

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO.** _____
v. : **DATE FILED:** **July 14, 2011**
MATTHEW R. DEVLIN : **VIOLATION:** **18 U.S.C. § 1115**
 : **(misconduct of ship**
 : **operator causing death)**

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

On or about July 7, 2010, at Philadelphia, in the Eastern District of Pennsylvania,
defendant

MATTHEW R. DEVLIN

was employed on a vessel, that is, was a licensed mate piloting the towing vessel *M/V Caribbean Sea*, which was hitched to and towing the barge *The Resource* on the Delaware River, and by his misconduct, negligence, and inattention to his duties on the *Caribbean Sea*, the lives of Szabolcs Prem and Dora Schwendtner were destroyed, when *The Resource* collided with an amphibious passenger vehicle designated *DUKW 34*, operated by the tourism company Ride the Ducks International LLC, on which Mr. Prem and Ms. Schwentner were passengers, and caused *DUKW 34* to submerge. Specifically, defendant DEVLIN, for an extended period of time prior to the collision, was distracted by his use of a cell phone and a laptop computer to attend to personal matters; elected to pilot the *Caribbean Sea* from its lower wheelhouse, where he had significantly

reduced visibility in comparison to the perspective from the upper wheelhouse of the *Caribbean Sea*, from which the captain of the *Caribbean Sea* had directed that DEVLIN pilot the vessel; and did not maintain a proper lookout or comply with other essential rules of seamanship.

In violation of Title 18, United States Code, Section 1115.



ZANE DAVID MEMEGER
United States Attorney