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NEW YORK MAN CHARGED UNDER MARITIME
MANSLAUGHTER STATUTE IN DEADLY BOAT ACCIDENT

PHILADELPHIA - Matthew R. Devlin was charged today in an information¹ with one count of misconduct of a ship operator causing death, in relation to the “Duck boat” accident on the Delaware River on July 7, 2010, announced United States Attorney Zane David Memeger and Special Agent-in-Charge William P. Hicks, U.S. Coast Guard Investigative Service. In this accident, the barge *The Resource*, which was towed by the towing vessel *M/V Caribbean Sea* piloted by defendant Devlin, ran over a boat operated by the tourism company Ride the Ducks International LLC. As a result, two passengers on the Duck boat who were visiting from Hungary, Szabolcs Prem, 20, and Dora Schwendtner, 16, were killed.

Devlin, 35, of Catskill, New York, was charged under a federal criminal statute (Section 1115 of Title 18 of the United States Code) applicable to involuntary manslaughter committed by the operator of a vessel. The information alleges that “for an extended period of time prior to the collision, [Devlin] 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.”

“Those who operate transport vessels on our waterways have a clear duty to ensure that proper sightlines are maintained at all times, and to obey all other rules of seamanship, so that the risks to others on the water are minimized,” said Memeger. “When that duty is breached and causes death, the Seaman’s Manslaughter Statute allows the federal government to seek criminal sanctions against the vessel operator.”

United States Attorney Memeger further stated that Devlin has entered a plea agreement in which he has agreed to plead guilty to the charge. Devlin also agrees to the permanent revocation of his Coast Guard-issued license as a mate. In the plea agreement, the parties agree to the calculation of the United States Sentencing Guidelines, which suggest but do not mandate the final sentence, and which in this case likely propose a sentence of imprisonment of 37-46 months. Devlin reserves the right to argue for a lower sentence on the basis of mitigating

¹An Information is an accusation. A defendant is presumed innocent unless and until proven guilty.

circumstances. The United States Attorney's Office today also filed a guilty plea memorandum with the Court, which sets forth the facts of the case.

The criminal case was investigated by Special Agent Eric J. O'Hearn of the Coast Guard Investigative Service, supported by Marine Investigators of the United States Coast Guard, and is being prosecuted by Assistant United States Attorney Robert A. Zauzmer.

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