



FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
DIVISION OF LAW ENFORCEMENT
 INCIDENT SUMMARY REPORT



JUVENILE

ORIGINAL

SUPPLEMENT

REPORT #: FWNE12OFF4828

NARRATIVE

REQUEST FOR CAPIAS NARRATIVE

SYNOPSIS

12CF 3731A

On May 12, 2012, at approximately 0120 hours, a single vessel collision occurred on Lake Sylvan behind the street address 6987 Sylvan Woods drive, Sanford, Florida, in Seminole County. Involved was an 18 foot Skeeter Fish and Ski boat with three persons on board. The vessel collided with a dock, ejecting one of the passengers into a dock piling. The vessel continued forward passing under the dock, exiting the other side still running. The ejected person was found dead in the water near the dock a short time later.

PROBABLE CAUSE



Based on evidence and information gathered to date, the following conclusions have been made: The cause of this crash is boating under the influence of alcohol (BUI), carelessness and operator inattention. There were three navigation rules violated, they are as follows; Navigation rule 5 (Lookout), Navigation Rule 7 (Risk of collision), and Navigation Rule 23 (Lights on power driven vessels underway). **James Kedzierski** was killed as a result of the collision.

Gregory Lepera is identified as the operator of V-1. **Lepera** was identified as the operator at the time of the crash by **Emily Walker**, she was seated behind **Lepera** and could clearly see him at the helm. **Walker** stated:

- "Greg" is **Greg Lepera**.
- **Greg** was in the drivers' seat.
- She was behind **Greg** on the bench seat.
- **Jimmy** was next to her, holding her hand.
- She noticed no change in speed or direction immediately prior to the crash.

AMENDED
PC
STMT

[Signature] EZIC



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Lepera is the owner of **V-1**. **Lepera** lives on the lake and is familiar with it. **Lepera** made spontaneous statements that indicate he was the operator, his statements include:

- I killed my friend.
- I must have because I was driving.
- I killed him.

Lepera's injuries and position of rest are consistent with being at the helm at the time of the crash. He had injuries to his face and forehead, the steering wheel and drivers side windshield were broken and had blood on them. The blood swabbed from the drivers area was a DNA match for **Lepera** only. **Kedzierski's** injuries and blood found on the support timber, indicate that he was not on the starboard side of **V-1** at the time of the crash. Blood swabs collected from the passengers side, near the stern and from the dock support timber that was on the passengers side at the time of the crash were a DNA match for **Kedzierski**. **Walker's** lack of injuries and statements indicate that she was not the operator at the time of the crash. All blood evidence swabbed from **V-1** helm area belongs to **Lepera**.

When **Gregory Lepera** was contacted by the initial FWC Officer (Lieutenant Fred Rondeau) at the scene, he exhibited signs of impairment. **Lepera** was asked if he would voluntarily submit a sample of his blood for testing. **Lepera** agreed to give the sample and medical personnel were called to extract blood. The sample was tested by the Florida Department of Law Enforcement (FDLE) Laboratory and found that **Lepera** had a blood alcohol concentration (BAC) of 0.203 grams of ethyl alcohol per 100 milliliters of blood. The legal limit to prove BUI is a BAC of 0.08. **Lepera** had a BAC over 2.5 times the legal limit. His judgment and reaction time were impaired and contributed to the crash.

Additional evidence that **Lepera** caused or contributed to the crash are the following Navigation Rule violations that were proven during the course of the investigation:

Navigation Rule 5 (Lookout) requires that all vessel operators be cognizant of their surroundings in order to access the risk of collision. **Lepera** lives in a lake front home on Lake Sylvan, maintains a vessel that is kept on a boat lift at his dock and should be aware that there are many docks on the lake that extend outward from shore. The dock that **Lepera** collided with had Christmas type lights around the boat house section of the dock, those lights illuminate the section of dock that was struck. **Lepera** did not have a satisfactory lookout.

Navigation Rule 23 (Lights on power driven vessels) requires that all vessels operating between sunset and sunrise, will display the appropriate lights for their vessel type. Inspection of the vessel revealed that **V-1** is equipped with pole type navigation lights that fit into sockets at the bow and stern. Both lights were found stowed securely in a bow compartment below deck. The sockets that are used to hold the lights when in use were empty and had snap on covers over them. Upon opening the covers, I observed no debris in the sockets. The Navigation light switch was in the off position. There is sufficient probable cause to believe that **Lepera** failed to display the required navigation lights.

Navigation Rule 7 (Risk of collision) requires that vessels use all available means to assess the risk of collision, if there is any doubt; it is assumed that a risk exists. **Lepera** lives on the lake and maintains a vessel at his private dock. **Lepera** knew or should have known that many docks around the lake extend outward from shore. **Lepera** operated **V-1** after dark without the aid of navigation lights at a planning speed, near shore. **Lepera** failed to assess the risk of collision.



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James Kedzierski was killed as result of this crash. He was on board the vessel at the time of the crash, and was recovered deceased in the water a short time later. The Medical Examiner found the following cause of death:

- The cause of death: "Blunt Force Traumatic Injuries of Head and Neck."

Blood swabs taken from the timber initially impacted by the vessel were that of **Kedzierski**, indicating that he was ejected from the vessel and contacted the timber, causing blunt force traumatic injuries.

ADMINISTRATIVE DATA			
Number of Investigative Miles	Number of Investigative Vessel Hours		Total Number of Investigative Hours
Photograph(s) By N/A	(Print)	Date	
I swear the above statement is correct and true to the best of my knowledge and belief.		Sworn to and subscribed before me, the undersigned authority this	
	E210	10/22/12	15 day of Dec , 2012
Officer's Signature	ID#	Date	
Inv. Kevin McKinney	E210	10/22/12	Creeck K840
Officer's Name	ID#	Date	Deputy of the Court, Notary, or Law Enforcement Officer Signature
Agency Phone / Cell Phone:	(352)732-12251		
Officer's Name	ID#	Date	Pr nt Name
Officer's Name	ID#	Date	Pr nt Name
Reviewed By	(Print)	Date	Reviewer's Signature
			ID#