Well there was like another boat to, and they were like um docked up next to them, I don't know who's boat that was, it was like older people

Q: Docked up, like tied together?

A: Yeah

Q: Okay so what color boat was that?

A: Um, white

Q: Were there any red boats out there?

A: No, John came out later

Q: Okay who is that?

A: John Lyons

Q: Okay, he had a red boat?

A: Red master craft, with black

Q: Okay so you're on uh, Turner Davis's boat?

A: Yeah

Q: And what kind of boat was that?

A: Uh I think it's a sail fish, I don't really remember

Q: 20 foot?

A: I don't know

Do you know what time...

A: No

Q: Okay, so what happens, and what time do you think you got on the boat, approximately?

A: Who?

Q: You

A: Oh uh 3 something maybe

Q: Alright and

A: He got out of soccer around 3 something, could have been later

Q: Alright what did you do?

A: Um we were, we were like knee boarding and swimming and stuff, swimming first, and then Pat wanted to go knee boarding, he was knee boarding for around two hours

Q: Pat Murphy?

A: Maybe even longer, I would say he was knee boarding for a long time

Q: He was knee boarding off of what boat?

A: Turner's boat, yeah, the sail fish

Q: Okay and who was operating the boat?

A: At first Turner was

Q: Turner Davis?

A: Yes

Q: Who owns the boat. Okay first, and who else, anybody else knee board or, off the back of the boat?

A: No, he wanted to like try barefoot like water skis so he was trying like all day to like get up

Q: Did he get out of the water?

A: No

A: (Mom) I think it was important, Brendan was telling us the story that he was doing this for two hours

Q: Right, I understand that, he said that you know two hours or more

A: Yeah it was a long time

Q: (Mom) I would think at that point you're tired and also explained to him that someone told him to put the lifejacket on and he didn't want to. Who, who told him that?

A: We all told him but Turner was like he's really (inaudible)

Q: Alright you told Turner to wear a life jacket but he didn't obviously

A: Well Pat

Q: Pat, right I'm sorry. Turner's driving?

A: Yes

Q: Most of the time, some of the time?

A: Turner's driving until we drop Trey off at the yacht club

Q: (Mom) Trey was the other kid on the boat?

A: Yeah

Q: So Trey is who?

A: Trey Taylor

Q: Okay.

A: Was on the boat because he, Pat was knee boarding

Q: Who's on what boat if you could tell me?

A: Well there's only one boat at this time

Q: Okay and that's uh Davis's boat

A: Yeah

Q: Alright when is there two boats?

A: Um, after we dropped Trey off at the yacht club, then we come back

Q: So what time do you that is?

A: No clue, no I

Q: This is after Pat had been knee boarding for two hours?

A: When we went to drop Trey off he staid in the river and then, on the knee board just floating

Q: Just floating. You come back and there's another boat there now?

A: Yeah

Q: Who's that other boat?

A: John Lyons

Q: Alright who's with John Lyons?

A: Um Pat Dolan, um Nick Panagos had gotten on his boat

Q: On who's boat?

A: On John Lyons'

Q: Okay, there's three

A: Um I think there was like a older person on his boat which I'm not sure what his name was, and then, uh I think that was it

Q: Four people?

A: Yeah I think

You have an older person, Nick Panagos

A: Nick Panagos, John Lyons and uh Pat Dolan

Q: Okay, that's the four. And the boat you're in?

A: It was me uh then after we dropped Trey, it was me Pat Murphy, Turner, Ryan and that was it

Q: Alright so four?

A: Yes

Q: Four on that boat, four on yours, so that's eight. Okay and then what happens, now you have two boats?

A: And then well after Turner was in, when we went to drop Trey off Pat and um Turner were wading in the river, and then Turner I guess got on Pat's boat when we went to drop Trey off so we came back and Pat had floated like all the way almost under the White Church Bridge and when we dropped him off he was like way further uh like towards the other bridge on the other side

Q: Just left of the old police station?

A: Yeah, yeah and um so we got him and then we tried knee boarding like a bunch more times and then when he got up back towards um where the old police station was like over there then he fell off and kind of floated for a little

Q: You saw him floating?

A: I saw him float, I don't know if Ryan saw him floating

Q: Okay so he's drive, who's driving the boat?

A: Ryan's driving

Greenburg?

A: Ryan Greenburg

Q: Could you say first and last names for me?

A: Ryan Greenburg

Q: And you're spotting?

A: Yes

Q: You're watching (inaudible)

A: Yes

Q: In the water with Pat?

A: Yes

Q: Who else is in the boat?

A: Just me and Ryan Greenburg

Q: And the owner Davis got off the boat?

A: Yes he went on John Lyons' boat

Q: Alright so now John Lyons has five people on his boat?

Yes

Q: Okay, five, three on the one you're in

A: Yes

Q: Okay, so tell me what happened, he's knee boarding, you're heading what direction?

A: We're heading towards um I think we're heading towards the old police station

Q: Okay that's south

A: Actually I'm not really sure which way it was we were heading, maybe towards, but what, whatever way we were heading, and then when he like came to, Ryan was kind of like zigzagging and then he fell off and I looked back and uh he was kind of like floating face down for a little so then we turned it around and went towards him and then once we kind of like got back to him he had gone down

Q: Okay

A: So we stopped like right near where the board was and we both dove in

Q: Okay, so you're, did you have to alert anybody that he fell off, like the driver of the boat?

A: Yeah, but he kind of knew and

Q: Okay

A: He knew that he fell off

Q: And you saw him floating for

A: Yeah he floated for like a few seconds uh face down, yeah like his, he wasn't really floating long no

Did you see him fall off? How did it happen?

A: He, like the whole time he wouldn't really get up you know knee boarding (inaudible) and he was kind of laying on his stomach so he'd like kind of fall off and kind of flip and stuff so when he was up, he was like up for like a second like normal, like laying in the water but then he kind of went down

Q: Did you see him anything or?

A: No, he could have hit his head on the board or on something because all water was splashing up and then

Q: So there was water splashing and you couldn't see?

A: Yea I could barely see until we stopped

Q: Oh the board, you said you went back, you turned around and went where the board was and dove in, did the board come loose?

A: The boards not attached to anything

Q: It's pulled, pulled by the boat right?

A: But it's not attached to the boat

Q: Oh it's not?

A: No. It's not attached to him either (inaudible) the straps

Q: So he's just holding on to it?

Yeah. He's holding onto the tow rope with the board underneath him

Q: But the tow ropes on the boat, he's holding the tow rope, knee board

A: Yeah

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Q: So the board, you see his board (inaudible) and the board stop he was in the area

A: Yeah

Q: Okay.

A: And then I think that since he wasn't going up like above, like in front that he probably hit his head when he was back like on the board like there was like a, probably like a flip of the board in front of him

Q: Yup

A: Because when he was laying

Q: So you're say what, he was laying on the board or was he kneeling?

A: He was laying trying to get up on the knee board and he only got up like a few times I guess for probably a few seconds and most of the time he was laying (inaudible)

Q: Knees? On his knees?

A: Yeah

Q: Hanging on?

A: Yeah

Q: (inaudible) go over the side of the board or the front? Back with his hands, how was he hanging on to the board, the front or the side?

A: No he's not holding the board he's holding actually the tow rope

Q: The tow rope, so he holds the board with pressure with water coming in and he's on his knees, and you guys have all three of you, you, why did you meet at the beach? At the uh Town Hall? Did you have anything else to do or?

A: No

Q: Were you drinking at all?

A: No

Q: Nothing at all?

A: Nothing

Q: Maybe uh, anybody on the boat drinking?

A: Nope

Q: And after uh, who called?

A: Ryan called uh, because he was driving so, and he had his phone with him, I didn't have mine

Q: But you guys dove in for, to help how many minutes you think it took there before you realized that you needed to call?

A: It wasn't, because we dove in and looked around, like he was down so when we got out he called right away

Q: So when you pulled up to the knee board, and you turned around after he fell off, you never saw him floating at that point?

A: No, not, not really, he was down by then

Q: Alright. You dove in, did you go to the bottom?

A: Yeah

Q: You were able to go to the bottom?

A: Yeah it's not that deep

Q: What time was that at, or about?

A: I want to say it was around 7:30 but I'm, I'm not sure about that

Q: So 7:30. And how deep do you think it was?

A: I think on the (inaudible) its 8

Q: About 8 feet?

A: Yeah I think, I think that's right

Q: How many times did you go to the bottom?

A: Uh a few times and we swam around but then we realized that it was kind of like, that we should probably call the police. Who uh and then we went and yelled over to John's boat to come help us

Q: Where were they?

A: They were in the river uh wakeboarding

Q: They were wakeboarding too?

A: Yeah

Q: So they may have witnessed at the time?

A: No I don't think they saw it

Q: At the exact same time you said Pat was knee boarding and they're wakeboarding?

A: Yeah. But they're wakeboarding more towards the White Church Bridge

Q: Alright. When you dove off the boat, did, did you guys just leave the boat?

A: No he turned, Ryan turned, I don't know how to work that stuff, he turned it off so

Q: Yeah no and then you let it float and then you'd come back to it?

A: Yeah

Q: But there was definitely uh, (inaudible) any alcohol?

A: No. No alcohol

Q: Anything else that you can think of?

A: What do you mean?

Q: That happened, anything that happened that took place that we should know?

A: No

Q: Were you always the one looking out?

A: Well, when, we were knee boarding like it was just me and Ryan, he wasn't on that long, before when there was more people we were all looking out and when it was just me and him it was probably like 15, 20 minutes probably, I'm not even sure

Q: Okay

A: And then I was looking.

Q: What did Davis get off his own boat?

A: Well when he was floating in the water next to Pat I guess he got on John's boat, I don't know why he got on John's boat

Q: He just got on John's boat, and Ryan took over his operating the boat?

A: Yeah

Q: You've never operated, you're not familiar with it?

A: I don't do that

Q: So there's nothing else you can think of?

A: No

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\_\_\_\_\_  
SIGNATURE

Statement taken by \_\_\_\_\_

Witnesses: \_\_\_\_\_  
\_\_\_\_\_

WITNESS STATEMENT

TIME: Hours  
DATE: 07/18/2007  
PLACE: Barrington Police Station

I, Brendan William Loflin, voluntarily,  
without threats or promises, make the following statements:

Q. What is your name?

A. Brendan William Loflin

Q. What is your date of birth?

A. 1990

Q. What is your present address?

A. 5 Tallwood Drive, Barr., RI

Q. What is your occupation?

A. Student BHS

Q: (Gerry Coyne) Alright Brendan. We're on the record now, we're on the record to be tape recorded, and I introduced myself to you before, my name is Gerry Coyne I'm the deputy attorney general. You're here today as to why you (inaudible) we're at the Barrington police station and you're with your lawyer, (inaudible) because you asked to come back in. is that right?

A: Yes.

Q: (Coyne) As we talk Brendan, what I want you to do and I know, Richard indicated this you because you're being tape recorded. You need to speak as opposed to nod OK?

A: Yep.

Q: (Coyne) OK. Present in the room is Lieutenant DeCrescenzo, Detective Birrell from the Barrington Police, Chief LaCross, who you know and Sergeant Cabral from D.E.M. the reason that there are three people here is this, because this is such a fluid situation right now, each of them is familiar with different topics but nobody's kind of put together the whole thing. So each of them kind of may have different questions for you that the others are even really aware of? Ok so that's why there's three. Before we start, I sent a letter, I gave a letter today to your attorney are you familiar with the letter?

A: Yeah.

Q: (Coyne) OK and you've had a time to read it, understand it with your lawyer?

A: Yes.

Q: (Coyne) OK Brendan before we start I just want to make clear something. This is what we call a free talk ok? The free talk means that subject to the terms of this letter, you will not be charged with any crime coming out of this statement, its explained in here, provided one very important caveat. And that very important caveat is that you're completely truthful OK?

A: Yeah.

I understand I know what I am doing and I am not being coerced or threatened in any way.

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Q: (Coyne) Now, when I talk about being completely truthful I'm not just talking about affirmatively saying something not true, if you're asked a question, and you don't give a full answer when you should have, we also have a view that as less than truthful. OK so it's important not just that you not lie, but that you tell the whole truth. And particularly we're trying to kind of still figure out what went on. Again why this is very important is that last night you were here at the police station and gave a statement. Lieutenant DeCrescenzo will probably cover a lot of that but after you left last night and we talked my hope was that you were going to come back in here. And you have. But as I indicated the most, single most important thing right now is that you tell the truth. (3)

A: That's why I'm here.

Q: (Coyne) And I appreciate that. OK and the fact that you've come here with Richard. He and I used to work together he mentioned that to you, but if at any time you and he want to talk, take a break that's fine. Ok. And you need to be comfortable and if you're not comfortable, take a break. At this point I'm going (inaudible, police dispatch)

Q: Can you state your name?

A: Brendan Loflin.

Q: OK and we spoke last night?

A: Yeah.

Q: And you had mom and dad with you at the time?

A: Yeah.

Q: OK I'm just going to let you tell us in your own words what took place yesterday, and you can start, I'd like you to start with what you did yesterday during the day and what time you got up very quickly until we get up to that point that you were out on the river. And who you were with and speak as loud you can and (inaudible overlapping police dispatch) (Coyne) can you also um, (inaudible) Mention last names?

A: Yeah.

Q: (Coyne) OK because sometimes the names from last night, (inaudible) blur together, so you may know who you're talking about but we don't.

A: Alright.

Q: (Coyne) We're confused.

A: OK so I woke up and I went to the doctors with my mom and then after that I met up with Pat Murphy and Sam Kascala (sp?) and we went to Burger King and Grant Ferguson met us at Burger King we ate there and we came back and we thought we were gonna go on the boat um, we got alcohol from the woods, and but it wasn't (inaudible) and we drank over down behind the library I only had like three beers it wasn't much and then we were waiting for them to pick us up and we were out there for a while and um, when the boat came we swam out to them and I just brought one beer with me. And uh, we were out on the boat we were swimming for a while and uh, the Pat went knee boarding for a long time. And then after that's when (inaudible) do you want me to tell you how it happened?

Q: Yes please.

A: Alright so when he fell off, Ryan turned around and uh, he was like talking to Pat and um, well he like he went forward like so Pat could get the tow rope and he like kind of skillfully (?) went towards him and it didn't come out the other side you could tell,

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Q: OK can you explain that a little better? I know its tough but,

A: yeah um,

Q: (Inaudible) Tell them when you were in the boat, tell them that part.

A: So I was in the back like right corner of the boat. Because I was watching for him when he would fall off. And then Pat was up in them up in the water in the front left. Like, front left of the boat,

Q: Are you close to him after he fell off?

A: After he fell off, Ryan turned around and Pat was like up to the front left he wasn't like, like a little further than that wall, I'd say, I'm not even too sure, but um, so then it was like, they were like talking like Pat was like 'slow down' and Ryan was like 'I'm going slow' and whatever like that. And then Ryan kind of like pretended to hit him and I didn't look like he hit him and there was no like sounds of him hitting him, right because he was on the kneeboard so I figured if he did hit him it would make a noise. Because he wasn't going fast and there was no noise at that and we came out and he was laying face down and then he went down.

Q: (Chief LaCross) Was he on the kneeboard at that time or off?

A: Off the kneeboard, like right next to it.

Q: (Chief LaCross) You said he was kidding, what do you mean by that? Ryan was kidding, like he wanted to hit him?

A: Yeah like go kind of, it looked like he hit him because I was in the back right and pat was up on the left, so to me it didn't look like he hit him because I couldn't really see what he what he (inaudible)

Q: (Coyne) Was it like a blond spot?

A: Yeah, it was just like, he was up here and I was back here. So I couldn't really see him anyways, so when he went up close to him,

Q: (Coyne) Now after he hit him, (inaudible) that Ryan was, (inaudible) you said he was lying face down? Did you know he hit him at that point? When did you first realize that he?

A: Well for a second we thought he was joking but then we realized,

Q: (Coyne) Why? What was it that,

A: It's because he like, layed and then he just sunk.

Q: (Coyne) Was he bleeding or?

A: Well we were like further past him kind of because like the boat like kind of drifted because I don't think Ryan thought he hit him and so when he came out the back it was like ten feet away probably. Or whatever and uh,

Q: (Chief LaCross) Brendan are you saying that the boat went over his body and he went out the back?

A: Oh I, see I didn't physically see it, but that's what I feel would happen because that's the only reason he was laying flat but I could see his back and we knew it wasn't like cut up or anything,

Q: (Coyne) From what you've seen there are no cuts, no cuts on him?

A: From what I saw it didn't look like there was cuts, like he was like further back in the water and it was, brief. I thought, I saw the water was red but I mean that water is weird colored anyways and you can really decipher that thinking that.

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Q: (Coyne) How fast was he turning, when he was approaching (inaudible sentence)

A: When he was approached, well at first they were talking. Pat was in the water and Ryan was and they were like talking and,

Q: (Coyne) Inaudible.

A: Oh Pat was like 'you're going too fast' or whatever so Ryan was going, when he was knee boarding Ryan was only going like twelve, fourteen miles and hour he was going pretty slow and then when he was like approaching him, he wasn't fast but then he kind of went like fast like to go out of the way but he didn't go like, fast fast because

Q: (Coyne) The boat kind of (inaudible)

A: No, it wasn't like,

Q: (Coyne) Now, you made a motion, did he turn the boat at the last second?

A: Yeah, he like turned it

Q: (Coyne) Which was would you, if you recall him turning it.

A: Right,

Q: (Coyne) right, and Pat was up on the left you said?

A: Yeah.

Q: (Coyne) And he turned away from him to the right?

A: Yeah but like (inaudible) it was probably too late when he turned.

Q: (Chief LaCross) Was he turning into Pats direction?

A: No.

Q: (Chief LaCross) But you said earlier that he was trying to pull out of his way,

A: Yeah like he was screwing around like he was going towards him and then he turned away.

Q: (Chief LaCross) But it was too late at that point and, you're in the back of the boat correct?

A: Yeah.

Q: (Chief LaCross) You didn't see Pat come out in the back of the boat, because you're looking in the back?

A: Well he was like underwater and kind of popped up with the board,

Q: (Chief LaCross) Behind the boat? At the stern of the boat?

A: Yeah.

Q: (Chief LaCross) This a question,

A: Yeah.

Q: (Chief LaCross) You're still in the back of boat and you're looking down at the engine,  
A: I want to say that there wasn't directly behind the back of the boat though, that's what made us confused because it was out to the, he might've been out the right, it was either out to the right or left, you know, I cant remember that. but he didn't come like directly out but the (inaudible) just pushed him or the water, I don't know.

Q: (Chief LaCross) But was Pat on the knee board at that time or was he off the kneeboard or were you trying to get the kneeboard to?

A: After?

Q: (Chief LaCross) No when the boat him?

A: He was (inaudible, overlapping conversation)

Q: (Chief LaCross) So the kneeboard didn't go under the boat either?

A: Well the kneeboard was with him. He was like holding it when the kneeboard came out.

Q: (Chief LaCross) Are you sure about that?

A: Not afterwards, he wasn't holding it.

Q: (Chief LaCross) OK. (Coyne) Brendan, after you hit him, I'm asking you, (inaudible) what if anything did you and Ryan say to one another?

A: I started (inaudible) and then we jumped in the water and then we got out and Ryan called the police.

Q: (Coyne) My question was, what did you say to one another? What did he say to you? what did,

A: He was like 'this isn't happening' 'don't tell me this is happening' and I was like 'hes dead' I just had a feeling. I don't know. And then,

Q: (Coyne) At some point, when you came in here last night you told the story different.

A: Yeah.

Q: (Coyne) At any time did you discuss with Ryan what your stories were going to be?

A: Before he said 'just tell them that he fell off' and I said,

Q: (Coyne) Where does that conversation occur?

A: On John Lyon's boat.

Q: (Coyne) Who else was there?

A: Um, well I don't think anyone heard him say that.

Q: (Coyne) Now, I'm saying this Brendan because I have to, but I said to you how important it is that you be truthful.

A: Yeah.

Q: (Coyne) Because we're going to be talking to a lot of people and if you tell me nobody else was there,

A: Oh no, there was people on the boat.

(4)

Q: (Coyne) That they heard,

A: But I don't know if some, I can tell you,

Q: (Coyne) I need to know, we need to know who.

A: Alright, Nick Panagos, Turner Davis, John Lyons, and uh, there was an older kid but I don't know where he, actually, I think the older kids on after because he was on the dock I don't think he was, oh it was Pat Dolan who was on,

Q: (Coyne) How big a boat is John Lyons's boat?

A: I couldn't tell you, its like a wakeboarding boat.

Q: (Coyne) where were all of you, where these people with regard to you and Ryan when that discussion occurred?

A: Well, I think they were more focused like I was focused on trying to find him and he just kind of said it to me, he was, they were like towards like the back of the boat, you can go up to the front and it has one of those you know, like sections and in the back there's all seats, we were closer to the front, but like not in the front and, yeah he told me to say, last night this was, everything was kind of hard to really tell,

Q: (Coyne) Is that the only discussion you had with him?

A: Um, yeah.

Q: (Coyne) So in other words that, what you're, that very brief discussion on the boat was,

A: Yeah,

Q: (Coyne) But (inaudible) from that point on, you were relying on that, (inaudible) tell us what you told him,

A: What do you mean?

Q: (Coyne) Well remember the discussion last night about, you were saying nobody was drinking and we, think that people were, and what I, you know, we'll talk to you more about that, but it seemed like at least from what I'm hearing the part of what you're telling us today is much more detailed than just, and it seems to me, I could be wrong, I could be dead wrong but it seems to be it should've been a greater discussion between you and he about what the story the (inaudible) considering everything that had happened. If there wasn't that's fine,

A: No there wasn't because I wasn't you know, it was kind of hard, I mean he just died, I was more concerned, he was freaking out the whole time and like saying all stuff and like yelling and,

Q: (Coyne) Like what kind of stuff?

A: Like you could tell by his actions that he did something wrong but he was guilty and you know he felt terrible and he,

Q: (Det Lt.) You said he was screwing around, or acting like he was going to hit him, I have (inaudible) did he say that?

A: No.

Q: (Det. Lt.) Going towards him?

A: No he didn't say that.


Q: (Det. Lt.) But he turned quickly or something,  
A: Yeah he was like right, I mean to the left and he was kind of close to the boat,

Q: (Det. Lt.) Was Pat yelling at him?  
A: What, (inaudible) well yeah, Pat was like 'you're driving too fast' and all this stuff but he wasn't like yelling at him?

Q: (Det. Lt.) Swearing?  
A: Well Pat swears at everything, like all he does is swear but it was not like,

Q: (Det. Lt.) He lets go he never leaves the wakeboard or the knee board but he lets go of the tow rope? Is that what happened to?

A: (overlapping conversation) No, he would have, yeah,

Q: (Det. Lt.) So now you're coming towards him, this conversation, would it be fair to say between Ryan and Pat when he's in the water, holding onto this board, were they swearing at each other? 

A: Um, yeah Pat was like 'you're driving too fucking fast' and stuff like that but he wasn't, it wasn't like an angry thing it was like, it wasn't anger, or anything like that.

Q: (Det. Lt.) The people you know, they heard everything from ashore so what did they yell back and forth for a long period?

A: No not really it was like, like thirty seconds.

Q: (Det. Lt.) Pat yelling at him and then when the boat hit him, silence or?

A: Yeah.

Q: (Det. Lt.) Yeah? (New questioner) What made you think you?

A: Dead?

Q: (New questioner) No, no, no, no what made you think he was fooling around like he was trying to scare him or go at him?

A: Well that's the only way I can? He wasn't trying to kill him obviously,

Q: (New questioner) Right right, but what in your mind made you think that he was actually trying to scare him a little bit?

A: Well people do that all the time.

Q: (New questioner) Was he making comments?

A: No, he didn't make any comments.

Q: (New questioner) Could you see that from his motions?

A: Because obviously he's not trying to kill him.

Q: (New questioner) So, what I'm trying to say is, not because he couldn't handle the driving of the boat, he knew what he was doing?

A: Yeah he knows what he's, he has his boaters license, I'm pretty sure.

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Q: (New questioner) Was he capable of handling this boat?

A: Yes he knows how,

Q: (New questioner) Picking up somebody out of the water?

A: Yeah Pat was knee boarding for a while before Ryan (inaudible) Ryan driving.

Q: (Det. Lt.) How, hoe much did Ryan have to drink, you were with him for a couple hours?

A: Well before got on the boat I wasn't with him, I don't know what he was, and then he had like some rum on the boat that I didn't know was there until like later on but there was like that much in the bottle it wasn't like much.

Q: (Det. Lt.) already empty?

A: What?

Q: (Det. Lt.) Already empty?

A: Yeah, yeah.

Q: (Det. Lt.) Full size bottle?

A: Yeah.

Q: (Det. Lt.) And you said you got on, you swam to the boat?

A: Yeah.

Q: (Det. Lt.) With Sam?

A: Sam and Pat.

Q: (Det. Lt.) And Pat?

A: Murphy.

Q: (Det. Lt.) Murphy,

A: Ben Krukala (sp?)

Q: (Det. Lt.) Krukala? And what kind of beer did you have?

A: Harpoon,

Q: (Det. Lt.) And a six pack?

A: Yeah.

Q: (Det. Lt.) You said you brought one beer on the boat?

A: Yeah, one beer onto the boat.

Q: (Det. Lt) How many did you leave the shore with? And be honest with me.

A: Leave the shore with? Two. And one fell in the water.

(5)

Bar. nington Police Department  
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Q: (Birrell) Where did you get the beer?

A: It was like in the wood, I had been out for like a while, because I have like this, some virus. And um, my, it was like in the woods, I don't know where it was from but it was in the woods. Over um, off Washington. And like it was probably, from someone else, yeah it there's always like stuff around. It was from one of my other friends but,

Q: (Birrell) Did you see Ryan have a (inaudible)

A: Yes.

Q: (Birrell) How (inaudible)

A: Of rum. About,

Q: (Birrell) How many sips did he take?

A: Like I wasn't like watching him because there was like literally, like it was like, like almost like empty I witnessed him maybe take two sips. I witnessed him two, and they weren't like big sips or anything and uh,

Q: (Birrell) Did he take someone's beer or anything?

A: No.

Q: (Birrell) He didn't drink any beer?

A: No beer.

Q: (Birrell) No beer.

A: No beer.

Q: (New questioner) Inaudible while you were there?

A: Yes while I was there, like I wasn't with him before he got on the boat so,

Q: (Birrell) Inaudible, was on the boat before you got on the boat?

A: Yes but I didn't know it was there until mush later on.

Q: (Birrell) And we're talking about, (inaudible) we're talking about?

A: Turner Davis.

Q: (Birrell) Turner Davis. (Coyn) Now, Turner Davis is not on the boat?

A: Correct.

Q: (Coyn) How did that come,

A: Because um, me and Ryan had to drop off Trey Taylor at the dock at the Yacht Club because he had to go home. Then um, Pat and Turner stayed in the water. Pat Murphy and Turner Davis stayed in the water. Pat was on the kneeboard and Turner was floating or whatever and then I guess John Lyon's boat picked Turner up. And when we came back Murphy had floated all the way, almost to like the white church bridge. And uh, then we, picked up, and then he went kneeboarding for a while with Ryan driving.

Q: (Coyn) So did Turner give him permission to use the boat?

A: Yeah Ryan said 'I helped wax this boat for Turner, he lets me drive it' (inaudible)

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Q: (Coyne) Did you hear him ask permission or did you hear a conversation between the two of them about whether or not Turner was letting him?

A: No because we didn't know Turner was gonna go on Johns boat,

Q: (Chief LaCross) Did you hear Turner say 'hey, Ryan, where are you going with my boat?'

A: No,

Q: (Chief LaCross) 'Where you taking my boat?'

A: No, because Pat was just kneeboarding behind him.

Q: (Chief LaCross) Did Ryan say 'I'm going to take your boat down the river with Pat' (inaudible)

A: No because, the John Lyon's boat they were just wakeboarding around and, Turner didn't say anything.

Q: (Chief LaCross) When you left the area, you're heading south now on the boat?

A: Which way is south?

Q: (Chief LaCross) South is heading down to the old police station. (Inaudible) the bike path.

A: Oh, yeah. Yeah.

Q: (Chief LaCross) You take one run down and Pat's on the back of the boat? Or back,

A: Well no, we took a few runs, or,

Q: (Coyne) In that area?

A: Yeah we kind of went in circles for a little because he fell off. But then when we went towards that area,

Q: (Chief LaCross) But you go down (inaudible) You're heading south, what happens that that point?

A: Then he falls off, and he's in the water, and then Ryan's like coming around uh, to get him and he's kind of facing to the left side of the river when you're facing south sort of, on like an angle.

Q: (Chief LaCross) Right near Hanrahan's house?

A: Uh,

Q: (Chief LaCross) He lives on New Meadow Road.

A: Yeah,

Q: (Chief LaCross) Was he on the New Meadow Road side or he's facing Country Club, Fireside?

A: Facing New Meadow.

Q: (Chief LaCross) OK.

A: But like, sort of, not straight to the, just like it turns a little that way, and Pat was in the back, oh no, when he came out Pat was at the front left. And then he like did that whole thing.

Q: (Det. Lt.) And he turned quickly?

A: Yeah.

Q: (Det. Lt.) And that's when the boat ran, ran over, (Birrell) How many times did (inaudible)

A: Well how many times did what happen?

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Q: (Birrell) How many times did Ryan (inaudible)

A: This was the only time. He didn't screw around, except for that time.

Q: (Det. Lt.) Except for this time?

A: Yeah.

Q: (Birrell) All day he wasn't screwing around (inaudible)

A: No he wasn't screwing around. He was actually being responsible, he wasn't like going fast when he was knee boarding or anything,

Q: (Chief LaCross) You're in the back of the boat Brendan right?

A: Yeah because I was looking,

Q: (Chief LaCross) You're in the back of the boat, to the right or to the left side did you say?

A: To the right.

Q: (Chief LaCross) To the right of the end. OK, you have a 'you're going too fast'

A: I could see him at this point.

Q: (Chief LaCross) OK. When you can't see him, when he (inaudible) do you hear a thud?

A: No, there's no noise. That's why,

Q: (Chief LaCross) You didn't hear him hit the prop?

A: That's why, no, I didn't hear anything.

Q: (Chief LaCross) So, you're in the back right of the boat, where does his body come up in relation to you?

A: That's hard to say but it, kind of in the back but to the like, angled, but I,

Q: (Chief LaCross) On your right side? On your right side, you're there, and you're on the right side of that engine, where does that body come up on you're side or the opposite side of the engine?

A: Behind, just behind the boat and I cant really, you know, remember where,

Q: (Chief LaCross) So you don't hear anything hit? A thud or make a noise so you don't have any reason to keep looking forward, are you looking in the back?

A: No, I'm looking at the back.

Q: (Chief LaCross) Alright, so all of a sudden you see the body come up?

A: Yeah kind of like under for a little, and then it like,

Q: (Chief LaCross) So its underwater, you see the body ride up,

A: Yeah it was up for just a little,

Q: (Chief LaCross) Right, and now you're boat, is drifting away from him as his body ends up,

A: Ryan was kind of like going to get the tow rope, like grab it and then he had to turn when he,

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Q: (Chief LaCross) But at that point you actually see rising up?

A: Well, its, yeah it's kind of like, yeah. It was like up, yeah.

Q: (Chief LaCross) He comes to the surface a little bit?

A: Yeah he was at the surface for a little.

Q: (Chief LaCross) Did you say anything to Ryan at this point?

A: For like the first second we though he was screwing around but then I knew that, you know something bad had happened.

Q: (Chief LaCross) You see the body, he's face down right?

A: Yes.

Q: (Chief LaCross) Do you see any cuts on him at all?

A: No, I didn't see any cuts but I thought the water was red, but I can't, you know I don't, don't hold me on that because I'm not,

Q: (Chief LaCross) Inaudible. When you see the body, he's face down, are his legs in the water or are his legs up?

A: Uh, it looked like his chest was in his way but it kind of in the water and you could only really see his back,

Q: (Chief LaCross) Could you see the back of his head?

A: Um, not really, well yeah you could see, yeah like its, but not really, like hes back (inaudible)

Q: (Chief LaCross) Did you see his arms?

A: No,

Q: (Chief LaCross) Were his arms out?

A: No.

Q: (Chief LaCross) Parallel or were they hanging in the water?

A: I think they were hanging down.

Q: (Chief LaCross) And just explain for the record how did the (inaudible) disappear? Inaudible.

A: He just goes down.

Q: (Coyne) Brendan, was he responsive at all? Did you see any movement from him?

A: It was like,

Q: (Coyne) The extent of no movement at all? Nothing? Nothing, is there any question in your mind that the boat hit him.

A: Yes. I mean, I'm not positive the boat hit him, but that's what I feel happened because how else would, unless like the water came up and he swallowed it or something like that but I did not physically see, but that's what, you know, seems to have happened.

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Q: (Coyne) You're saying that he's in the water and when the boat goes, (inaudible) because you're in like a blind spot,

A: Yes.

Q: (Coyne) And the next thing you see (inaudible) He's behind the boat?

A: Yes.

Q: (Coyne) At that point he's not moving.

A: Yes.

Q: (New questioner) Can I have a minute, can we go off the record for a minute? Could you give us a minute? With uh, Brendan?

Q: (Coyne) Brendan, now we've been back to a break you might've seemed taken (?) from my last question, I'm having a very hard time piecing everything together. And one of the reasons I'm having that hard time is I haven't had a boat in a lot of years but when I was a kid growing up and had a boat on the Barrington River, I hit things, you know I hit logs, I hit bottom, and every time I hit something, I knew it, there was never any doubt in my mind there was always either a sound of motor (inaudible) turning, you just know it. And when, when I'm trying to listen to what you're saying and you're saying 'I just don't know, maybe he gulped some water' (inaudible) That's when I can tell. (inaudible) You loose again. Because I think you know and I know, he didn't just gulp water.

A: No, I would tell you if I felt a thump or anything, there was no bump.

Q: (Coyne) Brendan I don't know that, but my strong sense is that when a boy's body is found with catastrophic injuries on it.

A: Yeah.

Q: (Coyne) And I don't want to have the situation we look back on this statement and say, 'how could that possibly be based on your statement'.

A: Well I'm telling you right now, that's what looked like happened.

Q: (Coyne) You don't hear anything?

A: No. there was no, he had music on so I was, but I,

Q: (Chief LaCross) Was the music on?

A: What?

Q: (Chief LaCross) Was the music on?

A: Yes.

Q: (Chief LaCross) Was it really loud?

A: Not too loud but,

Q: (Chief LaCross) Did Ryan say anything to you like 'I think we hit him'?

A: Um, well when he came up I was like 'I think he's dead'

Q: (New questioner) Why do you say that?

A: What?

Q: (New questioner) Why do you say that?

A: Because I had a feeling.

Q: (New questioner) What gave you that feeling?

A: I don't know, I just,

Q: (New questioner) Were you looking at him on the surface?

A: And then he does down.

Q: (New questioner) What did you see when you looked down?

A: What did I see?

Q: (New questioner) What did you see?

A: What did I say?

Q: (New questioner) What did you see, what made you say, (inaudible)

A: I said Pat, I don't know why, you know,

Q: (Coyne) But my problem is, as we, as we, I have to assess your truthfulness. I am, I believe that if at one point the boy's body is found and the injuries are looked at, we're going to have to look back at those injuries and what you're telling,

A: And that's what I'm telling you, that I thought there was blood and I wasn't sure and,

Q: (Coyne) Did you see any injury?

A: He was literally there for like two seconds then he went down. So no, but I thought the water was red. That's what I thought, that the water would be, its like brown and everything and you cant really tell. That's what I thought. It looked like.

Q: (Coyne) Well then go on from the second that happened what is the conversation between the two of you?

A: I, that's when I'm pretty sure I said 'I can tell he's dead' that's like a blur. Because you know, that's pretty um,

Q: (New questioner) you said that verbally 'I think he's dead'?

A: Yeah.

Q: (Coyne) And what did Ryan say?

A: Ryan's like 'this isn't happening' and all this stuff and 'tell me this isn't the truth' stuff like that.

Q: (Coyne) How drunk was Ryan that night?

A: To my knowledge, not very drunk, but as I told you I was not with him before we got on the boat.

Q: (Coyne) I understand that you're seventeen. And I understand that by law you're not even supposed to have alcohol until you're 21.

A: Yeah.

Q: (Coyne) But I also have a sense of seeing people drunk enough to (inaudible) that if they think they're (inaudible) if they're really drunk, whatever.

A: Yeah.

Q: (Coyne) Because all (inaudible) some point in our lives.

A: Yeah.

Q: (Coyne) How drunk was he?

A: How drunk? Like on a scale of one to ten?

Q: (Coyne) Yes.

A: I'll say like a five. He really wasn't that drunk because when Ryan gets drunk he'll yell loud stupid things and he wasn't really like,

Q: (Coyne) Was acting differently, you know him, was he acting differently than when he's sober?

A: No, if he was drunk like he would've drove the boat really fast too and Pat was kneeboarding and he was going like really slow, like Pat was always telling, like he was going like fourteen, twelve miles like, not fast. And Ryan kept saying you gotta go faster so you can get up and then Pat was like 'I don't feel like doing, (inaudible).

Q: (Coyne) We get off of this last night (inaudible) like three hours later this, (inaudible) so for you to say to me now, he was like five out of a scale of ten, I'm having a hard time rationalizing that. And again, when people tell you

A: Well you're asking me what,

Q: (Coyne) But I just want you to remember this is your chance to tell us everything.

A: Yes, I'm telling, and you're saying are you saying the scale?

Q: (Coyne) I don't want you to hold anything back. (8)

A: I'm not holding anything back.

Q: (Coyne) Because you're situation now because of entirely somebody else's (inaudible) Because you were a passenger in a boat and the only way you can get yourself in trouble is if,

A: If I lie to you,

Q: (Coyne) If you lie. (9)

A: I'm not trying to lie to you that's why,

Q: (Coyne) I don't want to hear about trying to lie,

A: I'm not lying to you.

Q: (Coyne) OK, remember what I said. Lying is more than just telling something that you know is not true. (11)

A: Right.

Barnington Police Department

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Q: (Coyne) Lying is holding something back and during the course of this invest, we have neighbors on the shore that heard things, we have people on the boat, (12)

A: Yeah, people came out.

Q: (Coyne) And some of what you're saying, I'm having trouble rationalizing. And I, trust me, the fact that you came in here, and the fact that you took the initiative to call, before we called you, makes me want to, help you.

A: Thank you.

Q: (Coyne) But that already has its limits. And one of those is if you're not telling us the whole truth it will do me no good for you to call tomorrow and say 'you know, I slept on it again and I got a little,'

A: I'm here because I'm telling you the truth.

Q: (Coyne) Have you talked to Ryan since this?

A: HE called me, or, we called his girlfriend's phone last night when we were all at the beach.

Q: (Coyne) Who's his girlfriend?

A: Cassie Morris. And uh, he talked to me, but I didn't really want to talk to him so I was kind of like, here

Q: (Coyne) What time was this?

A: Mmm like one, one o'clock.

Q: (Coyne) In the morning?

A: Yeah.

Q: (Coyne) After you left the police station?

A: Yeah.

Q: (Coyne) And what did you talk to him about?

A: He was in, he was like 'I feel terrible' and I was like 'well everyone's here at the beach,' or something and he was like 'I'm just sitting here'

Q: (Coyne) Where's here? Where was he (inaudible)

A: He's like 'I don't know what to do' and all this,

Q: (Coyne) Did you and he ever discuss the statement you gave to the police?

A: What afterwards?

Q: (Coyne) Yeah.

A: No sir (???)

Q: (Coyne) You didn't talk (inaudible)

A: No I did not talk to him this morning.

Q: (New Questioner) Did he ever tell you, 'don't tell the police we hit him?'

A: Before he like, briefly said, you know, 'he fell off, say that', but,

## Barrington Police Department

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Q: (New Questioner) But did he ever say to you 'don't tell them that we hit him'?

A: I don't think he told me that. I really, but when, also when we got on John Lyon's boat he said to me 'don't like, 'don't um, say he fell off' and I was like 'I'm,' I said something like 'until they find out' or something like 'they're going to find out' or something and the John, John Lyons overheard me and he's like 'why pretend', you know, because its so traumatic he didn't really think about it.

Q: (New Questioner) Did he ever say to you, 'don't tell them we ran over him'?

A: No he didn't say that to me.

Q: (New Questioner) Did he make any statements to you referring that you guys caused his death?

A: What do you mean?

Q: (New Questioner) Not you, um, did he ever make any statements that him driving the boat like fooling around, might've resulted in his death after this happened. Did he ever say anything to that effect? Like 'don't tell the cops that we hit him' 'don't tell the cops we ran over him' 'don't tell the cops the real story' 'just make it up'?

A: Now that I think about it, he probably did say to me, 'don't tell them we hit him' but its, its, I really think he just said, because when I was with him we were on John Lyon's boat and he said 'tell him he fell, he fell off'. So he may have said to me, 'don't tell them we hit him' but,

Q: (Coyne) Of all the things we're going to talk about, he may have said, I'm thinking, does no good.

A: Right.

Q: (Coyne) From my point of view, as the person (inaudible) the single most important question I have is about that statement. (???) Did he acknowledge to you that operating that boat, he hit Patrick?

A: He knew he hit him.

Q: (Coyne) How do you know that?

A: He's dead.

Q: (Coyne) How do you know that?

A: Because he sunk.

Q: ((New Questioner) You told us earlier that he might've swallowed water and he drowned.

A: Yeah but I mean, that's because I didn't feel the boat hit him or anything but, I was,

Q: (New Questioner) OK what did, the deputy attorney general's saying what did Ryan say to you about hitting him hitting Patrick?

A: He said, 'don't tell me this is happening'. After it happened and I said 'he's dead.' You know?

Q: (New Questioner) Did he view the body?

A: Did he view the body? Yeah he saw it.

Q: (New Questioner) And what did he say?

A: And he was, you know 'what are we gonna, don't tell them this has happened' he kept saying 'don't me this is happening'

Q: (New Questioner) Did he say anything else, describing the body, what it looked like.

A: No.

Q: (New Questioner) He wasn't like 'Oh my god, look at his back' or 'look at this'. You guys are where on the boat when you're talking about this right now. In the back, did he go in the back of the boat at this time to talk to you, to look,

A: Well we like jumped in, right after he, like we noticed he went down, like after he was,

Q: (New Questioner) Before he went down, you're in the back of the boat to the right of the engine, what happens at that point? How does he know that he hit Patrick?

A: I was like 'holy shit' or I like freaked out.

Q: (New Questioner) What did you say?

A: Like, I was like 'he's dead' like or, like, I mean at first, like for like a second I thought he was joking but I mean, I knew, you know, I wanted to think he was joking that more what I mean,

Q: (New Questioner) Brendan what happened I want to know what he said after you see the body coming up to the surface, do you yell do you scream do you say 'what the fuck?'

A: Yeah. I was pretty uh, I yeah,

Q: (New Questioner) What did he say, for the record, what did he say?

A: I can't remember exactly, I was just you know, something like, 'holy shit' you know like, what the,

Q: (New Questioner) And what does Ryan do at this point? Does he shut the engine off? Does he? Doe she go back?

A: Yeah and then we jumped in,

Q: (New Questioner) Before you jumped in, does he come to the back of the boat with you?

A: Yeah, yeah.

Q: (New Questioner) And where is he at that point of the left side of the engine?

A: Yeah he's like near the, no he kind of shuts the, after it happened he shuts the engine off. And then

Q: (New Questioner) And, what did you do at that point?

A: He said 'don't tell me this is happening' and we dove in the water.

Q: (New Questioner) He doesn't come back and look at the body with you?

A: No we kind of just jumped in and then we realized that we had to call the police.

Q: (New Questioner) Well before (inaudible)

A: Alright.

Q: (New Questioner) How far way is the body from the boat at this point?

A: Uh, like ten, fifteen feet.

Q: (New Questioner) So you must've been going pretty quick to hit, for him to hit the body and keep going past it, as he's going away? Its not like he was going really slow and his body pops up right behind you and within three or four feet. You're talking like fifteen feet?

A: Yeah.

Q: (New Questioner) So does he see the body when its still on surface?

A: Yes. He sees the body.

Q: (New Questioner) What does he say to you at that point?

A: 'Don't tell me this is happening'

Q: (New Questioner) Did he say anything like 'I can't believe I hit him'?

A: I, he just said 'don't tell me this is happening'. He repetitively said that.

Q: (Coyne) Brendan my concern is, you're the one, nobody put the words in your mouth about swallowing water. OK? That was you're thing. I'm,

A: More, I more said that because like, you know, I hope that, that happened or something,

Q: (Coyne) If you thought for one second that happened, and you came in here last night and your friend may have swallowed water and drowned in a tragic, tragic boating accident, I have every reason to believe that you would've told us the truth last night. And I think the reason you didn't is that you knew,

A: That's why I told you I thought I saw blood, it was more of like a hoping thing than 'he just swallowed water' it's just like not a way you want you're friend to die. Like, getting cut by an engine, you know?

Q: (New Questioner) Did you have a hard time with that?

A: Well its kind of screwed up.

Q: (New Questioner) No but do you have a hard time with the thought of your friend dying by getting cut like that?

A: Yeah. That's what I mean, that's I'd rather have him swallow water and like drown,

Q: (Coyne) But if he didn't swallow water and we know he didn't based on everything you're telling us, lets get off the idea he may have swallowed water.

A: OK.

Q: (Coyne) Just one more time, how do you know that that boat hit him?

A: Because when he came out he was laying face down and different than all the other times you know?

Q: (New Questioner) Where did he come out from?

A: From behind the boat.

Q: (New Questioner) From behind, underneath the engine?

A: No. Like, like a few feet back, like ten, fifteen feet.

Q: (New Questioner) Did he pop up?

A: Kind of to the side of the boat.

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Q: (New Questioner) Popped up from under water? Ten or fifteen feet back? Is that what you're saying?

A: Yeah, yeah he, like, yeah.

Q: (Coyne) That's important though, he's underwater and then he popped up?

A: Well no, he wasn't like, he was like, the water was behind the boat like,

Q: (Coyne) The wake?

A: Yeah the wake, so it, not someone, like you couldn't really see him at first. And then he was floating.

Q: (Chief LaCross) OK you said earlier that you saw him actually rising up to the top of the surface?

A: Yeah you could see like,

Q: (Chief LaCross) (Inaudible) away from the engine about ten feet?

A: Yeah.

Q: (New Questioner) Now it was still daylight, it was still bright out?

A: Yeah.

Q: (New Questioner) inaudible.

A: Mmmhmmm.

Q: (Chief LaCross) I think we mentioned and Jerry Coyne mentioned about this letter here that you have. If we interview Ryan, is he going to tell us something different? Or he's gone, last on, (inaudible, over lapping conversation)

A: Which it makes it so hard for me turning my, (inaudible) Last night, me coming today is that like I know this is going to get Ryan like in trouble and I cant really protect him,

Q: (New Questioner) It's not your job to protect him,

A: I can't protect him and this kind of,

Q: (New Questioner) Can I just say, your job is to protect yourself,

A: Yeah I know.

Q: (New Questioner) And you have an attorney with you now and you're having a letter from him saying that (inaudible) You're seventeen years old, your job is to protect yourself, unless it comes out that you were driving the boat,

A: No.

Q: (New Questioner) And you're lying, so you have really nothing to worry about except for yourself. My question is, we're going to have Ryan in here again.

A: Are you going to tell him that I told you this?

Q: (New Questioner) We're not going to tell him anything you say,

A: Alright,

Q: (New Questioner) But if he comes clean and says 'oh yeah, Brendan should've known he saw a big gash mark on his back or his arm' or something (Coyne) Or, 'I talked to Brendan, I said' if he says to me, if he says to us, 'Look, I said to Brendan you cant let them know that I hit him' OK?

A: Alright,

Q: (Coyne) Then you've lied.

A: Well that's right, he said like 'don't, say he fell off' or 'say like,' he probably did say something, quick, it was quick because we were just on the boat with other people and,

Q: (Coyne) You need to operate from the assumption that, talk to Richard if you want, that Ryan is at some point going to tell us everything.

A: OK.

Q: (Coyne) To make this letter of value, if ryan tells us anything (inaudible) what youre telling us, this letter is of no value. OK? We not, believe me, we're not here trying to do anything other than get to the truth. And that's all we're trying to do. But we need, you're the one who was there, not us. But if Ryan comes in here and has the same (inaudible) context, quite frankly that you had and tells us something different, we're back to square one, you're here first. You need to take advantage of that. Because there's no third bite of the apple. OK?

Q: (Birrell) You want to (inaudible)

A: Yeah.

Q: (Det. Lt.) We're stopping the tape. Back on the record at 17:10 hours.

A: I just recall saying 'you killed him'.

Q: (Det. Lt.) You said that to Ryan?

A: Yes.

Q: (Det. Lt.) And what did he say?

A: And he said 'don't tell me this is happening'. Many times (???)

Q: (Det. Lt.) Alright, he was, Pat was in the water for some time and Ryan was driving, operating the boat?

A: Turner was operating before, but then yeah.

Q: (Det. Lt.) Prior to this happening, what, was there something that made it different, why was Pat yelling and cursing and I believe you said, 'slow the fuck down' or something he said to Ryan. What made this, this uh, this last instance different? You said Ryan wasn't driving fast. Why was Pat Murphy telling him 'you're going too fast'?

A: I think because he was getting mad that, because he couldn't really get up and stay up on the board and that's why he was in the water for so long because he couldn't like do it, he couldn't figure it out. So I think he was like ticked off. Ryan was driving, Ryan said he had to like drive faster to like get up, but I don't know, and then Ryan was like 'I'm driving too slow to, for you to be able to do it'

Q: (Det. Lt.) OK now Ryan approaches him in the water after he flips over the tow rope, how fast do you think he's approaching?

A: Oh, he's not going fast,

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Q: (Det. Lt.) You said he kind of screwed around,

A: Yeah well they were talking first.

Q: (Det. Lt.) OK.

A: And then he screwed around.

Q: (Det. Lt.) And then he screwed around, go over that again.

A: He like, like he went to the engine a little (???)

Q: (Det. Lt.) So he did hit the throttle?

A: Yes.

Q: (Det. Lt.) You felt the kick from the boat?

A: Well it didn't really kick, he didn't go like, he didn't like, put it down, like hard.

Q: (Det. Lt.) OK. You watched, he hits the throttle?

A: Yes.

Q: (Det. Lt.) Are you watching this or do you feel it? How do you know he does that?

A: Because he like went, yeah I'm watching, or not, because the back of the, you could see like the water, and,

Q: (Det. Lt.) Kick up.

A: Yeah.

Q: (Det. Lt.) Heavier from the engine?

A: Yeah.

Q: (Det. Lt.) So its more laid back and you feel that? Does he do anything else? He hits the throttle,

A: He was screwing around,

Q: (Det. Lt.) And turns?

A: Yes because he's like, close.

Q: (Det. Lt.) Who's close?

A: Pat treds close. (???)

Q: (Det. Lt.) After that happened do you remember anybody yelling to you?

A: Yes.

Q: (Det. Lt.) Tell me about that.

A: There was two people in the yard uh, close to the Remini's house. Yelling like 'do you need any help or anything?'

Q: (Det. Lt.) What kind of people?

A: I, women.

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Q: (Det. Lt.) Two women?

A: I think it was women.

Q: (Det. Lt.) OK and what did they say?

A: They were like 'do you need any help or anything?'

Q: (Det. Lt.) OK and who answered?

A: And Ryan was like no, or and that was when we were calling the police.

Q: (Det. Lt.) Ryan said no?

A: Yeah he was pretty, I think we both did because we didn't know, well, like,

Q: (Det. Lt.) Was this after?

A: This was after we jumped in the water.

Q: (Det. Lt.) So why did you think you wouldn't need help?

A: Because that was in, I'm pretty sure Ryan said 'I'm calling the police' to the woman. Or he was on the phone with the police or he was like dialing them so he figured talk to you instead of her would be more,

Q: (Det. Lt.) So his answer to her was,

A: Like 'no, we're, we got it, we're calling the police,

Q: (New questioner) Brendan when you said 'Ryan, (inaudible) you're in the back of the boat?

A: Yes.

Q: (Chief LaCross) You see the water come up, you can feel the boat kind of moving a little bit, because it was goosed?

A: Yeah. I, he goosed it like, yeah, when he did that,

Q: (Chief LaCross) How long would it, did it stay goosed? Then before he brought it back?

A: It was quick?

Q: (Chief LaCross) Seconds? Five seconds?

A: We'll say five seconds but I'm not you know positive, but around, not less than five seconds.

Q: (New questioner) Not less than five seconds?

A: Less than five seconds.

Q: (Chief LaCross) It was up enough so that the water kicked up behind, it (inaudible)

A: yeah.

Q: (Chief LaCross) (Inaudible) The prop, because you're in the back of the boat.

A: Yeah.

Q: (Chief LaCross) And you can feel the boat move your body a little bit and the water comes up right?


A: Yeah.

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Q: (Birrell) (inaudible)

A: Yeah it wasn't like fast enough for me to move, or anything though. Like I didn't jerk at all. Like it wasn't like, 

Q: (Chief LaCross) But when he turned the boat hard to the right, you must've, he's goosing it the same time he turned the boat hard to the right?

A: Yeah I did move when that happened.

Q: (Chief LaCross) OK.

A: But not like a lot,

Q: (Chief LaCross) Yeah you don't fall down,

A: Yeah.

Q: (Chief LaCross) But you kind of had to brace yourself?

A: Yeah.

Q: (Chief LaCross) And that's for zero to five seconds? Then you guys are (inaudible) Why did he back it down?

: Um, so he could like get the tow rope.

Q: (Chief LaCross) How, do you say to him 'I think you just killed him'

A: Well, once I saw him, yeah then I was like 'he's dead,'

Q: (Chief LaCross) Did he back it down when you said that or did he back it down before you said it?

A: He backed it after, like right after it happened, slowed down so he could grab the tow rope.

Q: (Chief LaCross) But at the same time he's going to the right? Goosing it and then, he's screwing around and then he pulls it to the right?

A: Yeah.

Q: (New questioner) He grabs the two rope?

A: Huh?

Q: (New questioner) He's grabbing the tow rope?

A: Who?

Q: (New questioner) Ryan.

A: No, so Pat could grab the tow rope.

Q: (Det. Lt.) And you didn't feel anything?

A: No I did not feel anything.

Q: (Det. Lt) Or hear,

A: I did not, hear, I have, have you looked at the kneeboard? Does it have any cuts or? Couldn't you kind of

Q: (Det. Lt.) No I was asking you I mean,

A: I'm just saying, if you looked at that maybe, because we like left the kneeboard in the water.

Q: (New questioner) You said he was off to the left side of the boat?

A: Yeah.

Q: (New questioner) Back in the water?

A: Yeah.

Q: (New questioner) You could see him from sitting position?

A: No, standing,

Q: (New questioner) You were standing in the back right?

A: Yes.

Q: (New questioner) You could see him?

A: Yes.

Q: (New questioner) How many boat lengths away from the boat would you say he was at that point?  
(inaudible)

A: Well I said from like here to the wall or like a little bit further.

Q: (New questioner) From the front of the boat?

A: Yeah,

Q: (New questioner) And they were having a discussion?

A: Yeah.

Q: (New questioner) So he wasn't even a full boat length away from the boat?

A: Yeah, he wasn't too far, he was kind of close.

Q: (New questioner) Now when you saw Ryan, throttle up, were you both standing up?

A: Yes.

Q: (New questioner) And you said he was kidding around, he headed towards,

A: Well I, (inaudible) I couldn't really because it was quick because he like did and then turned and I didn't know Ryan was going do that.

Q: (New questioner) Do what exactly?

A: Like,

Q: (New questioner) Inaudible,

A: Like screw around.

Q: (New questioner) What do you do exactly, (inaudible)

A: Like screw around.



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Q: (New questioner) Screw around how?

A: Do what he did.

Q: (New questioner) That's what I'm trying to get at. What did he do?

A: Hit the throttle, and go like,

Q: (New questioner) Turn the waves towards him?

A: Yeah.

Q: (New questioner) You did motion with your hands for the records, to the left, and then to the right, did it kind of like,

A: No, (overlapping conversation)

Q: (New questioner) Did he at one point like, Brendan, like go over there, and pull away and go at you and then pull away (inaudible) did the boat go to the left?

A: Yeah I think he did that.

Q: (New questioner) And then he pulled away to the right?

A: Yeah.

Q: (New questioner) OK. (Inaudible)

A: Yeah.

Q: (New questioner) So he deliberately turned towards him and then away from him?

A: Well it wasn't really like towards him, but

Q: (New questioner) And then away from him? Try to get around him?

A: Yeah.

Q: (New questioner) Brendan was it or wasn't it, did he turn towards him?

A: Like for like, quickly, like just like that, but then he went like,

Q: (New questioner) Realized he might've got too close now he's gotta overcompensate to the right?

A: Yeah.

Q: (New questioner) Yes?

A: Yes.

Q: (New questioner) Thank you. (Birrell) Was Ryan making motions after, I know you said he was (inaudible) throw his arms up or anything like that?

A: I think he like grabbed me, and he was like 'don't tell me this is happening'

Q: (Birrell) (Inaudible)

A: Yeah.

Q: (Det. Lt.) And then you told him 'you killed him' then or?

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Q: (Birrell) Did you guys go meet up with another boat after that?

A: Yeah after we jumped in, we looked, then Ryan called the police, and then we went and found the other boat,

Q: (Birrell) You called the police before you went and found the other boat?

A: Yeah, I actually I'm not 100% percent positive on that?

Q: (Coyne) Brendan when you got to the other boat at some point, you guys must've told those people what happened right?

A: Yeah.

Q: (Coyne) And you mentioned, Pat Dolan, Turner Davis, Nick Panagos,

A: I told Nick Panagos I was like 'Ryan hit him'. I said that to Nick Panagos.

Q: (Det. Lt.) Anybody else?

A: No.

Q: (Det. Lt.) You sure?

A: Positive. But I turn, I told Turner in the cop car.

Q: (Det. Lt.) You did, well that's someone else then.

A: Well I thought you meant like at that time.

Q: (Det. Lt.) You told Turner Davis?

A: Yeah.

Q: (Det. Lt.) In the cop car, that was after, you, we took you out of the water?

A: Yeah. And I told Phil Elliot and Laura Brissette. Do you need to know those people?

Q: (Det. Lt.) Yeah. You told Laura Brissette too? Who else?

A: Phil Elliot, you got that.

Q: (Det. Lt.) Yeah, we have, you told Nick Panagos, on the boat?

A: Yes.

Q: (Det. Lt.) That Ryan,

A: I told him first.

Q: (Det. Lt.) That Ryan hit Pat? And then you told Turner Davis in the police car?

A: Yeah.

Q: (Det. Lt.) And that's proper order?

A: Yeah.

Q: (Det. Lt.) You told Phil Elliot, when did you tell him?

A: I'm when we were walking home from the thing we had last night, at the beach. I told Phil and Nick like the

Q: (Det. Lt.) Phil and Nick?

A: Yeah.

Q: (Det. Lt.) Nick who?

A: Nick Panagos.

Q: (New questioner) Did you? I'm sorry, (Det. Lt.) Laura Brissette?

A: Yeah I told her, before I told Nick and Phil the whole story but I had already talked to Nick, I already told Nick that he hit him before.

Q: (Det. Lt.) Before, and then you told him the whole story?

A: Yeah.

Q: (Det. Lt.) Is that the story you told Nick? The same that you told us?

A: Yes.

Q: (New questioner) (Inaudible)

A: Yeah I told him he swerved towards him.

Q: (New questioner) Screwing around,

A: Screwing around

Q: (Det. Lt.) Did he? OK. You just said that he swerved towards him right?

A: Yeah and then he swerved away.

Q: (Det. Lt.) He swerved away. (New questioner) Do you think that had anything to do with the discussion before hand, telling him 'you're going to fucking fast'?

A: No.

Q: (New questioner) Not that he meant anything (inaudible) (Det. Lt.) But he did swerve towards him he didn't do that at any other point?

A: He didn't do that at any other point.

Q: (Det. Lt.) You said Pat Murphy was falling off all day?

A: And, Murphy was swearing the whole day, he always swears it's not like,

Q: (Det. Lt.) But did he always swear every time he fell off?

A: A lot of the time.

Q: (Det. Lt.) When Ryan was coming, approaching with the boat? (New questioner) Was it bothering Ryan that was swearing at him like that?

A: No, no.

Q: (Det. Lt.) But the key is you did tell four other people?

A: Yeah.



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Q: (Det. Lt.) That Ryan hit Pat Murphy?

A: Yeah, I didn't tell Turner the story though.

Q: (Det. Lt.) The other story, so at least the other two, Phil and Nick, that he actually swerved at him?

A: Yeah.

Q: (Det. Lt.) And then swerved away and hit the throttle at the same time? And back to an earlier thing, his intoxication?

A: Yeah.

Q: (Det. Lt.) On a scale of one to ten, (New questioner) you didn't ask him you know what is a five, you don't know what a five is.

A: Yeah. I can, well that's why I said for him, when he's like really drunk, he'll yell. Like stupid things and he wasn't, that's why I'm saying he wasn't like screwing around in the boat like he wasn't like going really, really fast,

Q: (Det. Lt.) So you're saying a ten would be, pretty intoxicated?

A: Right.

Q: (Det. Lt.) Ten would be annihilated, is that what you're saying? If he was a ten?

A: Yeah ten would be like passed out.

Q: (Det. Lt.) OK so ten's passed out, you're putting him at a five. At least.

A: So he was drunk but not like,

Q: (Det. Lt.) He was drunk (Birrell) How many drinks does it take to get to a five?

A: To a five? For Ryan? Uh, I'm just telling you he wasn't like really drunk because if he was really drunk he would've been yelling and,

Q: (New questioner) Would you trust him to drive a car at a five?

A: Mmm, well he didn't seem like drunk but, I mean,

Q: (New questioner) That wasn't the question thought. Would you trust him at a five driving a car?

A: Yeah I probably would trust him but I,

Q: (Det. Lt.) Why? Because he drinks a lot?

A: No, because

Q: (Det. Lt.) Pretty experienced at it?

A: He wasn't that drunk.

Q: (Chief LaCross) Brendan, you know you're not going to get charged if you say, drinking alcohol right?

A: Yes.

Q: (Chief LaCross) Were you guys smoking pot?

A: No

Q: (Chief LaCross) Did Ryan have any pot? Did he smoke any pot?

A: I was not with him before um, he went on the boat but on the boat he didn't and I'm pretty sure he didn't before.

Q: (Chief LaCross) Did we already find out what he was drinking? Did you see him drinking?

A: No, just rum.

Q: (Det. Lt.) And you were, after the police station you didn't go home? you were down at the beach at one in the morning?

A: Yeah.

Q: (Det. Lt.) And Ryan called Cassie, his girlfriend Cassie Morris?

A: Yeah,

Q: (Det. Lt.) Why did he, did he call her to talk to you? or?

A: Well I had my phone with me so, if he wanted to talk to me I'm sure he would've called me directly, he talked to her briefly and he talked to me but I don't really want to talk to him so I didn't talk to him a long time.

Q: (Det. Lt.) Why did he talk to you I mean, he had the phone so how did that?

A: Because he kept saying he felt terrible and all this stuff.

Q: (Det. Lt.) Did she hand you the phone saying he wanted to talk to you? or how does that occur?

A: Yeah.

Q: (Det. Lt.) I'm not, I just wanted to know,

A: she said Ryan wants to talk to you.

Q: (Det. Lt.) OK and she, Cassie handed you her phone?

A: Yeah.

Q: (New questioner) Cassie goes to the beach too? Back on the record at 17:36. 17:33. (Coyne) Brendan you said you were at the beach on what street?

A: I think it's off Plymouth.

Q: (Coyne) OK so it's a private beach?

A: Yes.

Q: (Coyne) During the time that you were down there last night, who other kids, you said there was about twenty five kids there? Was Phil Elliot there?

A: Yes he was.

(Coyne) Laura Brissette?

A: Yes.

Q: (Coyne) Turner Davis?

A: No.

Q: (Coyne) Nick Panagos?

A: Panagos, yes.

Q: (Coyne) Now you had already told Phil?

A: No.

Q: (Coyne) When did you have the conversation?

A: After.

Q: (Coyne) After the beach?

A: Yes.

Q: (Coyne) OK what about Nick?

A: I, just said on the boat, 'Ryan hit him.'

Q: (Coyne) So at the beach last night is everybody talking about this?

A: Yeah.

Q: (Coyne) They knew the story last night?

A: No. nope. They thought he just fell off or whatever.

Q: (Coyne) And you never talked to Ryan this morning?

A: No.

Q: (Coyne) He didn't try to reach out to you?

A: No.

Q: (New questioner) You said you didn't want to talk to him when he called you at the beach?

A: Yeah.

Q: (New questioner) What was he trying to say to you at, that you just didn't want to talk to him?

A: Nothing really, I just didn't, you know, after what he did not really that he did it on purpose, its just,

Q: (New questioner) But what was he trying to say to you? why didn't you want to talk to him?

A: He was just telling me he felt terrible and you know like, I cant, he felt terrible and 'I'm just sitting here'. I dunno.

Q: (Chief LaCross) So basically Brendan you didn't want to talk to him after what he did? that's what you said right?

A: Yeah,

Q: (Chief LaCross) And you felt that, partly because (inaudible) he didn't fool around. Is that a yes?

A: Yes.

Q: (Chief LaCross) Thank you.

A: You know I was mad at what he did. And,

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Q: (New questioner) Did he express any other concerns to you when he was talking to you? Other than being sorry about everything? Was he still trying to get you to stick to the story?

A: No. He didn't talk about that; he was just talking about how terrible he felt. And, he sounds up, you know,

Q: (New questioner) So he was more upset about it happening than he was about the police finding out. (Inaudible) (Chief LaCross) What do you think now, if it was an accident, why wouldn't he tell the truth? And ask you to change the story?

A: He's scared. I was scared too I mean you can't think you don't, I mean your friend just died. Its kind of, you know, shock.

Q: (Det. Lt.) This should conclude the interview at 17:35 hours.

SIGNATURE

Statement taken by \_\_\_\_\_

Witnesses: \_\_\_\_\_

\_\_\_\_\_



NARRATIVE FOR DET LT DECRESCENZO

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Kyle said both boats came up next to the wake board and the Davis boat took off toward ski beach where the town library is located. Kyle said he thought 2 kids got off the boat but was unsure and at this point the police came. Kyle said that they may have just let off one kid at ski beach. Before the boat took off to ski beach to drop off kids one of the kids was yelling, whoever narcs on me is going to be in trouble or he was threatening the other kids loud enough that it came across to him on the other boat. Kyle said he remembered the kid who wasn't driving the boat as having bushy hair and the one driving had a "crew cut" shorter hair and he thinks the kid with the crew cut was making the threats. Kyle said he heard the threats and was thinking to himself, what am I going to tell on. Kyle said he figured maybe he was referring to the alcohol or something. Kyle said the threat came from Turner Davis's boat and there were 3 kids on that boat at that time and the 3 included Turner. Kyle said the other 2 were the 2 that were on the boat when it came over to Lyon's boat yelling that Murphy was missing or dead. Kyle said he remembered the kid with the shorter hair who was operating the boat when they approached John Lyon's boat yell to everyone that if anyone "narcs" on him they would be in trouble. Kyle said he thought this was odd and then he figured he was talking about someone telling the police that he was drinking at the time of the incident. Kyle said he remembered the officer on the patrol boat ask who was driving and Turner Davis initially told them he was driving his boat when the kid went missing. Kyle said Turner definitely wasn't driving but he was covering for the kids because it was his boat.

On 9/13/2007 at approximately 1500 hours Brendan Loflin came into headquarters accompanied by his Attorney Richard Radcliffe. Attorney Radcliffe had contacted Deputy Attorney General Gerald Coyne and requested another meeting with us. Brendan came in and told us that on July 17 he went to the doctors with his mother during the morning hours. After the doctors Brendan told us he was at Nayatt beach at around 12 noon swimming with Ryan Greenberg, Nick Panagos, Pat Murphy, and Sam Chrupcala. He said he had a beer (Bud Light) along with Ryan Greenberg and Pat Murphy. Brendan told us he went to Burger King in Seekonk to eat lunch with Sam and Pat. He said Nick and Ryan went to Ryan's house. After Burger King Brendan said that Pat drove to South Lake Drive and picked up an open 12 pack of Bud Light and a six pack of Harpoon. Brendan said they went to ski beach behind the town hall and waited by the river while drinking.

Several phone calls were made and eventually one of them talked to Ryan Greenberg who was on Turner's boat. Brendan said "Tre" Taylor was also on Turner's boat that was rafted to an older kid's boat that was anchored off ski beach. Brendan said the three of them swam out to Turner's boat. Brendan said they swam out to the boat carrying beer and he dropped one of the two Harpoons he was swimming with. The other two were carrying Bud Lights. While on ski beach Brendan estimated that they had about four beers each.

After some time on the boat Brendan said that Turner dropped off Sam Chrupcala and Pat Murphy off at the library around 5:00pm. He said that Sam had to get home so Pat Murphy gave him a ride in his car that was parked at the library. Brendan said that Turner took the boat and picked up Pat Murphy on a dock on Adams Point Road after Pat dropped Sam Chrupcala at home. Brendan said that Turner Davis, Ryan Greenberg, Tre Taylor, Pat Murphy and himself was now on the boat. They went back into the river and Pat Murphy went knee boarding for a while. Brendan said that Pat Murphy and Turner Davis were swimming off the boat and Ryan drove the boat to drop off Tre Taylor who had to leave. They dropped Tre off at the Yacht Club and that left Brendan and Ryan on the boat alone.

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Brendan said they went back into the river and found Pat Murphy floating in the river and Turner was now on Lyon's boat. Brendan said that Ryan drove the boat and pulled Pat on the knee board. Brendan told us that Ryan had fallen from the tow rope and Ryan turned the boat around to pick up Pat in the water. Brendan told us that Ryan turned the boat into Pat Murphy purposely. Brendan said that Ryan and Pat were fighting and Ryan said "I'll show you." Brendan said that Ryan then turned the wheel and accelerated right at Pat on purpose. Brendan said that Pat was in the water yelling "Ryan no, Ryan No." Brendan said Ryan gunned it and drove at him. Brendan said Ryan pushed it hard and turned towards him. Brendan was referring to the throttle when he said Ryan pushed it hard as he motioned with his right hand pushing forward. Brendan said the boat went up after he gunned it and he thinks Ryan was on the phone, Brendan said he remembers Ryan saying to his girlfriend something bad happened, I'll call you back.

Brendan told us that Ryan and Pat were yelling back and forth at each other before this happened. Brendan said that he told Ryan, "you killed him" immediately after he hit him with the boat and he remembers hearing Ryan say something bad happened, I'll call you back. Brendan was asked whether he had seen blood in the water and Brendan told us that on the night of the incident he told his girlfriend that he was 100 percent sure he had seen blood. Brendan told us that he knew he was dead, I knew he hit him, he turned the boat right towards him. Brendan said that Pat's body came up about 30 feet from the boat. Brendan said that Ryan jumped off the side of the boat "no where" near where Pat was. Brendan said that when Pat surfaced it was far away from the boat. Brendan said that Ryan didn't drive over to where the body was. Brendan told us he (himself) was in shock, and knew Pat was dead and didn't jump in the water because he knew. Brendan said Ryan got back on the boat and Brendan told him, "you killed him". Brendan told us he said this many times to Ryan. Every time Brendan said this to Ryan he recalls Ryan saying over and over, don't tell me this is happening.

Brendan told us that he remembered Ryan calling 911 and telling them his friend fell off a knee board and we can't find him. Brendan said he hasn't talked to Ryan since that night but Ryan has tried contacting him since in text messages. Brendan told us that Peter Townsend and Pat Dolan had a problem with Laura Brissette and Brendan for being "rats" for telling the truth. Brendan said that Pat Dolan has backed off and doesn't have a problem with it anymore. Brendan told us that Ryan's lawyer or his investigator has been telling his friends that Brendan was back stabbing them.

We asked Brendan about the minutes before the incident once again. Brendan said that both Ryan and Pat were yelling at each other as Ryan was driving back to pick up Pat. Brendan said Pat Murphy yelled, "you can't drive the fuck'n boat", "you drive too fast, slow down". Brendan said Ryan yelled back something like, I'll show you I can fuck'n drive you drunken Irishman. Brendan said that Ryan gunned the boat and turned right at him when he was about ten feet away. Brendan said the next thing Pat pops up from under water off the knee board and motionless, face down. Brendan said Ryan went fast, and the body came up 30 feet away. Brendan said that Ryan jumped in for 30 seconds to less than a minute, no where near the body. He said that Ryan went under water and came back up and got back on the boat.

Loflin was asked whether anyone had cut their foot on the boat prior to the incident and he said he could not remember if it was Pat Murphy or Trey Taylor who had cut their foot. Brendan was shown a photograph of the knee board seized by DEM and he identified the board as being the knee board Pat was using when the incident took place.

## NARRATIVE FOR DET LT DECRESCENZO

Ref: 07-699-OF

Brendan was asked about getting off the boat at "ski beach" after the incident happened. Brendan told us that he did get off the boat near the library because he didn't want to be near Ryan. Brendan said he wanted to "get the hell away from him" referring to Ryan. Brendan said he walked home because he just killed my friend. Brendan told us that he walked to Southlake Drive near the bike path and he saw Ben Towne driving with Kirsten White in the car and they stopped to talk with him. Brendan said he told them Pat was dead and he was missing. Brendan said that Ben told him he must go back and he gave him a ride to Chris Field's boat at ski beach. Brendan said he got on John Lyon's boat and Ryan told him to say, to tell them he fell off. Brendan said he told Ryan, "they're going to find out". Brendan said that Ryan told him this on Lyon's boat near the steering wheel area. Brendan said that he told Nick Panagos on Lyon's boat that "Ryan hit him". Brendan said that Ryan told him, "don't tell them I hit him." Brendan said that Ryan told him numerous times to just tell them he fell off.

I asked Brendan whether Ryan tried to get off the boat or if the plan was for both to exit the boat after the incident occurred. Brendan said that Pat Dolan told both of them that they had been drinking and they both needed to get off the boat. Brendan said that Ryan was going to get off the boat but someone said the "cop boat" is coming. Brendan did recall someone on Lyon's boat telling Ryan to call 911 and he remembered Ryan calling after being told to call. Brendan said a woman yelled from shore asking them if they needed help and Ryan said no. Brendan was shown a photo of Turner's boat in the river and he believed it was him looking over the side of the boat and he said this was the side of the at where Ryan had jumped in the water.

On 9/14/2007 at approximately 1615 hours Karl Stewart Taylor(Trey) came into headquarters with Attorney Anthony Desisto. Sgt Ed Cabral from DEM was present along with Deputy Attorney General Gerald Coyne and Special Assistant Attorney General Christian Capizzo. Trey told us that he worked from 0930 to about 2:00pm at D'angelos in Barrington on July 17, 2007. After work Trey said he checked his cell phone and he had a missed call from Ryan Greenberg. Trey said he called Ryan and he said to come over his house but not to tell too many people. Trey said he drove to Ryan's house and got there around 2:20 pm. Trey said Pat Dolan, Nick Panagos, and Ryan was there in their bathing suits drinking and swimming. He said that Ryan was making drinks for everyone with rum, cranberry and Fresca and he remembered Pat Dolan dumping his out because he didn't like it. At about 3:30 pm someone got a call from Turner Davis to go on his boat. Trey said he left in his own car alone and stopped at work to get some ice for beers. Trey said he met them at the dock. Trey said he had grabbed 6 Narragansett beers and 5 or 6 low brand beers from a party the night before that he attended with Sam Chrupcala, Luke Znosko, and Steve Goniprow. Trey said he put the beers in a back pack and brought it on Turner's boat.

Trey said he got on the boat with Turner Davis, Pat Dolan, Nick Panagos, and Ryan Greenberg. Trey said the others had asked for a beer and he told them to get their own because he only had about a dozen of his own. Trey said that either Nick and Turner or Pat and Turner went to get their own beer since Trey would not give them any of his. Trey said that Ryan brought the litre of rum on the boat and he saw it under the seat where the boat is driven from. Trey said they came back with beer but Turner's Uncle showed up at the Yacht Club and he has checked the boat for beer in the past. Trey said they left without the beer with the plan to come back for it later. Trey said they went into the river around 4:00pm. Trey said they saw a boat with some college kids they knew and pulled up next to them. Trey said that Pat Murphy, Sam Chrupcala, and Brendan Loflin were on ski beach and they swam out to Turner Davis's boat. Trey said