



STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
ADULT PROBATION & PAROLE

PRE-SENTENCE INVESTIGATION

CONFIDENTIAL INFORMATION, FOR PROFESSIONAL USE ONLY

NAME: BARKUS, Gregory Duane DATE OF REPORT: 01/10/2011  
AKA: Barkus, Gregory D. DATE OF SENTENCE: 01/20/2011  
ADDRESS: [REDACTED]  
PHONE #: [REDACTED] CELL PHONE #: [REDACTED]

LEGAL STATUS

JUDGE: The Honorable John C. McKeon COUNTY Flathead CAUSE # DC-09-468C  
COUNTY ATTORNEY Ed Corrigan  
DEFENSE ATTORNEY Todd D. Glazier ☐ APPOINTED ☒ RETAINED  
ARRESTED 10/07/2009 RELEASED 10/07/2009 JAIL TIME SERVED 1 DAYS AS OF 01/20/2011  
TYPE OF RELEASE ☒ O.R. ☐ BOND N/A

CURRENT OFFENSE(S) Count I: Criminal Endangerment, a Felony ☐ TRIAL ☒ PLEA  
[\$45-5-207(1), MCA] ☐ TRIAL ☐ PLEA  
☐ TRIAL ☐ PLEA  
☐ TRIAL ☐ PLEA

SENTENCE(S) \_\_\_\_\_

PLEA AGREEMENT: ☒ Yes ☐ No PRIOR CRIMINAL HISTORY: ☒ Yes ☐ No  
DETAINERS/WARRANTS: ☐ Yes ☒ No PRIOR PROBATION/PAROLE: ☐ Yes ☒ No  
CO-DEFENDANT(S): N/A  
CO-DEFENDANT(S) DISPOSITION: N/A

IDENTIFICATION

DOB [REDACTED] AGE 64 PLACE OF BIRTH Jamestown, ND SS # [REDACTED]  
HT 5'10" WT 155 EYES Blue HAIR Gray HANDED ☒ Right ☐ Left  
COMPLEXION Light BUILD Slender US CITIZEN ☒ Yes ☐ No  
SEX Male RACE Caucasian TRIBAL AFFILIATION/# N/A  
HEALTH ☒ Good ☐ Fair ☐ Poor S.I.D. # [REDACTED] F.B.I. # [REDACTED]  
DRIVERS LICENSE # [REDACTED] STATE [REDACTED] RELIGION: Catholic  
SCARS/MARKS/TATTOOS None

PIERCINGS: None

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### BACKGROUND

CHEMICAL USE [REDACTED] PSYCHOLOGICAL INFORMATION [REDACTED]  
SIGNIFICANT FAMILY INFORMATION [REDACTED] EDUCATION [REDACTED]  
MARITAL STATUS [REDACTED] NUMBER OF CHILDREN [REDACTED]  
SUPPORT PAYMENTS [REDACTED] AMOUNT: [REDACTED] CURRENT [REDACTED]  
EMPLOYMENT STATUS [REDACTED]  
INCOME \$ [REDACTED] SOURCE [REDACTED]  
FINANCIAL ASSETS \$ [REDACTED] DEBTS \$ [REDACTED]  
MILITARY [REDACTED] BRANCH/DISCHARGE [REDACTED]  
OTHER PERTINENT INFORMATION: [REDACTED] RESTITUTION: [REDACTED]  
EMERGENCY CONTACT [REDACTED] RELATIONSHIP [REDACTED]  
ADDRESS [REDACTED]  
PHONE # [REDACTED]

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### CRIMINAL HISTORY

#### ADULT HISTORY:

|            |                                      |                                                      |                          |
|------------|--------------------------------------|------------------------------------------------------|--------------------------|
| 05/27/1994 | Kalispell, MT                        | Operating With Expired Registration                  | 05/31/1994 Convicted     |
| 10/12/1995 | Kalispell, MT                        | Stop Sign Violation                                  | 10/12/1995 Convicted     |
| 12/09/1998 | MT Highway Patrol                    | Speeding                                             | 12/28/1998 Convicted     |
| 08/05/2000 | Granite County, MT                   | Speeding on Non Interstate-Exceed Day Limit-70 MPH   | 08/19/2000 Convicted     |
| 06/03/2004 | MT Highway Patrol<br>Lake County, MT | Reckless Driving, Misdemeanor                        | 08/23/2004 Convicted     |
| 10/07/2009 | Flathead County, MT                  | DC-09-468C: Count I: Criminal Endangerment, a Felony | Instant Offense; Pending |

#### DETAINERS & WARRANTS:

No Detainers or Warrants were found regarding the Defendant during the investigation of this report.

#### JAIL ADJUSTMENT SUMMARY:

The Defendant did not have any significant Incident Reports filed against him for the one day of jail custody reported with the Flathead Count Detention Center regarding the Instant Offense.

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### CIRCUMSTANCES OF THE OFFENSE

#### Official Version:

## **DC-09-468C: Count I: CRIMINAL ENDANGERMENT, a Felony**

The Defendant, **Gregory D. Barkus**, on August 27, 2009, in Flathead County, Montana, knowingly engaged in conduct that created a substantial risk of death or serious bodily injury to others, Dennis Rehberg, Kristin Smith, Dustin Frost, and Kathy Barkus, contrary to the provisions of Section 45-5-207(1), MCA, and punishable under the provisions of section 45-5-207(2), MCA, by a maximum term in the state prison of 10 years and/or a maximum fine of \$50,000.00.

### **Narrative:**

As reported by Det. Leib in FCSO Investigative Report #200936880, the facts establishing probable cause to believe the Defendant committed the foregoing offenses are as follows:

1. At 10:18 p.m. on the date charged, the Lake County Sheriff's Office received a 911 report of a boating accident at Wayfarers State Park in Flathead County. Responding personnel found the boat completely out of the water lying vertically against a cliff (attached picture).
2. The Defendant, Kathy Barkus, Dennis Rehberg, Kristin Smith, and Dustin Frost were on the boat at the time of the crash. Investigating officers have determined the Defendant was the driver of the boat that night.
3. Mr. Rehberg suffered a badly broken left ankle in the accident; it was necessary to surgically repair the break. Mr. Frost suffered a significant head injury and was in a coma for several days. The Defendant was also seriously injured, suffering a broken pelvis, a number of broken ribs, and lacerations. Mr. Rehberg, Mr. Frost, and the Defendant were initially treated at the scene by Bigfork first responders (ambulance and volunteer firemen) and then transported to Kalispell Regional Medical Center for further treatment. Mrs. Barkus and Ms. Smith suffered less serious injuries.
4. Prior to the accident, the group had been attending an "end of the summer" dinner at the Docks Restaurant in Lakeside. They finished dinner and left by boat a little after 10:00 p.m. intending to return to the Marina Cay in Bigfork:
  - a. It was dark at that time. The Barkus' boat was not equipped with a spotlight or other lighting to illuminate its path.
  - b. The Defendant was navigating by use of a GPS device. According to Ms. Smith, at one point during the trip the Defendant appeared to be confused about their direction of travel-"I think I'm turned around"-and believed they were heading towards the river rather than Bigfork. At that time, he made a "big" course correction to the right.
  - c. Ms. Smith believed they were traveling at approximately 40 mph at one point. Ms. Smith reported that the Speedometer appeared to be broken, but recalled the engine being run at 4000 rpm; Jesco Boat Center advised Det. Leib that the Barkus boat, with five passengers on board, could have been going as fast as 45 mph at 4000 rpm. Ms. Smith further stated "we were definitely heading, like, full speed straight forward" when she first realized they were about to hit the shoreline. Ms. Smith's statement is corroborated by a nearby camper who reported hearing a boat traveling at a high rate of speed immediately before the crash.

- d. From scrape marks and debris patterns, investigating officers believe the boat was traveling north when it struck the shoreline at an angle of approximately 30 degrees, went airborne, and then crashed into the rocks and cliff where it came to a rest.
5. With respect to alcohol, Ms. Smith recalled the Defendant having one hard liquor drink, Scotch perhaps; the dinner tab and waitress indicate he had two such drinks (Dewars). Ms. Smith further stated: "And so I remember Greg had had one of those, and then after that I saw him drinking red wine... They had bottles of red and white wine out, um, you know, with drinks. So I saw him- he was basically drinking, at least what I saw, red wine for the rest of the night."
6. By means of a search warrant, Deputy Leib was able to obtain sample of the Defendant's blood taken at Kalispell Regional Medical Center; those samples were taken on 08/28/09 at 0001 (12:01) a.m. At 2:23 a.m., FWP Game Warden Jon Obst also obtained a sample of the Defendant's blood. Analysis of those blood samples resulted in BACs of .16 approximately one hour and 45 minutes after the accident (hospital sample) and .12 approximately four hours after the accident (FWP sample).

Supplemental Affidavit In Support of Leave of Information:

As reported by Det. Leib in Flathead County Sheriff's Office Investigative Report #200936880, during the course of their investigation into the August 27, 2009, boating accident, investigating officers interviewed passengers Dennis Rehberg and Kristin Smith. Both individuals identified the Defendant as the driver of the boat at the time of the accident.

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**DEFENDANT'S STATEMENT**

*(Typed Verbatim)*

The following is a typed version of a handwritten statement from the Defendant in response to the following questions:

***In your own words, what did you do to get arrested on this charge?***

"I used bad judgment, made bad decisions and five people were hurt seriously. By relying on a GPS for navigation on a route that I was not familiar with for nighttime boating, I crashed my boat on the shore. I had consumed some alcohol at dinner and after having my blood drawn in the emergency room, it apparently registered above the legal limit. Although the area that the accident occurred has limited lighting along the shore, I should not have been so close without slowing down."

"I am so thankful that all the victims have recovered and are back enjoying their regular lives."

***What reason do you have for your involvement in this offense?***

"I was asked by Congressman Rehberg to share an evening on Flathead Lake with him and some members of his staff, Dustin Frost and Kristin Smith. The Congressman and I have spent several nights and days on the lake without incident and he thought it would be a nice way for them to relax and enjoy a little Montana beauty."

***Give your recommendation as to what you think the Court should do in your case.***

"I have agreed to change my plea from Not Guilty to No Contest in an effort to try to bring an amount of certainty and relief to my family and myself. Hopefully the court will agree with the plea bargain that we have presented. I fully understand the ramifications of the sentence with regards to the fine, restitution,



[REDACTED]

**EDUCATION:**

The Defendant reported he graduated from high school in Havre, MT in 1965. He reported he attended college at NMC-Havre and also at the University of Montana from 1965 to 1969, where he obtained a Bachelor of Science in Business Administration. The Defendant also indicated he completed some graduate work at Wharton School of Finance and also at Colorado School of Banking.

**EMPLOYMENT:**

The Defendant is currently retired. He reported previous employment as a Senior Vice President for D.A. Davidson & Co. from 1981 to 2008, as the President of the Pondera Bank of Montana System from 1969 to 1981, as the Assistant Vice President of the Bank of Montana System from 1971 to 1975, and as a management trainee for the Missoula Bank of Montana from 1969 to 1970. The Defendant has been involved in politics for many years, as a Commissioner for the Montana Redistricting Commission from 2001 to 2002, for the Montana Trade Advisory Council from 1994 to 1998, for the Montana Fish Wildlife and Parks from 1989 to 1993, for the Montanan Economic Education Council from 1976 to 1980, and was the chair for the Forest Planning Task Force. The Defendant was a State Senator for Montana from 2002 to December 31, 2010, and a Majority Whip for the Montana State Senate for the 2007 and 2009 sessions.

[REDACTED]

**MILITARY:**

The Defendant reported no military history.

**OTHER PERTINENT INFORMATION:**

According to the Collision Analysis report prepared by Miles Beam, P.E., it was concluded that the speed the boat was traveling at prior to the collision, was at least thirty (30) mph at the time of first contact with the rocks, and most likely the speed was over forty (40) mph. According to Miles Beam, several methods were used to project an estimation of the vessel's speed; including free flight path, performing calculations based on engine and propeller data, RPM readings, and damage to the stern drive to manufacture testing and known speeds. (Taken from page 3 and 8 of Miles Beam's Collision Analysis.) As indicated on page 19 of the Collision Analysis, Richard H. Snyder, P.E., reported the stern drive damage on the boat examined could only occur at speeds greater than forty (40) mph. Furthermore, as indicated on page 20 of the Collision Analysis, the Defendant violated Rule 5 and Rule 6 of the Inland Navigation Rules, as he failed to maintain a proper lookout, and proceed at a safe speed relevant to conditions as well as take proper action to avoid a collision. In summary, the Defendant was traveling too fast for conditions, did not have enough time to identify and recognize the hazard in front of him, due to failure to maintain an adequate lookout.

According to Fish Wildlife and Parks Investigative Report, prepared by Game Warden Sergeant Jon Obst, Kristin Smith reported that the boat being driven by the Defendant did not slow down or speed up prior to impact, and that the speed remained the same. Also, as indicated in the affidavit for first responder records, the boat was not equipped with a spotlight or other lighting to illuminate its path.

The Defendant had a relevant prior criminal incident, as he was initially charged with a DUI, Misdemeanor in Lake County, MT. The DUI charge was amended to Reckless Driving, a Misdemeanor. Attempts were made to gather relevant information regarding this incident from the Lake County Attorney's Office, Lake County Justice Court, and the Montana Highway Patrol. The only documents I was able to collect were a plea agreement from Justice Court and the arresting officer's daily log from the Montana Highway Patrol. The plea agreement contains the charge he plead guilty to and his sentence, and the arresting officer's daily log reports that the officer detected a strong odor of an alcoholic beverage and blood shot eyes, the Defendants scores on field sobriety tests, and that the Defendant refusal of the PBT. The Defendant was asked about the Reckless Driving conviction during the interview phase of this report, and he indicated that much of his demeanor and involvement in the offense was related to his mother's passing away. He stated that he was informed that she had died at the time he was pulled over by law enforcement for the offense. The Defendant stated he was instructed by his attorney not to provide a breath sample when asked to do so, and he believes he passed the field sobriety tests given by the officer. The Defendant admitted to consuming one (1) to two (2) beers before initially getting in his car, went to dinner, and had one (1) to two (2) drinks with dinner, and a glass of wine. He also indicated he was traveling 84 mph prior to being pulled over. The Defendant reported the charges were reduced at sentencing after staffing his case with his attorney and the County Attorney, and was ultimately convicted of Reckless Driving, a Misdemeanor.

The Defendant was the registered owner of the boat at the time of the accident, and he reported owning the boat for about ten (10) years. The Defendant stated his insurance company monetarily compensated him for

the boat, and he believes it was seized by the Flathead County Sheriff's Department. The Defendant indicated he had to pay out of pocket for the removal of his boat by crane.

### **RESTITUTION:**

According to the Plea Agreement, the Defendant is to pay \$4,000.00 in restitution to the State of Montana. The Victims are not requesting restitution.

### **PLEA AGREEMENT:**

The Defendant will plead no contest to Criminal Endangerment, a Felony, contrary to the provisions of Section 45-5-207(1), MCA, and punishable under the provisions of 45-5-207(2), MCA. In exchange for the plea of no contest to the charge above, the State agrees to enter into a binding plea agreement and shall recommend the following:

- a. 3 year deferred imposition of sentence
- b. If there are no violations, the State will not object to ending the deferred sentence after one-half of the sentence in accordance with 48-18-208, MCA.
- c. The State will not object to unsupervised probation.
- d. In exchange for the Defendant's pleas of no contest, the State shall dismiss Count II and Count III: Negligent Vehicular Assault, both Felonies.

The Defendant reserves the right to argue for a shorter term of deferred sentence and to pay restitution to the State in the amount of \$4,000.00. The Defendant agrees to pay the standard supervision fees and surcharges. In light of the restitution payment, no additional fine is anticipated.

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### **EVALUATION/RECOMMENDATION:**

The Defendant, Gregory Duane Barkus, is a sixty-four (64) year old male who is before the Eleventh Judicial District Court, Flathead County, Montana for sentencing after previously pleading no contest to Count I: Criminal Endangerment, a Felony. The Defendant was cooperative and respectful during the investigation of this report and answered all questions asked. The Defendant has been an upstanding member of the community, and has been an important individual for the State of Montana. He held the public office of a State Senator for Montana from 2002 to December 31, 2010, and also a Commissioner on many different task forces and councils since about 1976.

[REDACTED]

The Defendant noted he may have had some problems with alcohol when he was thirty (30) to forty (40) years of age, but stated his consumption of alcohol has decreased significantly with age. The Defendant reported he last used alcohol on August 27, 2009, the day the Instant Offense occurred, aside from drinking wine at communion once a week at church. The Defendant maintains that he only consumed two (2) drinks of alcohol (Scotch) and if consumed wine, would have only had one (1) glass prior to the occurrence of Instant Offense. The Defendant further reported he turned down several drink offers during the course of the day. As previously stated in the chemical use section of this report, the Defendant had blood alcohol levels of .16% one hour and forty-five minutes after the crash occurred, and registered .12% four hours after the crash occurred. When considering the blood alcohol samples taken by law enforcement and Kalispell Regional Medical Center, the Defendant's BAC was approximately two (2) times the legal limit of .08%. The Defendant indicated he cannot argue with the reported BAC levels, but stated he does not understand how the levels could have been so high when considering the alcoholic beverages he consumed. The Defendant does not believe he has any issues with alcohol abuse, and has not participated in any chemical dependency counseling aside from meeting with Laura Dickerson, LAC on one (1) occasion. According to the nature and

circumstances of the Instant Offense, as well as prior criminal history it is recommended that the Defendant obtains a chemical dependency evaluation and follows all recommendations of said evaluation.

The Defendant's actions at the time of the Instant Offense were definitely that of a negligent manner, as his blood alcohol level was approximately two (2) times the legal limit almost two (2) hours after the crash, he violated Rule 5 and Rule 6 of the Inland Navigation Rules, as he failed to maintain a proper lookout, and proceed at a safe speed relevant to conditions as well as take proper action to avoid a collision. As a result of his actions, he is extremely lucky that no one was killed in the crash. Although none of the Victims or the Defendant lost their lives, they sustained serious injuries. Dennis Rehberg had a badly broken ankle which had to be surgically repaired and a frontal bone fracture with intracranial hematoma and a laceration to the right forehead. Dustin Frost suffered from a head injury and was in a coma for several days and was considered to be "critically injured". According to statements made by Dustin Frost's attorney, Dustin Frost still suffers from injuries related to the crash, including neurological problems, cracked teeth, and a ruptured ear drum. The Defendant appears to be remorseful for his actions as he stated he "used bad judgment which caused five (5) people to be hurt seriously." The Defendant also stated he is "thankful the Victims have recovered and are back enjoying their regular lives." After discussing the case with the Victims and/or attorneys involved, it appears that none of them are wishing for the Defendant to be punished harshly for the Instant Offense, and do not object with the possibility of the Defendant getting a deferred imposition of sentence.

During the investigation of this report, I had Dewey Hall, statistician for the State of Montana, compile sentences for the crime of Criminal Endangerment for Flathead, Lake, Lincoln, Sanders, and Missoula Counties for the past five (5) years. The statistics for Flathead County showed 37% of offenders received a deferred imposition of sentence, 55% had a suspended or partial suspended sentence, and 8% received a Prison/DOC commit sentence. Of the 55% of cases that received a suspended or partial suspended sentence, 74% of those were sentenced to five (5) or more years and 24% were sentenced to less than five (5) years. The combined statistics for all five counties revealed that 45% of offenders received a deferred imposition of sentence, 49% had a suspended or partial suspended sentence, and 6% received a Prison/DOC commit sentence. Of the 49% of cases that received a suspended or partial suspended sentence, 81% of those were sentenced to five (5) or more years and 19% were sentenced to less than five (5) years. When considering the sentencing recommendation proposed in the Plea Agreement for the Defendant, a three (3) year deferred imposition of sentence falls below the average sentence for offenders sentenced for the crime of Criminal Endangerment in the counties selected.

According to 46-18-101, M.C.A., some of the correctional and sentencing policy of the State of Montana is to punish the offender commensurate with the nature and degree of harm caused by the offense and to hold the offender accountable. After considering the circumstances of the offense, aggravating and mitigating factors, the amount of harm caused to the Victims, prior criminal history, and sentencing statistics, I do not concur with the proposed plea agreement. I respectfully recommend that the Defendant be sentenced to the Department of Corrections for a term of five (5) years suspended and be subjected to standard probation. The following conditions are recommended for the Defendant to comply with while placed onto community supervision.

1. The Defendant be placed under the supervision of the Department of Corrections, subject to all rules and regulations of the Adult Probation & Parole Bureau.
2. The offender must obtain prior approval from his/her supervising officer before taking up residence in any location. The offender shall not change his/her place of residence without first obtaining written

permission from his/her supervising officer or the officer's designee. The offender must make the residence open and available to an officer for a home visit or for a search upon reasonable suspicion. The offender will not own dangerous or vicious animals and will not use any device that would hinder an officer from visiting or searching the residence.

3. The offender must obtain permission from his/her supervising officer or the officer's designee before leaving his/her assigned district.
4. The offender must seek and maintain employment or maintain a program approved by the Board of Pardons and Parole or the supervising officer. Unless otherwise directed by his/her supervising officer, the offender must inform his/her employer and any other person or entity, as determined by the supervising officer, of his/her status on probation, parole, or other community supervision.
5. Unless otherwise directed, the offender must submit written monthly reports to his/her supervising officer on forms provided by the probation and parole bureau. The offender must personally contact his/her supervising officer or designee when directed by the officer.
6. The offender is prohibited from using, owning, possessing, transferring, or controlling any firearm, ammunition (including black powder), weapon, or chemical agent such as oleoresin capsicum or pepper spray.
7. The offender must obtain permission from his/her supervising officer before engaging in a business, purchasing real property, purchasing an automobile, or incurring a debt.
8. Upon reasonable suspicion that the offender has violated the conditions of supervision, a probation and parole officer may search the person, vehicle, and residence of the offender, and the offender must submit to such search. A probation and parole officer may authorize a law enforcement agency to conduct a search, provided the probation and parole officer determines reasonable suspicion exists that the offender has violated the conditions of supervision.
9. The offender must comply with all municipal, county, state, and federal laws and ordinances and shall conduct himself/herself as a good citizen. The offender is required, within 72 hours, to report any arrest or contact with law enforcement to his/her supervising officer or designee. The offender must be cooperative and truthful in all communications and dealings with any probation and parole officer and with any law enforcement agency.
10. The offender is prohibited from using or possessing alcoholic beverages and illegal drugs. The offender is required to submit to bodily fluid testing for drugs or alcohol on a random or routine basis and without reasonable suspicion.
11. The offender is prohibited from gambling.
12. The offender shall pay all fines, fees, and restitution ordered by the sentencing court. **Recommended net fine to be paid to the Clerk of District Court: \$1,000.00.**
13. **The Defendant will pay court ordered restitution to the State of Montana in the amount of \$4,000.00.** The Probation & Parole Officer will determine the amount of payments if the offender is on supervision; otherwise, the DOC will take a portion of the offender's inmate account if the offender is incarcerated. All restitution payments will be made by money order or cashier's check and sent to the Department of Corrections, Collection Unit, P.O. Box 201350, Helena, MT 59620. The Defendant will be assessed a 10% administration fee on all restitution ordered. All of the methods for

collection of restitution provided under §46-18-241 through §46-18-249, MCA, shall apply, including garnishment of wages and interception of tax refunds. Pursuant to §46-18-244(6)(b), MCA, the Defendant shall sign a statement allowing any employer to garnish up to 25% of his/her wages. The Defendant will continue to make monthly restitution payments until he/she has paid full restitution, even after incarceration or supervision has ended.

14. The Defendant shall pay to the DOC a **\$50.00** fee at the time that the PSI report is completed unless the court determines that the Defendant is not able to pay the fee within a reasonable time per §46-18-111, MCA. The Defendant is to submit this payment to the Department of Corrections Collection Unit, P.O. Box 201350, Helena, MT 59620. **The Defendant has not paid the PSI Fee.**
15. The Defendant will pay the following fees and/or charges which are statutorily mandated:
  - a. Supervision fees (§46-23-1031, MCA) each month in the form of money order or cashier's check to the Department of Corrections Collection Unit, P.O. Box 201350, Helena, MT 59620 (\$50 per month if the Defendant is sentenced under §45-9-202, MCA, dangerous drug felony offense and placed on ISP).
  - b. Surcharge of \$15 for each misdemeanor. [§46-18-236(1)(a), MCA] **Defendant to pay: \$0.00.**
  - c. Surcharge of the greater of \$20 or 10% of the fine for each felony offense. [§46-18-236(1)(b), MCA] **Defendant to pay: \$100.00.**
  - d. Surcharge for victim and witness advocate programs of \$50 for each misdemeanor or felony charge under Title 45, Crimes; §61-8-401 (DUI); or §61-8-406 (DUI). [§46-18-236(1)(c)] **Defendant to pay: \$50.00.**
  - e. \$10.00 per count for a court information technology fee (§3-1-317, MCA). **Defendant to pay: \$10.00.**
  - f. Costs of assigned counsel up to \$150 for misdemeanor case and \$500 for felony case (§46-8-113, MCA). All payments will be made by money order or cashier's check and sent to the Department of Administration, Office of Public Defender, 44 West Park, Butte, MT 59701. **Defendant to pay: \$0.00 (Not Applicable).**
16. All Defendants convicted of a felony offense must submit to DNA testing as required by §44-6-103, MCA.
17. The Defendant shall or shall not be given credit against the fine for time served in jail prior to sentencing per §46-18-403, MCA.
18. The Defendant shall obtain a chemical dependency evaluation by a state approved evaluator. The Defendant must pay for the evaluation and follow all of the evaluator's treatment recommendations.
19. The Defendant shall successfully complete Cognitive Principles & Restructuring (CP&R) or similar cognitive and behavioral modification program, at the discretion of the Probation and Parole Officer.
20. The Defendant shall not possess or use any electronic device or scanner capable of listening to law enforcement communications.
21. The Defendant will abide by a curfew as determined necessary and appropriate by the Probation & Parole Officer.

22. The Defendant will complete 100 hours of community service at the discretion of the Probation & Parole Officer.
23. The Defendant will not enter any bars.
24. The Defendant will not associate with probationers, parolees, prison inmates, or persons in the custody of any law enforcement agency without prior approval from the Probation & Parole Officer. The Defendant will not associate with persons as ordered by the court or BOPP.
25. The Defendant will attend self-help meetings at the direction of the Probation & Parole Officer.

Respectfully Submitted,



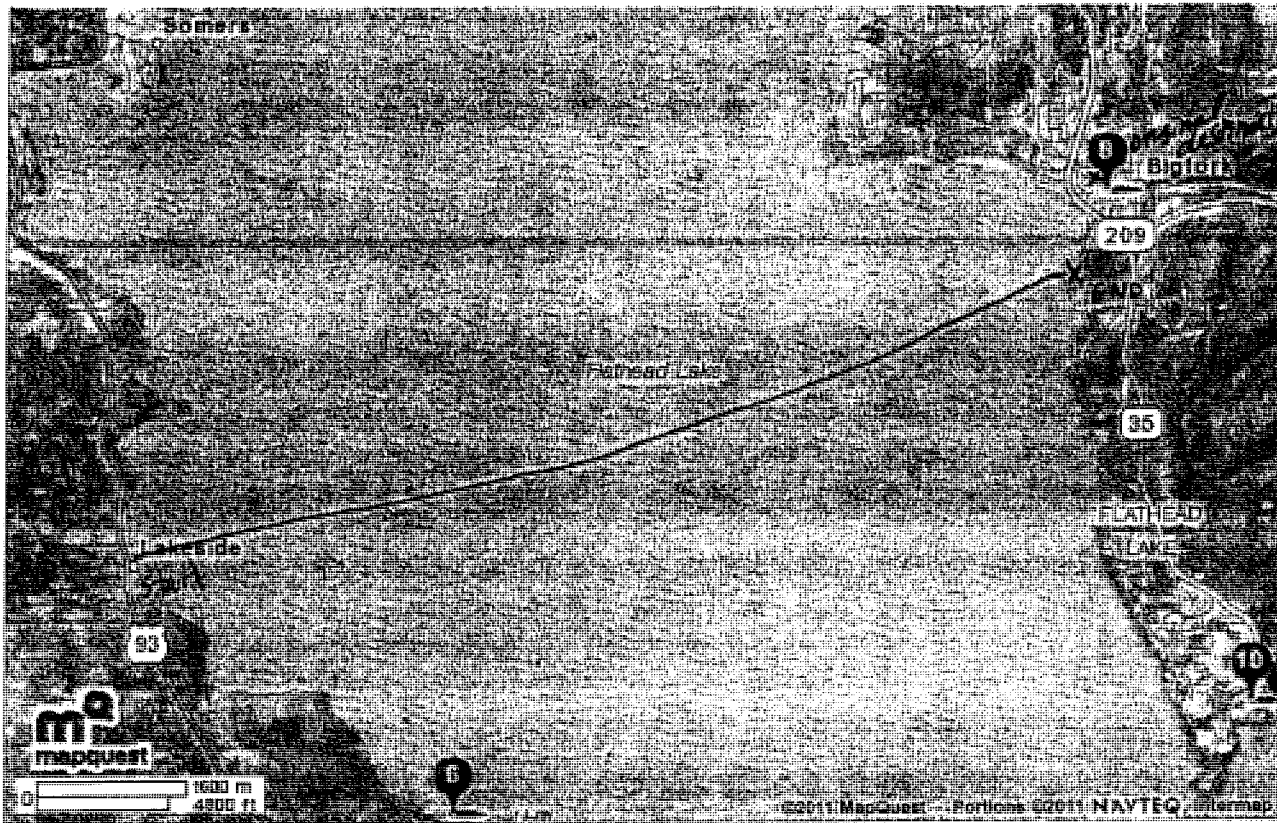
Keely Absalonson,  
State Probation/Parole Officer  
Triangle Building  
575 Sunset Blvd. Suite 208  
Kalispell, Montana 59901  
(406) 752-2575; Fax (406) 755-5124

Attachments:

Per the Honorable John C. Mckeen's request, the following documents are attached to the Pre-Sentence Investigation:

1. Victim Impact Statements
2. Map showing the departure point, intended destination, and location of crash
3. Copies of photographs taken at or near the time of the crash
4. Copies of witness statements
5. Copies of investigating officer's reports
6. Copy of toxicology report
7. Copies of reports by accident reconstruction/analysis experts
8. Reckless Driving documentation

cc: Sentencing Court – Original  
Prosecuting Attorney  
Defendant's Attorney  
Defendant  
Field File  
District Office  
Regional Administrator/POII (If applicable)



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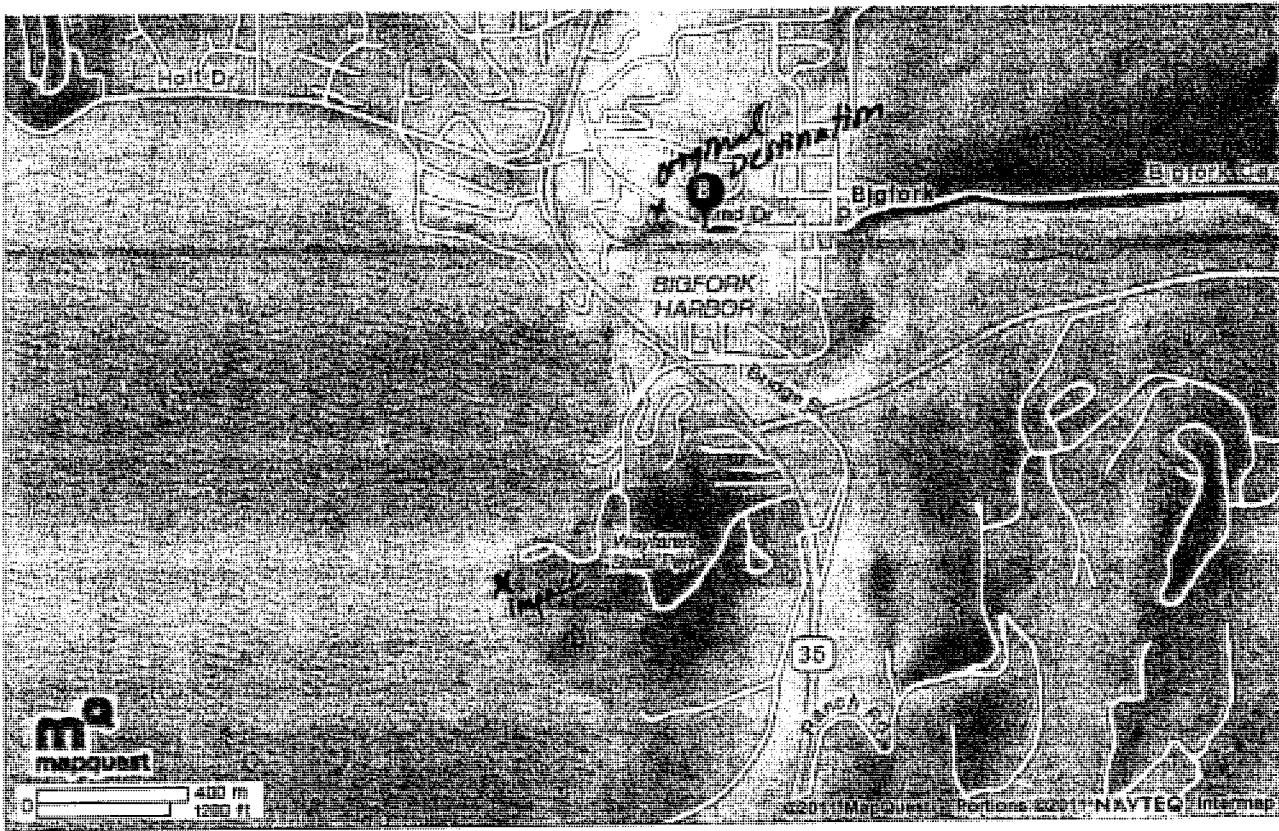
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Original Course:

The Docks Restaurant to Marina Cay.

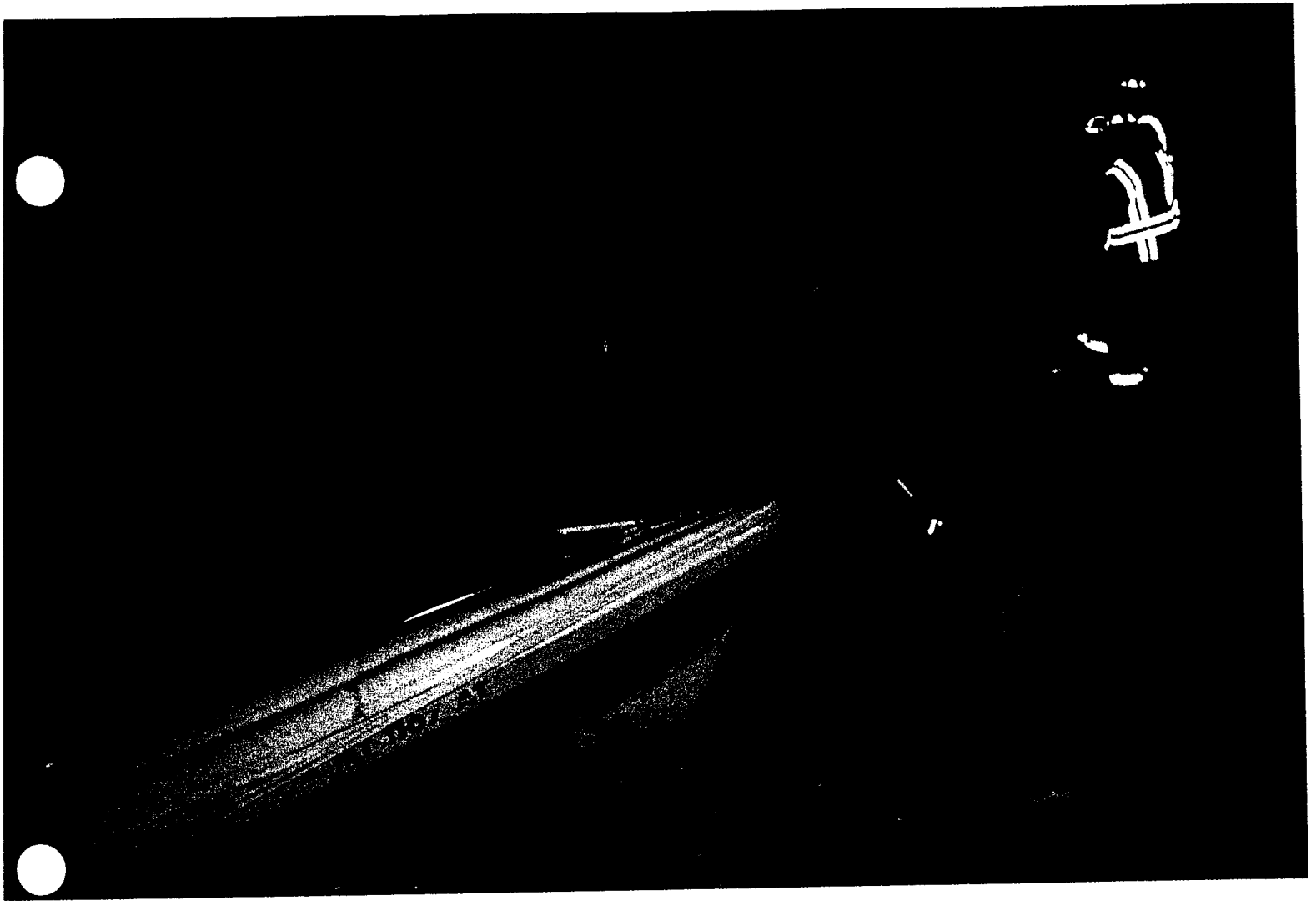
Actual Course:

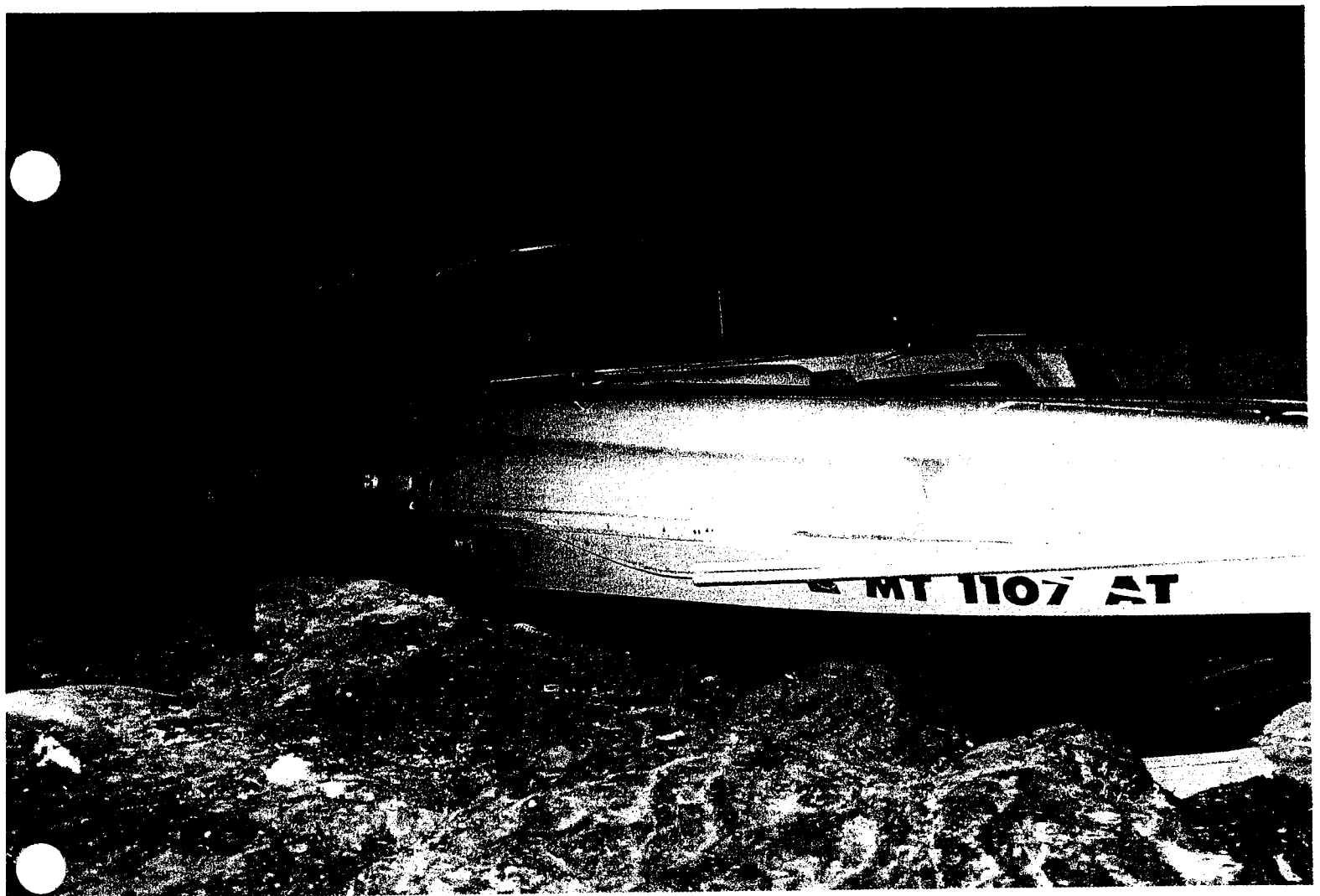
The Docks Restaurant to the rocky cliffs at Wayfaves State Park.

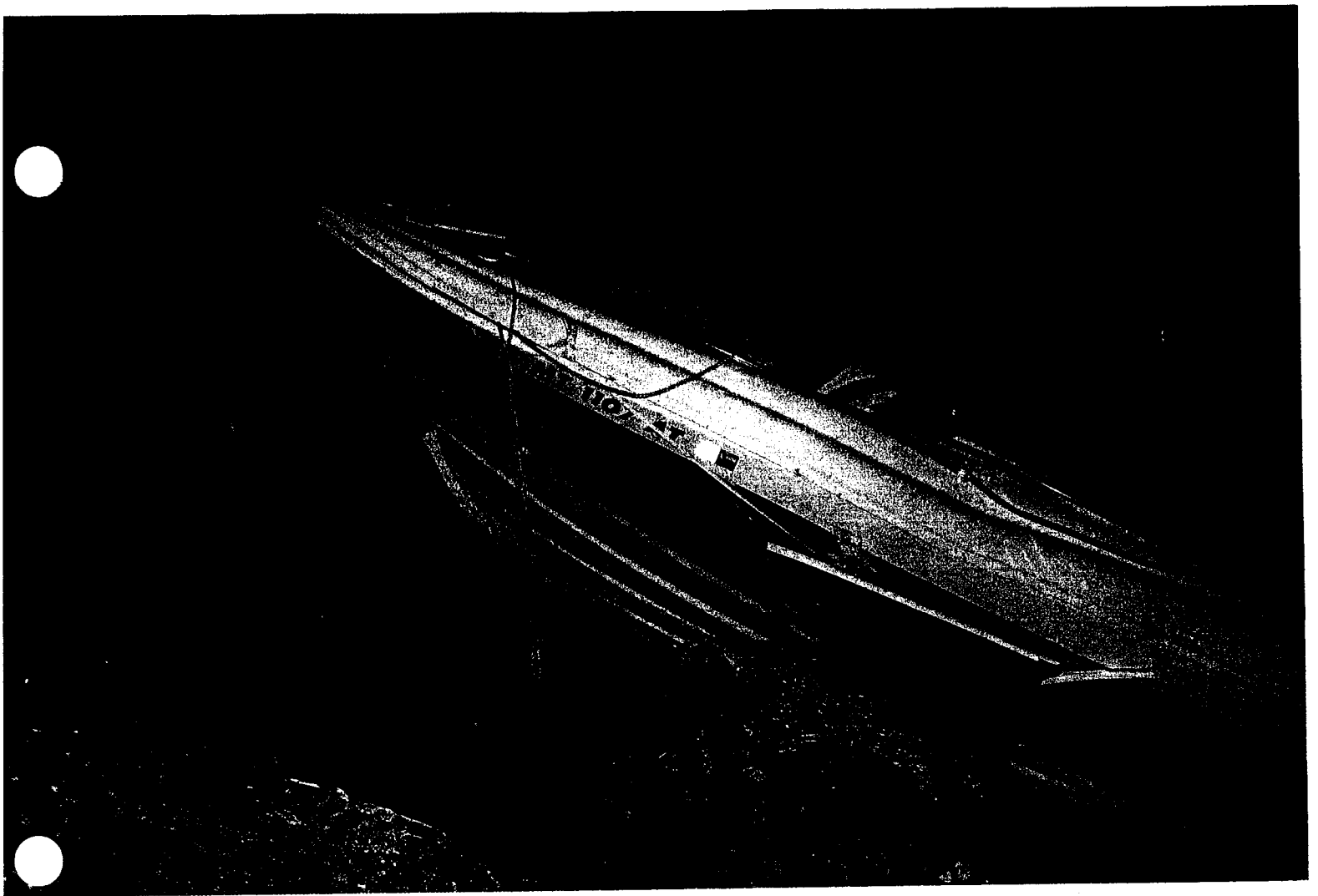


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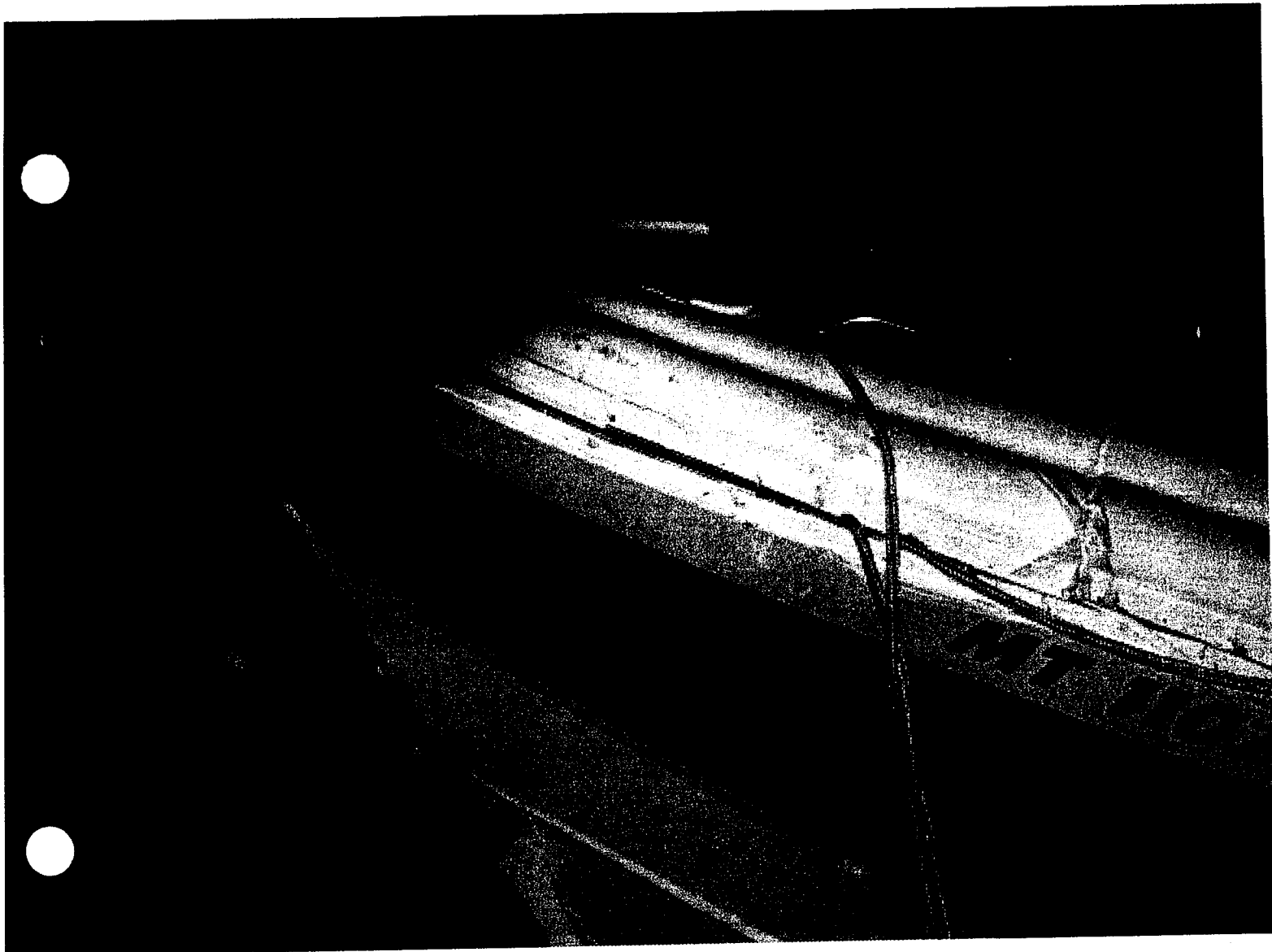
















*1. 10:18 p.m. - Accident  
2. Drinks - red wine  
3. Smell alcohol on被告's  
4. 16 min after accident*

State vs. Gregory D. Barkus: Affidavit for First Responder Records

1. At 10:18 p.m. on the date charged, the Lake County Sheriff's Office received a 911 report of a boating accident at Wayfarers State Park in Flathead County. Responding personnel found the boat completely out of the water lying vertically against a cliff.

2. The Defendant, Kathy Barkus, Dennis Rehberg, Kristin Smith, and Dustin Frost were on the boat at the time of the crash. Investigating officers have determined that the Defendant was the driver of the boat that night.

3. Mr. Rehberg suffered a badly broken left ankle in the accident; it was necessary to surgically repair the break. Mr. Frost suffered a significant head injury and was in a coma for several days. The Defendant was also seriously injured, suffering a broken pelvis, a number of broken ribs, and lacerations. Mr. Rehberg, Mr. Frost, and the Defendant were initially treated at the scene by Bigfork first responders (ambulance and volunteer firemen) and then transported to Kalispell Regional Medical Center for further treatment. Mrs. Barkus and Ms. Smith suffered less serious injuries.

4. Prior to the accident, the group had been attending an "end of the summer" dinner at the Docks Restaurant in Lakeside. They finished dinner and left by boat a little after 10:00 p.m. intending to return to Marina Cay in Bigfork:

a. It was dark at that time. The Barkus' boat was not equipped with a spotlight or other lighting to illuminate its path.

b. The Defendant was navigating by use of a GPS device. According to Ms. Smith, at one point during the trip the Defendant appeared to be confused about their direction of travel—"I think I'm turned around"—and believed they were heading towards the river rather than Bigfork. At that time, he made a "big" course correction to the right.

c. Ms. Smith believed they were traveling at approximately 40 mph at one point. Ms. reported that the speedometer appeared to be broken, but recalled the engine being run at 4000 rpm; Jesco Boat Center advised Det. Leib that the Barkus boat, with five passengers on board, could have been going as fast as 45 mph at 4000 rpm. Ms. Smith further stated "we were definitely heading, like, full speed straight forward" when she first realized they were about to hit the shoreline. Ms. Smith's statement is corroborated by a nearby camper who reported hearing a boat traveling at a high rate of speed immediately before the crash.

d. From scrape marks and debris patterns, investigating officers believe the boat was traveling north when it struck the shoreline at an angle of approximately 30 degrees, went airborne, and then crashed into the rocks and cliff where it came to rest.

5. With respect to alcohol, Ms. Smith recalled the Defendant having one hard liquor drink, Scotch perhaps; the dinner tab and waitress indicate he had two such drinks (Dewars). Ms. Smith then stated "he was basically drinking, at least what I saw, red wine for the rest

of the night." First responders reported to FWP Game Warden Nathan Reiner that they could smell alcohol while attending to the Defendant's injuries.

6. By means of a search warrant, Deputy Leib was able to obtain samples of the Defendant's blood taken at Kalispell Regional Medical Center; those samples were taken on 8/28/09 at 0001 (12:01) a.m. At 2:23 a.m., FWP Game Warden Jon Obst also obtained a sample of the Defendant's blood. Analysis of those blood samples resulted in BACs of .16 approximately one hour and 45 minutes after the accident (hospital sample) and .12 approximately 4 hours after the accident (FWP sample).

7. Medical records prepared by responding Bigfork ambulance personnel and volunteer firemen for Mr. Rehberg, Ms. Smith, Mrs. Barkus, and Mr. Frost will assist in establishing their condition immediately after the crash and the severity of their injuries.

8. Ms. Smith and the Defendant were transported to Kalispell Regional Medical Center at the same time. Ms. Smith recalls ambulance personnel attempting to insert an IV into the Defendant. The Defendant's ambulance records will record whether they were successful in those efforts and, if so, how much fluid was injected. If the Defendant's blood was diluted by saline or some other IV fluid prior to his admission at the hospital, that information may impact the accuracy of the hospital's and State's BAC findings.

Statement 9-1-2009 Regarding Boat Accident on Thursday, August 27<sup>th</sup>, 2009

Scott Moore  
PO Box 8006  
Bigfork, MT 59911  
Bigfork Fire #24

It is important to note that I did not have a watch or my cell phone on me during the entire event. I have perceptions of time, but no exact times to give in this statement.

Around 10:30pm I was reading in the living room and heard the first page out for Bigfork Ambulance regarding a boating accident with 4 victims. Realizing the severity of the situation, I immediately began making arrangements to get my gear and head to the Woods Bay Fire Hall. It was not long after that, that I heard a page out for Bigfork Fire and then eventually the Alert Helicopter.

My phone buzzed with the dispatch text at 10:33pm

I was at the Woods Bay Hall shortly thereafter with my turnout gear on. It was decided that Chief and Passons would head to the main hall in their POV and get the Rescue Truck and we waited for the Osters to come to the Woods Bay hall to drive #331. The Osters arrived a few moments later and we began to head to the scene.

Upon arriving on scene, we were instructed by command to land alert in the field and drive them down to the scene. After securing the scene, alert arrived with three team members and their gear.

We all piled into #331 and drove down the hill to the scene. Upon arrival, I noticed that the Rescue truck was in place and the lights were up. Also there were cords running from the Rescue truck attached to mobile lighting at the crash site.

I grabbed two flash lights from 331 and proceeded to the crash site. Upon entering the area, I was instructed to stay away from the water because I had my full turnout gear on.

My first impression of the scene was overwhelming, but orderly. There was a lot to take in. The boat was way farther up on the rocks than I had envisioned in my mind before coming to the scene. There were multiple victims that had already been boarded up and were ready for extraction.

My attention was directed by Lofler to help him with the first victim. Mr. Barkus was on an extraction board down at the bottom of the rocks near the water on the right side of the boat facing the lake. I helped grab the extraction board at the front, and carried him to the ambulance 24. We had to walk him slowly up the rock face, over the rock edge and down the entry path towards the ambulance. Once we arrived at the ambulance, we placed him on a gurney and removed the extraction board, leaving the back board in place. We then strapped him down to the gurney and hooked him to the ambulance.

Moments later, the other victims were carried up on extraction boards by fire, ems and sheriffs officers. I helped remove the extraction board for Mrs. Barkus and assisted in strapping her to the gurney. The entire time that I had working with her, up to that point, she looked unconscious, but she was breathing well. We attached her to the back of the other ambulance where the alert crew was working with the Senators Aid. As I was standing there making sure that Mrs. Barkus was attended to, I saw her eyes open up. I went over to her and talked to her. I asked her what her name was, she said Kathy. I asked if she knew where she was, and she did not know. I asked her if she was visiting the area and she said no, she was from here. I said... Bigfork? And she said... no, the area. I asked her how she was feeling and she said that she was ok.

Mr. Barkus needed to be loaded into the ambulance, so I assisted Nat in pulling up the wheels of the gurney and loading him in. I then returned my attention to Mrs. Barkus. I walked over to her and noticed that her legs were exposed to the elements. I felt her legs and they were cold, so I asked her if she wanted a blanket and she said that she was warm, I got her one anyway because her skin was very cold to the touch. I asked Lowe to come over and look at her, and he came over and asked her a few questions. He had her push down and up with her hands and feet. He did a pupil test and concluded that she was doing fine.

Then, she asked about her dog. We asked her what kind of dog we should be looking for and she said a Terrier. We put out a call to look for the dog, then moments later she said that the dog was at home, so we called off the search. I asked her if she knew what happened and she said that she was in a boating accident. She said her husband was driving and all of the sudden turned the boat. Then she asked if he was ok. I did not know who her husband was, but because I had brought up Mr. Barkus, I knew the description of his clothing. I told her, and she said yes, that is my husband. I told her that he was in the other ambulance. She nodded and closed her eyes, I continued to monitor her until Tony took over her care.

I walked back over to the crash site on my way observing the senator, strapped to a back board laying down in the staging area with emt's attending to his needs. There was also another victim lying next to him on a back board. Upon arriving at the crash site, I helped Lowe move the lights closer to the boat. At that point I was instructed by command to go back to the main hall with Lofler and get a bag of hazmat snakes below the stairs in the basement. Lofler and I took 362 to the fire hall and got a bag. Upon returning to the scene, I was asked by command to get two more bags of the, so I went back to the station and got two more bags full.

I drove back and brought the bags to the scene. We strung them together and Nat and Oster placed them in the water to keep the gas and oil from spilling into the lake. When I returned, the hazmat guy from Columbia Falls had arrived and was bringing out all the things he needed to contain the spill.

Command asked all those in attendance if there were any team members that needed to go home, a few did. I stayed to help with the mop up. The hazmat guy, brought out

yellow floating barriers and I helped the Osters place them in the water. The sheriff got the boat and assisted in placing the anchors on the yellow barriers. When everything was in place and the fire line tape was up, we departed. I returned to the Woods Bay hall around 4:00am.

This form must be submitted whenever a watercraft accident results in:

1. Loss of Life2. Injury beyond First Aid.3. Property Damage over \$100.

PLEASE TYPE OR PRINT. COMPLETE ALL BLOCKS (INDICATE THOSE NOT APPLICABLE BY "NA")

DATE OF ACCIDENT  
8/27/2009

TIME  
10:19 ☐ AM ☒ PM

NAME OF BODY OF WATER  
Flathead Lake

☒ LAKE ☐ RIVER ☐ POND/DITCH  
☐ OTHER (Specify)

LOCATION (Give Location Precisely)  
Wayfare State Park Beach

NEAREST TOWN/CITY  
Bigfork

COUNTY  
Flathead

OPERATOR (Last, First Middle)  
Barkus, Gregory D.  
ADDRESS:  
[REDACTED]

OPERATOR'S DATE OF BIRTH  
[REDACTED]

OPERATOR'S AGE  
63

WAS BOAT RENTED  
☐ YES ☒ NO  
WAS BOAT COMERCIALY  
OUTFITTED  
☐ YES ☒ NO  
NO. OF PERSONS  
ON BOARD  
5

OPERATOR'S EXPERIENCE  
(check one from each type)  
This Type of Boat  
☐ Under 20 hours  
☐ 20 to 100 hours  
☐ 100 to 500 hours  
☐ Over 500 hours  
☒ Unknown  
Other Types of Boats  
☐ Under 20 hours  
☐ 20 to 100 hours  
☐ 100 to 500 hours  
☐ Over 500 hours  
☒ Unknown  
OPERATOR'S FORMAL INSTRUCTION IN  
BOATING SAFETY (Check All that Apply)  
☐ State ☐ None  
Certificate Number ☒ Unknown  
☐ USCG Auxiliary ☐ Other (Specify)  
☐ U.S. Power Squadrons  
☐ American Red Cross

OWNER: (Last, First Middle)  
Same as above  
ADDRESS:  
[REDACTED]  
CITY: STATE: ZIP CODE:  
TELEPHONE: HOME WORK

BOAT NUMBER (State & Number)  
MT 1107AT

BOAT MAKE  
MCJ

BOAT MODEL  
RUNABOUT

MFG HULL IDENTIFICATION NO.  
MCJ24059J798

BOAT NAME  
N/A

TYPE OF BOAT (Check One)  
☒ Open Motorboat ☐ Raft  
☐ Cabin Motorboat ☐ Other  
☐ Auxiliary Sail  
☐ Sail (Only)  
☐ Rowboat (non-motorized)  
☐ Canoe / Kayak  
☐ Personal Watercraft (jet ski)  
☐ Pontoon

HULL MATERIAL  
☐ Aluminum  
☒ Fiberglass  
(plastic)  
☐ Wood  
☐ Steel  
☐ Rubber / Vinyl  
☐ Other (Specify)

ENGINE (check one)  
☐ Outboard  
☒ Inboard-Outdrive  
☐ Inboard gasoline  
☐ Inboard diesel  
☐ Water Jet  
☐ None  
☐ Other (Specify)

BOAT DATA (Propulsion)  
Number of Engines 1  
Make of Engine(s) MERCURISER  
Horsepower (total) UNK  
Year Built (Engine) 1998

BOAT DATA (Construction)  
Length 24 Feet  
Inches  
Year Built 1998  
(Boat)

PERSONAL FLOTATION DEVICES  
(Answer All Questions)  
Yes No  
☒ Was boat adequately equipped with  
CG Approved Lifesaving Devices  
☒ Were PFD's Accessible  
☒ Were PFD's Used  
If Yes What Type  
☐ I ☐ II ☐ III  
☒ IV ☐ V

FIRE EXTINGUISHERS  
Yes No NA  
☒ Were approved fire  
extinguishers used  
(Check Yes or No only  
if there was a fire)

LIGHTS (Answer All Questions)  
Yes No NA  
☒ Was boat equipped with required  
lights (If operating after sunset)  
☒ Were lights used  
(If operating after sunset)

OPERATOR (Last, First Middle)  
[REDACTED]  
ADDRESS:  
[REDACTED]  
CITY: STATE: ZIP CODE:  
TELEPHONE: HOME WORK

OPERATOR'S DATE OF BIRTH  
[REDACTED]

OPERATOR'S AGE  
[REDACTED]

WAS BOAT RENTED  
☐ YES ☐ NO  
WAS BOAT COMERCIALY  
OUTFITTED / GUIDED  
☐ YES ☐ NO  
NO. OF PERSONS  
ON BOARD  
[REDACTED]

OPERATOR'S EXPERIENCE  
(check one from each type)  
This Type of Boat  
☐ Under 20 hours  
☐ 20 to 100 hours  
☐ 100 to 500 hours  
☐ Over 500 hours  
☐ Unknown  
Other Types of Boats  
☐ Under 20 hours  
☐ 20 to 100 hours  
☐ 100 to 500 hours  
☐ Over 500 hours  
☐ Unknown  
OPERATOR'S FORMAL INSTRUCTION IN  
BOATING SAFETY (Check All that Apply)  
☐ State ☐ None  
Certificate Number ☐ Unknown  
☐ USCG Auxiliary ☐ Other (Specify)  
☐ U.S. Power Squadrons  
☐ American Red Cross

OWNER: (Last, First Middle)  
[REDACTED]  
ADDRESS:  
[REDACTED]  
CITY: STATE: ZIP CODE:  
TELEPHONE: HOME WORK

BOAT NUMBER (State & Number)

BOAT MAKE

BOAT MODEL

MFG HULL IDENTIFICATION NO.

BOAT NAME

TYPE OF BOAT (Check One)  
☐ Open Motorboat ☐ Raft  
☐ Cabin Motorboat ☐ Other  
☐ Auxiliary Sail  
☐ Sail (Only)  
☐ Rowboat (non-motorized)  
☐ Canoe / Kayak  
☐ Personal Watercraft (jet ski)  
☐ Pontoon

HULL MATERIAL  
☐ Aluminum  
☐ Fiberglass  
(plastic)  
☐ Wood  
☐ Steel  
☐ Rubber (Vinyl)  
☐ Other (Specify)

ENGINE (check one)  
☐ Outboard  
☐ Inboard-Outdrive  
☐ Inboard gasoline  
☐ Inboard diesel  
☐ Water Jet  
☐ None  
☐ Other (Specify)

BOAT DATA (Propulsion)  
Number of Engines  
Make of Engine(s)  
Horsepower (total)  
Year Built (Engine)

BOAT DATA (Construction)  
Length Feet  
Inches  
Year Built  
(Boat)

PERSONAL FLOTATION DEVICES  
(Answer All Questions)  
Yes No  
☐ Was boat adequately equipped with  
CG Approved Lifesaving Devices  
☐ Were PFD's Accessible  
If Yes What Type  
☐ I ☐ II ☐ III  
☐ IV ☐ V

FIRE EXTINGUISHERS  
Yes No NA  
☐ Were approved fire  
extinguishers used  
(Check Yes or No only  
if there was a fire)

LIGHTS (Answer All Questions)  
Yes No NA  
☐ Was boat equipped with required  
lights (If operating after sunset)  
☐ Were lights used  
(If operating after sunset)





# ***Montana Fish, Wildlife & Parks***

November 18, 2009

TO: Flathead County Attorney Office

FR: Game Warden Nathan Reiner

RE: Supplemental Report for August 27, 2009 Boat Accident at Wayfarers State Park.

In my initial report for the August 27, 2009 Boat Accident involving Mr. Greg Barkus, I stated that Rescue Personnel made statements to me that they smelled the odor of alcoholic beverages on Barkus's person. I was recently informed that no Fire or Ambulance Personnel now admit to smelling Alcohol on Barkus's person.

On November 17, 2009 I went to the Big Fork Fire Station to ask the Fire Chief, Chuck Harris if he could explain why they changed their statement. Chief Harris could not explain the change except that he stated that it is possible that some did not want to get involved and that others may have been given me assumptions due to the nature of the crash.

Assistant Chief Nat O'Farrell was one of the emergency responders the night of the accident. On November 17, 2009 O'Farrell stated while he was rendering aid to Dustin Frost, he observed the odor of an alcoholic beverage on his person, but he never was close to Mr. Barkus.

I have no more at this time



# Montana Fish, Wildlife & Parks

September 3, 2009

TO: Flathead County Attorney Office

FR: Game Warden Nathan Reiner

RE: Supplemental Report for August 27, 2009 Boat Accident at Wayfares State Park.

## Brief:

On August 27, 2009, at approximately 2246 hours, Warden Reiner was notified of a boat accident on the steep rock portion of Wayfares State Park. Warden Reiner responded and arrived on scene at approximately 2321 hours. Warden Reiner secured the scene, took photos, sketched the scene, arranged for Law Enforcement to interview occupants of boat at the hospital, interviewed witnesses, requested assistance from Montana Highway Patrol accident investigators, assisted in making arrangement for boat removal, and began reconstructing the accident. Before turning the investigation over to the Flathead County Sheriff's Office.

## Narrative:

On August 27, 2009, at approximately 2246 hours, Warden Reiner was notified, by the Wayfares State Park Camp Host, Alda Hagen, that a boat had struck the rock cliff beach portion of the State Park. Mrs. Hagen stated that emergency personnel were already on scene. Warden Reiner responded from his residence and arrived on scene at approximately 2321 hours.

On scene, Warden Reiner was briefed by Flathead County Sheriff's Deputy Tom Allen. Deputy Allen informed the Warden that a boat had struck the rocks. There were five occupants, Greg Barkus was driving the boat, and Dennis Rehberg was a passenger. All the occupants were going to the hospital.

Warden Reiner observed that the Alert Helicopter was landed at the park, along with numerous Bigfork Fire trucks and an Ambulance. Fire personnel were illuminating the crash site with large lights. Ambulance and Fire rescuers were attending to and loading occupants in ambulances. All occupants were removed from the crash site.

before Warden Reiner had arrived. Warden Reiner was unable to talk with any of the occupants.

Warden Reiner walked to the crash site, which was on the rocks just south of the boat launch at the state park. Reiner observed a large white and blue fiberglass boat sitting on the rocks, completely out of the water, with severe gouges and structural damage. The boat was pointing in a northeastward direction, or, approximately at a 65 degree angle from the shoreline. The boat was resting at an approximate 35 degree angle from the waterline, bow up, in a crevasse between two large rock structures in the cliffy terrain.

Bigfork Fire personnel on scene informed Warden Reiner that the first people on scene were campers from the State Park. Rescuers also informed the warden that when they arrived on scene there was one female occupant still in the boat and the four other occupants were down on the waters edge below the boat. The fire personnel also stated that the occupants had told them that the driver of the boat was Greg Barkus. Rescue personnel made statements that they could smell an odor of alcoholic beverages on Mr. Barkus's person, when they were attending to his injuries.

Warden Reiner observed that the light on the near-by State Park boat dock were working and were visible from the crash site.

At approximately 2343 hours Warden Reiner contacted Warden Sergeant Jon Obst and notified him of the accident. Sergeant Obst responded to the hospital to get statements from the occupants of the boat.

The boat displayed the Hull Number MT1107AT. Warden Reiner ran the numbers through Flathead County Dispatch and was notified that the boat was a 1998 MCJ, 24 foot, white and Blue in color, registered to Kathy Barkus of Kalispell. Looking at the boat, Warden Reiner observed that all the gauges were down at zero. The throttle was straight up to neutral position. There was what appeared to be a GPS mount on the dash to the right of the steering wheel, but there was no GPS in the mount. The lights on the boat were not activated. The stern light pole was in position.

At approximately 0005 Warden Reiner placed a police line (fire line yellow tape) around the perimeter of the accident scene.

While looking at the scene Warden Reiner observed debris scattered all over the scene. Most of it consisted of fiberglass pieces from the hull of the boat. Other debris consisted of broken glass, seats, clothing, shoes, cell phones, eye-glasses, red drinking cups, and it appeared that there was a life jacket floating in the water.

Warden Reiner followed the trail of fiberglass debris, white and blue paint transfer-marks on the rocks, and broken tree branches and determined the path the boat traveled up on the rocks. The boat appeared to have been traveling north and came up on the rocks at a 30-degree angle from the shore.

Warden Reiner walked down to the shoreline where the boat appeared to make first contact with the shore. Warden Reiner observed a white scuff-mark which started narrow just under the waterline and became larger as it came out of the water and onto the rock face on the shoreline.

Warden Reiner noticed a large rock approximately 10 to 12 feet from the shore and approximately one foot under the water. The rock appeared to have a fresh scrape marks across the top of the rock, which is constant with a mark made by the lower unit of the boat.

The marks and gouges continue up the rock face for approximately 6 feet, until the rock surface flattens out a bit. At that point the boat must have been airborne. Warden Reiner could not find any more marks of any kind on the rock surface until he looked approximately 24 feet up the rock structure towards where the boat came to rest. At that location the warden found numerous white and blue marks on the rocks, where it appears the boat re-contacted the rock surface.

On the left or north side of where the boat came to rest the warden found a couple more white paint transfer marks on the rock, showing the highest or furthest point the boat traveled up the rocks. It appeared, that after reaching the furthest point, the boat must have slid a short distance backwards down into the crevasse where it came to rest.

Warden Reiner photographed the scene.

At approximately 0045 hours Warden Reiner made contact with five of the campers, Thomas Fredericksen, of Highland Ranch, CO, Ryder Juntunen, of Helena, Laura Godowski, of Helena, Tara Ternes, of Alberta, and Tami Reid, of Alberta, who were first on scene. Warden Reiner took names, contact information, and brief statements at that time. Warden Reiner informed them that someone would be by their campsites to get statements in the morning.

From the brief statements Warden Reiner found out that the campers heard the crash and immediately ran to the shore, from their campsites. They observed the boat and four of the occupants in the water and at the waters edge. Ryder Juntunen called 911. The group helped the occupants out of the water. Ryder Juntunen entered the boat to turn off the ignition, for the boat was making a noise. He discovered one occupant, Kathy Barkus, still in the boat. They gave first aid to the injured until emergency services arrived. The campers did not remember the lights on the boat being on.

Bigfork Fire and Flathead County Emergency Services Hazmat team were on scene to contain fuel, which was leaking out of the vessel. Warden Reiner cleared the scene at approximately 0300 hours. Wayfares State Park's gates were closed by Parks personell. Sergeant Obst arrived at the park to cover the boat with tarps, to retain evidence. Game Wardens Chuck Bartos and Perry Brown were called in to assist in scene security and patrolled the shoreline in front of the scene by boat.

Warden Reiner returned the scene at 0845 hours. At approximately 0850 hours on August 28, 2009, Warden Reiner notified Montana Highway patrol of the incident and requested assistance with their Total Station Surveying Software, to measure the accident scene. Troopers James Hawkins, David Mills, and Dustin Lerette responded and processed the scene with the Total Station.

Sergeant Obst notified Dock Masters and requested them to respond to remove the boat from the rocks.

On scene, during the daylight, Warden Reiner confirmed what he observed the night before and photographed the scene and made field sketches of the scene.

At approximately 1220 hours Warden Reiner was notified that do to the circumstances of the crash that Flathead County Sheriff's Office detectives would take over the investigation.

Dock Masters arrived on scene at approximately 1520 hours.

Warden Reiner remained on scene assisted the Detectives. Warden Reiner cleared the scene at approximately 1700 hours.

Nothing more at this time.

**Attachments:**

- CD of photos

2009 36880 F10

## FWP Investigative Report

**Suspect/Incident:** Wayfarers Boat Accident

**Incident Date:** August 28<sup>th</sup> 2009 – August 29<sup>th</sup> 2009

**Time:** 2330 Hours (8-28) – 1800 Hours (8-29)

**Officer:** Game Warden Sergeant Jon Obst

On August 27<sup>th</sup>, 2009 at around 2330 hours Game Warden Nathan Reiner contacted me at home. Warden Reiner informed me that he was on the scene of a boat accident that occurred at Wayfarers State Park at around 2200 hours. He informed me that there were injuries and that the injured were taken to Kalispell Regional Medical Center. He asked that I go to the hospital and get more information on the accident.

I arrived at Kalispell Region Medical Center Emergency Room at 0040 hours on August 28<sup>th</sup> 2009. I was informed that the ER had admitted the following individuals from a boat accident that occurred at Wayfarers State Park:

Greg Barkus  
Dustin Frost  
Kristin Smith

In route were Kathleen Barkus and Denny Rehberg.

Greg Barkus and Dustin Frost were both in the ER's trauma units in an unconscious state and receiving care.

Kristin Smith was receiving care and was alert. I asked the attending physician if she was able to talk and would it be all right if I talked with her. He said yes that he had no problem with that.

At 0050 hours I entered Kristin Smith room and introduced myself to Kristin as Game Warden Sergeant Jon Obst and that if she was able, could she tell me about the boat accident?

Kristin said sure and told me the following:

- Kathy and Greg Barkus picked her, Denny Rehberg and Dustin Frost up at the Marine Kay in Bigfork in their boat at around 5:00 pm.
- They left the marina and headed up the river since they had time before plans at Lakeside.
- They headed up the river for 10 or 15 minutes and then headed back to the Lake
- Greg was showing her and the others his GPS unit and there course in the channel on it.
- Once they got back to the lake they headed over to Lakeside Dock for dinner at around 6:00 –6:30 pm.
- They ate dinner and attended a private party were there was a DJ and music.
- They (Greg, Denny, Kathy, Dustin and herself) got back into the boat and headed back across the lake a little after 10:00pm to drop them back off at the Marina Kay.
- As they headed back Greg was watching the GPS.
- When they got closer to Big Fork, Greg said that they were off course and headed up river.
- They were driving fast and she remembers Greg turning.
- She looked up and remembers someone saying, rocks or shore or something and then they hit.
- She remembers having a nightmare of drowning and then waking up wet and remembered she was in a boat.
- I asked her who was driving the boat; she said Greg Barkus was driving the entire time.
- I asked if she saw Greg drinking anything at the party that night. She said she remembers him ordering a Cutty Stark, scotch or something like that when they got to Lakeside Dock.
- She also remembers him drinking wine after that.
- She wasn't with him much after that and had to wait awhile for her dinner.
- I asked if she remembers Greg slowing down or speeding up right before the crash. She said no the speed was the same.
- I asked if she remembers how sharp the turn was. She said that it wasn't hard or sharp only that he turned.

- I asked about lights facing forward or what lights were on the boat at the time. She said they had no lights shining forward and that Dustin put the white light pole in the boat at the back before they left Lakeside.
- She said that there were no lights visible forward.
- I asked about who was sitting where in the boat. She said that Greg was driving; Denny was in the passengers seat, she was kneeling beside Denny out of the wind, since it was cold. Kathy was on the steps between them and Dustin was on the back seat lying down.

She was considerate and polite and I thanked her for her time and asked the best way to get a hold of her if we needed to talk with her again. She gave me her contact information. I left her room and went back into the main room.

At this time I called the Flathead Sheriffs dispatch to request a evidence blood kit be delivered to the hospital.

I then waited outside Denny Rehberg's room until the x ray technicians were done with their work. I asked the attendant if I could go in and talk with Denny. She said yes.

At 0110 hours I entered Denny Rehberg's room and introduced myself as Jon Obst, Warden Sergeant with Montana Fish Wildlife and Parks. I told him that I talked with Kristin and that she was doing as well as she could. I asked him if he had time to tell me about the accident and what he remembered. Denny said he would be glad to help me out. He told me the following:

- He remembers them leaving the Lakeside Dock with Greg driving.
- Dustin put the white light up before they left.
- They were headed back to Big Fork to the Marina Kay to drop himself, Kristin and Dustin off.
- He remembers that Greg was watching the GPS and depth finder.
- He doesn't know much about GPS or what Greg was looking at.
- He remembers looking up towards darkness and not seeing anything.
- He said that Greg had told him about navigational markers and the river channel earlier that day when they were on the river.
- He remembers looking up and seeing the shore and then they hit.
- He doesn't remember who yelled what only that he say the shore or rocks and then they hit.

- I asked him if he remembers Greg turning, changing speed or direction. He said no.
- I asked if Greg had been driving the entire time and he said yes Greg was driving the boat the entire day.
- I asked him about the seating in the boat of the passengers that Kristin told me and he said that was correct.
- He did say that they had drinks at the Lakeside Dock where they ate that evening.

During this conversation Denny was alert and was making sure that those who needed to be notified with contact information were supplied it. He was courteous and helpful with his information.

At 0153 hours when I came out of Denny's room I was handed the blood kit that I requested from a deputy.

I then asked the hospital staff working to draw blood from Greg Barkus for part of this investigation.

At 0223 I witnessed the blood draw and followed the procedures set forth in the kit.

I then waited outside Kathleen Barkus's room until the attendant was finished and asked if it was all right to talk with Kathleen now.

The attendant said yes.

I entered the room at 0243 and introduced myself to Kathleen Barkus as Game Warden Sergeant Jon Obst and that if she had time could she tell me about the accident. She said yes. I told her that I talked with Denny and Kristen and would make this as fast as possible since she had a procedure pending.

She told me the following:

- She said that she was sitting on the steps out of the wind.
- Greg was working on the GPS
- Greg was driving the boat.
- Greg has many hours driving the boat and had been in and out Big Fork bay many times.
- She said she couldn't believe what happened.

I then needed to leave because she needed to have some work done. I thanked her for her time.

I then left the hospital at around 0315 hours.

I arrived at Wayfarers State Park at around 0430 hours. Upon entering the front gate I secured the gate behind me and proceeded to the boat ramp area. I located the boat accident site. I found the immediate flagged off and no one was in the area. I covered the boat with tarps and stayed in the parking area access point.

At around 0630 I made arrangements to close the park prior to it's scheduled opening at 0700 hours. The park was closed off to additional public entrance and only authorized personnel were allowed to enter the containment area of the boat.

During the course of the day:

- I obtained 3 voluntary written statements from those park users that were present that night and directly assisted with the initial boat accident.
- I compiled a list of those that were in the park but did not directly assist in the boat accident that night.
- I did retained the blood sample taken that night and turned it over to the Flathead Sheriffs office when requested.
- Assisted in the scene security and provided assistant to the Flathead Sheriffs office as requested.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 11  
Report Date: 09/13/2009 @15:27

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between: 8/27/2009 and 8/27/2009

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only Prosecute? N Attachments? N

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

=====  
Reporting Officer: JORDAN WHITE Officer Number: 7-30

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 11  
Report Date: 09/13/2009 @15:27

== Narrative -- Page: 1 =====

On August 27, 2009, at approximately 0200 hours, I responded to the Wayfarers Park with the white sheriff's boat to assist OES with setting boom for haz-mat containment.

I returned with FCSO dive team member Sam Fussell on August 28, 2009, to perform a cursory search of the area near the boat crash scene after the boat had been removed and placed on on the barge. We returned with additional members on September 1, 2009, to perform an expanded grid search of the area. The additional members of the dive team included Chuck Curry, Rich Schuster, Chris Roberts, and Wendy Stefaniak. We were tasked with searching for personal property that may have been ejected from the boat crash on impact. We were particularly requested to search for a GPS unit. No personal property was located or collected during the search.

ATTACHMENT: NONE

CASE DISPOSITION: INFORMATION ONLY

# **FWP Investigative Report**



**Suspect/Incident: Wayfarers Boat Accident**

**Incident Date: August 28<sup>th</sup> 2009 – August 29<sup>th</sup> 2009**

**Time: 2330 Hours (8-28) – 1800 Hours (8-29)**

**Officer: Game Warden Sergeant Jon Obst**

On August 27<sup>th</sup>, 2009 at around 2330 hours Game Warden Nathan Reiner contacted me at home. Warden Reiner informed me that he was on the scene of a boat accident that occurred at Wayfarers State Park at around 2200 hours. He informed me that there were injuries and that the injured were taken to Kalispell Regional Medical Center. He asked that I go to the hospital and get more information on the accident.

I arrived at Kalispell Region Medical Center Emergency Room at 0040 hours on August 28<sup>th</sup> 2009. I was informed that the ER had admitted the following individuals from a boat accident that occurred at Wayfarers State Park:

Greg Barkus  
Dustin Frost  
Kristin Smith

In route were Kathleen Barkus and Denny Rehberg.

Greg Barkus and Dustin Frost were both in the ER's trauma units in an unconscious state and receiving care.

Kristin Smith was receiving care and was alert. I asked the attending physician if she was able to talk and would it be all right if I talked with her. He said yes that he had no problem with that.

At 0050 hours I entered Kristin Smith room and introduced myself to Kristin as Game Warden Sergeant Jon Obst and that if she was able, could she tell me about the boat accident?

Kristin said sure and told me the following:

- Kathy and Greg Barkus picked her, Denny Rehberg and Dustin Frost up at the Marine Kay in Bigfork in their boat at around 5:00 pm.
- They left the marina and headed up the river since they had time before plans at Lakeside.
- They headed up the river for 10 or 15 minutes and then headed back to the Lake
- Greg was showing her and the others his GPS unit and there course in the channel on it.
- Once they got back to the lake they headed over to Lakeside Dock for dinner at around 6:00 –6:30 pm.
- They ate dinner and attended a private party were there was a DJ and music.
- They (Greg, Denny, Kathy, Dustin and herself) got back into the boat and headed back across the lake a little after 10:00pm to drop them back off at the Marina Kay.
- As they headed back Greg was watching the GPS.
- When they got closer to Big Fork, Greg said that they were off course and headed up river.
- They were driving fast and she remembers Greg turning.
- She looked up and remembers someone saying, rocks or shore or something and then they hit.
- She remembers having a nightmare of drowning and then waking up wet and remembered she was in a boat.
- I asked her who was driving the boat; she said Greg Barkus was driving the entire time.
- I asked if she saw Greg drinking anything at the party that night. She said she remembers him ordering a Cutty Stark, scotch or something like that when they got to Lakeside Dock.
- She also remembers him drinking wine after that.
- She wasn't with him much after that and had to wait awhile for her dinner.
- I asked if she remembers Greg slowing down or speeding up right before the crash. She said no the speed was the same.
- I asked if she remembers how sharp the turn was. She said that it wasn't hard or sharp only that he turned.

- I asked about lights facing forward or what lights were on the boat at the time. She said they had no lights shining forward and that Dustin put the white light pole in the boat at the back before they left Lakeside.
- She said that there were no lights visible forward.
- I asked about who was sitting where in the boat. She said that Greg was driving; Denny was in the passengers seat, she was kneeling beside Denny out of the wind, since it was cold. Kathy was on the steps between them and Dustin was on the back seat lying down.

She was considerate and polite and I thanked her for her time and asked the best way to get a hold of her if we needed to talk with her again. She gave me her contact information. I left her room and went back into the main room.

At this time I called the Flathead Sheriffs dispatch to request a evidence blood kit be delivered to the hospital.

I then waited outside Denny Rehberg's room until the x ray technicians were done with their work. I asked the attendant if I could go in and talk with Denny. She said yes.

At 0110 hours I entered Denny Rehberg's room and introduced myself as Jon Obst, Warden Sergeant with Montana Fish Wildlife and Parks. I told him that I talked with Kristin and that she was doing as well as she could. I asked him if he had time to tell me about the accident and what he remembered. Denny said he would be glad to help me out. He told me the following:

- He remembers them leaving the Lakeside Dock with Greg driving.
- Dustin put the white light up before they left.
- They were headed back to Big Fork to the Marina Kay to drop himself, Kristin and Dustin off.
- He remembers that Greg was watching the GPS and depth finder.
- He doesn't know much about GPS or what Greg was looking at.
- He remembers looking up towards darkness and not seeing anything.
- He said that Greg had told him about navigational markers and the river channel earlier that day when they were on the river.
- He remembers looking up and seeing the shore and then they hit.
- He doesn't remember who yelled what only that he say the shore or rocks and then they hit.

- I asked him if he remembers Greg turning, changing speed or direction. He said no.
- I asked if Greg had been driving the entire time and he said yes Greg was driving the boat the entire day.
- I asked him about the seating in the boat of the passengers that Kristin told me and he said that was correct.
- He did say that they had drinks at the Lakeside Dock where they ate that evening.

During this conversation Denny was alert and was making sure that those who needed to be notified with contact information were supplied it. He was courteous and helpful with his information.

At 0153 hours when I came out of Denny's room I was handed the blood kit that I requested from a deputy.

I then asked the hospital staff working to draw blood from Greg Barkus for part of this investigation.

At 0223 I witnessed the blood draw and followed the procedures set forth in the kit.

I then waited outside Kathleen Barkus's room until the attendant was finished and asked if it was all right to talk with Kathleen now.

The attendant said yes.

I entered the room at 0243 and introduced myself to Kathleen Barkus as Game Warden Sergeant Jon Obst and that if she had time could she tell me about the accident. She said yes. I told her that I talked with Denny and Kristen and would make this as fast as possible since she had a procedure pending.

She told me the following:

- She said that she was sitting on the steps out of the wind.
- Greg was working on the GPS
- Greg was driving the boat.
- Greg has many hours driving the boat and had been in and out Big Fork bay many times.
- She said she couldn't believe what happened.

I then needed to leave because she needed to have some work done. I thanked her for her time.

I then left the hospital at around 0315 hours.

I arrived at Wayfarers State Park at around 0430 hours. Upon entering the front gate I secured the gate behind me and proceeded to the boat ramp area. I located the boat accident site. I found the immediate flagged off and no one was in the area. I covered the boat with tarps and stayed in the parking area access point.

At around 0630 I made arrangements to close the park prior to it's scheduled opening at 0700 hours. The park was closed off to additional public entrance and only authorized personnel were allowed to enter the containment area of the boat.

During the course of the day:

- I obtained 3 voluntary written statements from those park users that were present that night and directly assisted with the initial boat accident.
- I compiled a list of those that were in the park but did not directly assist in the boat accident that night.
- I did retained the blood sample taken that night and turned it over to the Flathead Sheriffs office when requested.
- Assisted in the scene security and provided assistant to the Flathead Sheriffs office as requested.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Original  
Report Date: 08/27/2009 @22:24

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: PHILLIP GREER

Officer Number: 753

Assemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Original  
Report Date: 08/27/2009 @22:24

== Narrative -- Page: 1 =====

On 08/27/09 at 22:24 hours this office received a report of a boating accident at Wayfarer's Park in Bigfork.

Deputy Allen and I arrived on scene. I observed an approximately twenty plus foot boat, run a ground, on one of the cliffs. The boat was lying near vertical, completely out of the water, and wedged between two rocks.

There was a woman inside the boat receiving care from an unknown person. There were four unknown persons, three males and one female, near the water in need of medical attention. Shortly after our arrival medical personnel were on scene and began administering medical aid to those in need. Deputy Allen and myself assisted medical personnel in lifting the patients from the waterfront, up the cliff.

During my time on scene, the medical personnel asked persons who were on the boat, who was driving the boat. Some just stated "him", referring to a male who was down near the water. Other patients stated a male with the last name of "Barkus." I am unsure which patients or medical personnel stated this information.

Case Disposition: Report for information only.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1  
Report Date: 08/31/2009 @11:08

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

=====

Reporting Officer: ALAN BROOKS

Officer Number: 7-43

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1  
Report Date: 08/31/2009 @11:08

== Person -- Type: O - Other=====

Name: BARKUS, GREG D

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 62

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No: [REDACTED]

Sex: Male Race: White

Ethnicity: Not Hispanic

Height: 000 Hair: Unknown or Completely Bald

Build:

Weight: 000 Eyes:

Complexion:

== Person -- Type: V - Victim=====

Name: REHBERG, DENNIS RAY

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 53

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No:

Sex: Male Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

== Person -- Type: V - Victim=====

Name: SMITH, KRISTIN MCKENZIE

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 27

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No:

Sex: Female Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1  
Report Date: 08/31/2009 @11:08

== Person -- Type: V - Victim=====

Name: FROST, DUSTIN EIVIND

AKA(s): Not reported

Residential Address: Not reported

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 27

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No:

Sex: Male Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

== Person -- Type: W - Witness=====

Name: GODOWSKI, KEN

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 0

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No:

Sex: Male Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

== Person -- Type: W - Witness=====

Name: GODOWSKI, KAY

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 0

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No:

Sex: Male Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1  
Report Date: 08/31/2009 @11:08

== Person -- Type: W - Witness=====

Name: GODOWSKI, LAURA

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: Age: 0

Birth Place:

SSN: NCIC No:

FCID No:

Sex: Female Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

== Person -- Type: W - Witness=====

Name: FREDERIKSON, THOMAS JAMES

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 27

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No:

Sex: Male Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1  
Report Date: 08/31/2009 @11:08

== Narrative -- Page: 1 =====

On 8/28/09 I responded with Sgt. Leib to Wayfarers Park at the request of the County Attorney. We made contact with several of the witnesses and they were interviewed on location at Wayfarers Park.

What follows is a summary of the interviews, which were recorded in their entirety. The following summary has been condensed for the ease of the reader, and is not necessarily in the order in which it was discussed. The reader is referred to the audio recording for a verbatim account of the interviews.

On 8/28/09 I spoke with Thomas Fredrickson concerning the boating accident which occurred on 8/27/09.

Fredrickson related the following:

-Thomas was sitting at his campsite in Wayfarers campground when he heard a boat traveling at a high speed break three waves and then a loud bang accompanied by some scraping

-Thomas immediately ran down to the boat dock assuming someone had crashed into the dock

-Upon arriving at the dock Thomas realized the sound had come from the cliffs nearby.

-Thomas then went over to the cliffs and observed a boat stuck on the rocks with it's bow pointing up into the air.

-There was one bystander standing on the cliffs holding a flashlight and three other individuals assisting down by the boat and water's edge.

-There were two individuals sitting on the shore bleeding from the head, one woman in the boat, and two males in the water.

-When Thomas arrived bystanders were checking each individual and were trying to retrieve a male who was lying mostly submerged in the water.

-Thomas immediately climbed down the rocks and started assisting the victims.

-In the process of climbing down the rocks Thomas realized he had cut

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1

Report Date: 08/31/2009 @11:08

== Narrative -- Page: 2 =====

his hands on the glass which was on the ground everywhere.

-Thomas spent a majority of the time trying to get a response from the male who had been submerged, as well as talk to the other victims to keep them alert.

-Someone called for assistance in guiding the emergency personnel and Thomas climbed back up the rocks to assist with the task.

-Once at the top of the cliffs, Thomas spoke with an officer and relayed all the information he had gathered.

-At that point Thomas recalled there was one victim, a woman, who he had not personally seen because she had been in the boat and had been tended to by another bystander.

-During the entire time there was a very strong smell of gas and it could be seen floating on the water.

-Once the medics arrived Thomas assisted a victim named Kristen, who told him her name and age, but nothing else due to her pain.

-Thomas did not hear any conversation going on among the other people.

-The victim, Kristen, was aware of what was going on and coherent.

-Thomas did not notice any debris around or from inside the boat, other than a seat.

-Thomas did handle some of the personal effects of the victims, however did not recall anything unusual among them.

-Thomas stated there were no other smells other than the smell of raw fuel.

-Thomas is an experienced boater and is familiar with the sound of a speeding boat and believed the boat was going really fast.

-From the campsite, Thomas claims he could not see the location where the boat traveled.

-Thomas indicated the lighting present on the boat was very limited.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1

Report Date: 08/31/2009 @11:08

== Narrative -- Page: 3 =====

-Thomas had not spoken to anyone about the incident in depth prior to this interview.

-Thomas also stated he found it peculiar most of the victims were responding and answering questions except for the driver.

Interview concluded.

On 8/28/09 I spoke with Laura Godowski about the incident she was a witness to on 8/27/09. The interview was conducted in Wayfarers Park.

Laura related the following:

-Laura was sitting at her campsite when she heard a loud noise down by the water's edge.

-She ran down to the water and saw a boat among the rocks and discovered several victims near the wrecked boat.

--A girl named Kristen was screaming for help and for someone to call 911.

-She climbed down the rocks and started assisting a young man, later identified as Dustin, who was lying in the water.

-Laura pulled Dustin out of the water, while her dad, Ken, pulled a man named Greg out of the water.

-Greg seemed more coherent from Laura's observation.

-There was another male victim on the shore and another female in the boat.

-Laura believes her boyfriend, Ryder, called 911.

-The whole area smelled of blood and gasoline.

-The emergency personnel then showed up and started boarding individuals.

-Laura did not hear the boat before the loud noise, which was assumed

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1

Report Date: 08/31/2009 @11:08

== Narrative -- Page: 4 =====

to be a boat running aground.

-Laura stated the marker lights were the only lights on the boat.

-Laura had limited conversation with any of the victims.

-Laura did not recognize any of the victims.

Interview concluded.

On 8/28/09 I spoke with Ken Godowski about the incident she was a witness to on 8/27/09. The interview was conducted in Wayfarers Park.

Ken related the following:

-Ken was sitting at his campsite in Wayfarers Park when he heard a loud crunching noise.

-Ken immediately ran down to rocky area of the shore.

-Ken climbed down the rocks along with other bystanders and started assisting what appeared to be five victims.

-Two males, one older and one younger, were in the water and Ken immediately assisted pulling them from the water.

-The older male, Greg, was responsive, however, the younger male, Dustin, was not responsive.

-There was a female and another male already on the shore being tended to by various bystanders.

-Ken's daughter's boyfriend, Ryder, jumped into the boat and turned off the engine and discovered a female still in the boat.

-At this point the emergency personnel started showing up and boarding the victims.

-Ken did not hear the boat prior to the loud crashing noise.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1

Report Date: 08/31/2009 @11:08

== Narrative -- Page: 5 =====

-Ken did not see anything unusual among the wreckage or debris.

-Ken spoke with one of the females and she told him "Greg" was driving the boat.

Interview concluded.

On 8/28/09 I spoke with Kay Godowski about the incident she was a witness to on 8/27/09. The interview was conducted in Wayfarers Park.

Kay related the following:

-Kay was sitting with her family at her campsite in Wayfarers Park when they heard a loud crashing noise.

-Everyone from her campsite headed towards the sound of crash, however, Kay became disoriented and was delayed in getting down to the crashsite.

-Kay eventually made her way down to the crashsite where she observed victims being treated.

-Emergency crews started arriving and Kay helped direct them to the crashsite.

-Kay then assisted the emergency personnel tend to the victims.

-Kay did not hear anything prior to the noise of the crash.

-Kay had conversation with Kathy Barkus, however, it was limited because of her injuries.

Interview concluded.

Attachments: Written Statement from Thomas Frederikson.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 1

Report Date: 08/31/2009 @11:08

== Narrative -- Page: 6 =====

CASE DISPOSITION: INVESTIGATION CONTINUED..

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 2  
Report Date: 08/31/2009 @10:30

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? Y Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: DAVE LEIB

Officer Number: 7-10

Dissemination: Detectives; County Attorney

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 2  
Report Date: 08/31/2009 @10:30

== Person -- Type: O - Other=====

Name: BARKUS, GREG D

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 62

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No: [REDACTED]

Sex: Male Race: White

Ethnicity: Not Hispanic

Height: 000 Hair: Unknown or Completely Bald

Build:

Weight: 000 Eyes:

Complexion:

== Person -- Type: V - Victim=====

Name: REHBERG, DENNIS RAY

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 53

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No:

Sex: Male Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

== Person -- Type: V - Victim=====

Name: SMITH, KRISTIN MCKENZIE

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 27

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No:

Sex: Female Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 2  
Report Date: 08/31/2009 @10:30

== Person -- Type: V - Victim=====

Name: FROST, DUSTIN EIVIND  
AKA(s): Not reported  
Residential Address: [REDACTED] Phone:

Mailing Address: Not reported  
Business / Employment:

Name: Occupation:  
Address: Not reported  
DOB: [REDACTED] Age: 27 Birth Place:  
SSN: [REDACTED] NCIC No: FCID No:  
Sex: Male Race: White Ethnicity: Not Hispanic  
Personal descriptor information not reported

== Person -- Type: V - Victim=====

Name: BARKUS, KATHY  
AKA(s): Not reported  
Residential Address: [REDACTED] Phone:

Mailing Address: Not reported  
Business / Employment:

Name: Occupation:  
Address: Not reported  
DOB: [REDACTED] Age: 0 Birth Place:  
SSN: [REDACTED] NCIC No: FCID No:  
Sex: Female Race: White Ethnicity: Not Hispanic  
Personal descriptor information not reported

== Person -- Type: W - Witness=====

Name: TERNES, TARA  
AKA(s): Not reported  
Residential Address: [REDACTED] Phone: [REDACTED]

Mailing Address: Not reported  
Business / Employment:

Name: Occupation:  
Address: Not reported  
DOB: [REDACTED] Age: 39 Birth Place:  
SSN: [REDACTED] NCIC No: FCID No:  
Sex: Female Race: White Ethnicity: Not Hispanic  
Personal descriptor information not reported

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 2  
Report Date: 08/31/2009 @10:30

== Person -- Type: W - Witness=====

Name: REID, TAMI

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name:

Occupation:

Address: Not reported

DOB: [REDACTED] Age: 39

Birth Place:

SSN: [REDACTED] NCIC No:

FCID No:

Sex: Female Race: White

Ethnicity: Not Hispanic

Personal descriptor information not reported

== Property -- Type: Seized =====

Article Type: Watercraft

Value: \$0.01

Input Date: 08/31/2009 @10:30

NCIC Entry? N

Where Secured: BARN

Secured By: DAVE LEIB

Article: BOAT

Quantity: 1

Serial Number: MCJ24059J798

P-and: MCJ

Model: SL2

e: 24 FOOT

Color: White & Turquoise

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 2  
Report Date: 08/31/2009 @10:30

== Narrative -- Page: 1 =====

On 08282009 at approximately 1200 hours, I received a call from Lt Parker regarding a boating accident that had occurred near Wayfarers Park on Flathead Lake. The accident had occurred at approximately 2220 hours on 08272009 and was being investigated by Fish, Wildlife and Parks. Lt Parker stated that County Attorney Ed Corrigan had requested Flathead County detectives to investigate the accident as the lead agency.

Detective Alan Brooks and I responded to the scene where we met Lt Parker and Sgt John Obst of FWP. Sgt Obst stated that he had turned over blood to Lt Parker. The blood had been collected by Sgt Obst at Kalispell Regional Medical Center. The blood was retained by Lt Parker and placed in the evidence refrigerator at the Flathead County S.O. It was sent to the Montana State Crime lab on 08/31/2009.

Sgt Obst also turned over written statements that he had received from three witnesses at the scene. Two of those witnesses, Tami Reid and Tara Ternes had left the camping area and returned to Canada prior to our arrival. The third witness, Thomas Frederiksen, was still at the park and was interviewed by Detective Brooks. That interview was taped and the copy of that taped statement will be placed in evidence.

Sgt Obst explained that the Montana Highway Patrol had been requested and was at that time measuring the scene with their Total Station in an attempt to recreate the accident scene. That report will be included when it is received from the highway patrol office.

Detective Brooks and I interviewed witnesses Thomas Frederiksen, Ashley Frederiksen, Ryder Juntunen, Ken Godowski, Laura Godowski, and Kay Godowski at campsites 11 and 13 at Wayfarers Park. Those interviews were recorded and the recordings will be placed in evidence. The interviews will be documented in later followups to this report. The interviews consisted of statements regarding the scene at the time all of witnesses responded.

After the interviews were completed, Detective Brooks, Evidence Technician Jared Lako and I went to the accident site where we photographed the boat and scene prior to the boats removal by Dock Masters of Polson. The boat was placed on the boat trailer and then towed to the Flathead County SWAT barn by myself where it was placed in secure storage.

On 08292009 at 1359 hours, I went to Kalispell Regional Medical Center where I interviewed Congressman Dennis Rehberg in his room in the ICU.

What follows is a summary of the interview, which was recorded on digital audio in its entirety.  
The following summary has been condensed for ease of the reader, and is not

necessarily in the order in which it was discussed.  
The reader is referred to the audio recording for a verbatim account

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 2

Report Date: 08/31/2009 @10:30

== Narrative -- Page: 2 =====

of the interview.

Congressman Rehberg stated that Greg and Kathy Barkus picked Dennis up in their boat at the Marina Cay in Bigfork at approximately 1700 hours on 08272009. Rehberg, along with two of his aides, Dustin Frost and Kristin Smith, were staying at the Marina Cay and were going to a dinner function in Lakeside along with the Barkus's. They left the Marina Cay and went up the Flathead River sightseeing. On the way, they stopped at Eagle Bend to see a mutual acquaintance who was a movie producer. After leaving Eagle Bend, the group motored across to Lakeside where they attended the function at The Docks Restaurant.

Mr Rehberg stated that he went to the bar and bought a beer and then "worked the crowd" until dinner. He stated that he did not pay attention to the Barkus's as they were mingling with guests. Dustin Frost and Kristin Smith sat at a table until dinner when the party was served at table #23.

After eating dinner, the party left. Mr Rehberg stated that he did not know the time but it was dark when they left. He stated that Greg Barkus was driving the boat, Kathy Barkus was sitting on the steps leading into the bow of the boat, Rehberg was sitting on the left side of the boat and Kristin was sitting next to him on the left, passenger seat. Dustin was sitting in the rear of the boat by himself. Mr Rehberg stated that Barkus placed a stanchion light in the rear of the boat prior to leaving the docks. On the way across the lake, Greg Barkus navigated primarily through use of a GPS. Rehberg stated that he did not pay much attention to direction or speed primarily because it was cold so he was sitting down behind the windshield to stay warm. He stated that he heard Kristin say "we're going to hit the rocks" just prior to the impact but he did not see anything himself. Mr Rehberg's comments regarding the accident itself will be documented in full in the transcription of his statement.

On 08302009 I interviewed Kristin Smith regarding the evening and the events leading up to the accident. Kristin's recollections were very similar to Dennis Rehberg's from the time they left the Marina Cay until they arrived at Lakeside.

When they arrived in Lakeside at the The Docks, Kristin stated that she sat down at a table with Dustin while Rehberg and the Barkus's went to the bar.

I asked Kristin if she noticed what Greg Barkus had to drink. Kristin stated that Greg went to the bar when they arrived at The Dock and purchased a Cutty's. She went on to say that she noticed that he had red wine to drink during dinner but she was unable to say what he had to drink while he was mingling with the crowd. Kristin was also unable to say how much Greg drank during the course of the evening. Kristin stated that she drank primarily hot tea during the evening because she was cold.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 2

Report Date: 08/31/2009 @10:30

== Narrative -- Page: 3 ==

Kristin went on to describe the events up where they left the dock, placed the rear stanchion light on the boat and then traveled east across the lake. She stated that she was interested in the operation of the boat and looked at the GPS several times as Greg described to her where they were at according to the GPS. Kristin also stated that she looked at the engine RPM's while looking at the other instrumentation. She said that the speedometer did not work but that the RPM's were about 4000 both on the trip across the lake and back. Kristin stated that Greg at one point made a comment that they were headed towards the river and made a course correction to head over to the Marina Cay. Kristin stated that she noticed the rocks just before the impact. At that point, she goes on to describe the events after the impact. Kristin's statement will be transcribed and added to this report at a later date.

DISPOSITION: REPORT REFERRED TO COUNTY ATTORNEY  
ATTACHMENTS: VOLUNTARY STATEMENTS FROM WITNESSES

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 2  
Report Date: 08/31/2009 @10:30 Officer: DAVE LEIB

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

== Property -- Type: Seized ==

Article Type: Watercraft

Value: \$0.01

Where Secured: BARN

Article: BOAT

Quantity: 1

Brand: MCJ

Size: 24 FOOT

Input Date: 08/31/2009 @10:30

NCIC Entry? N

Secured By: DAVE LEIB

Serial Number: MCJ24059J798

Model: SL2

Color: White & Turquoise

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 3  
Report Date: 08/31/2009 @08:30

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? N Attachments? N

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: KIRBY ADAMS

Officer Number: 7-25

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 3  
Report Date: 08/31/2009 @08:30

== Person -- Type: W - Witness=====

Name: ZANNI, FRANCOIS PIERRE

AKA(s): Not reported

Residential Address: [REDACTED]

Phone: [REDACTED]

Mailing Address: Not reported

Business / Employment:

Name: THE DOCKS RESTURANT Occupation: MANAGER

Address: Not reported

DOB: [REDACTED] Age: 42 Birth Place:

SSN: [REDACTED] NCIC No:

Sex: Male Race: White

Personal descriptor information not reported

Addl Info: PHONE AT THE DOCKS 844-3625

FCID No:

Ethnicity: Not Hispanic

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 3  
Report Date: 08/31/2009 @08:30

== Narrative -- Page: 1 ==

On August 28, 2009 Detective Sergeant Dave Leib requested I go to the Docks Restaurant in Lakeside. Leib had information that the victims in the boat crash had been returning from dinner at the Docks Restaurant.

I spoke with Francois Zanni, manager of the restaurant. Francois stated that he had heard about the crash and thought someone might be coming to talk to them. Francois stated there had been an "end of summer" party at the restaurant last night. Francois stated that he had spoken with Rehberg and Barcus at their table. There were five in their group and had sat at table 23. Francois stated it was a busy night and there was three servers, and he wasn't sure who served their table. Francois stated he checks on the tables after people get their meals. Francois couldn't say if anyone had been drinking, maybe a bottle of wine at the table with dinner, but not even sure about that. Francois thought the group had arrived by boat around 6:30 p.m. and it was dark when they left. Francois stated the restaurant will have computer records, the office manager is Lori at 844-2091.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 4  
Report Date: 09/02/2009 @14:57

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

Victim - REHBERG, DENNIS RAY  
Victim - SMITH, KRISTIN MCKENZIE  
Victim - FROST, DUSTIN EIVIND  
Victim - BARKUS, KATHY  
Witness - ZANNI, FRANCOIS PIERRE  
Witness - TERNES, TARA  
Witness - REID, TAMI  
Witness - GODOWSKI, KEN  
Witness - GODOWSKI, KAY  
Witness - GODOWSKI, LAURA  
Witness - FREDERIKSON, THOMAS JAMES  
Other - BARKUS, GREG D

Reporting Officer: ALAN BROOKS

Officer Number: 7-43

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 4  
Report Date: 09/02/2009 @14:57

== Narrative -- Page: 1 =====

On 9/1/09 Det. Sgt. Leib and I made contact with the Bart Hanson of Jesco Boats. We spoke with him concerning the boat purchased by Greg Barkus, the same boat involved in the accident at Wayfarers Park.

Hanson was able to give us a copy of the physical water test performed on the boat. The test results stated the boat reached speeds of 56mph at 4600rpm. Upon discussion with Hanson it was determined with the weight of approximate fuel and the 5 occupants at 4000rpm the boat would have been traveling at approximate speeds of no less than 45mph. The test results will be attached to this report.

Attachments: Copy of Boat Test Results.

CASE DISPOSITION: Informational

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 5  
Report Date: 09/02/2009 @15:19

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: ALAN BROOKS

Officer Number: 7-43

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 5  
Report Date: 09/02/2009 @15:19

== Property -- Type: Seized =====  
Article Type: Watercraft  
Value: \$0.01  
Where Secured: BARN  
Article: BOAT  
Quantity: 1  
Brand: MCJ  
Size: 24 FOOT  
Input Date: 08/31/2009 @10:30 NCIC Entry? N  
Secured By: DAVE LEIB  
Serial Number: MCJ24059J798  
Model: SL2  
Color: White & Turquoise

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 5  
Report Date: 09/02/2009 @15:19

== Narrative -- Page: 1 =====  
On 9/1/09 Det. Sgt. Leib, Evidence Tech Lako and myself executed a district court warrant on the boat involved in the accident at Wayfarers Park. Also present were Deputy Attorneys Howard and Simpson.

Upon execution of the warrant no evidence pertaining to the warrant was discovered or seized.

Following the execution of the warrant the boat was released to Todd Glazier and Ken Barkus.

Attachments: Copies of the Warrant and Return.

CASE DISPOSITION: INVESTIGATION CONTINUES.

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 5  
Report Date: 09/02/2009 @15:19 Officer: ALAN BROOKS

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

== Property -- Type: Seized =====  
Article Type: Watercraft  
Value: \$0.01 Input Date: 08/31/2009 @10:30 NCIC Entry? N  
Where Secured: BARN Secured By: DAVE LEIB  
Article: BOAT  
Quantity: 1 Serial Number: MCJ24059J798  
Brand: MCJ Model: SL2  
Size: 24 FOOT Color: White & Turquoise

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 6  
Report Date: 09/02/2009 @15:41

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: DAVE LEIB

Officer Number: 7-10

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 6  
Report Date: 09/02/2009 @15:41

== Narrative -- Page: 1 ==

On 09022009 at approximately 1245 hours, Detective Alan Brooks and I served a District Court search warrant at the lab at Kalispell Regional Hospital. The recipient of the search warrant was Jenny Clarke, the Risk Manager at KRMC. The search warrant (see attached), was for blood drawn from Greg Barkus. The date specified on the warrant was August 27, 2009-August 28, 2009.

The lab was able to turn over three 3 ml blood vials dated 08282009 at 0001 and one vial dated 08282009 at 0530. The blood was received, taken to the Sheriff's Office and then sent to the Montana State Crime lab for analysis.

DISPOSITION: REPORT FOR INFORMATION ONLY

ATTACHMENTS: APPLICATION FOR SEARCH WARRANT

SEARCH WARRANT

RETURN OF WARRANT/REQUEST FOR CUSTODY ORDER/ORDER FOR

CUSTODY.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 7  
Report Date: 09/03/2009 @10:39

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: DAVE LEIB

Officer Number: 7-10

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 7

Report Date: 09/03/2009 @10:39

== Narrative -- Page: 1 =====

On 09012009 Evidence Technician Jared Lako and I met with attorney Todd Glasier to release property recovered from the boat and shoreline at Wayfarers Park.

The property released to Glasier was inventoried by myself, Ken Barkus and Todd Glasier and then documented on a receipt for property form which was signed by Glasier (see attached).

DISPOSITION: REPORT FOR INFORMATION ONLY.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 8  
Report Date: 09/04/2009 @13:06

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: JARED LAKO

Officer Number: 7-E1

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 8  
Report Date: 09/04/2009 @13:06

== Property -- Type: Seized ==  
Article Type: Other  
Value: \$200.00 Input Date: 09/04/2009 @13:06 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: CELLULAR PHONE  
Quantity: 1 Serial Number: 07614320626  
Brand: BLACKBERRY Model: 8830  
Size: Color: Silver / Aluminum  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: APPEARS TO HAVE TAKEN ON WATER  
Addl Info: VERIZON

== Property -- Type: Seized ==  
Article Type: Other  
Value: \$200.00 Input Date: 09/04/2009 @13:10 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: CELLULAR PHONE  
Quantity: 1 Serial Number: 808EA9D0  
Brand: BLACKBERRY Model: 8320  
Size: Color: Silver / Aluminum  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: APPEARS TO HAVE GOTTEN WET  
Addl Info: FLIP PHONE

== Property -- Type: Seized ==  
Article Type: Other  
Value: \$200.00 Input Date: 09/04/2009 @13:11 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: GLASSES  
Quantity: 1 Serial Number:  
Brand: KENNETH COLE Model:  
Size: Color:  
Found Location: WAYFARERS PARK, ON THE ROCKS  
Damage: BROKEN

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 8  
Report Date: 09/04/2009 @13:06

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$10.00 Input Date: 09/04/2009 @13:13 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: SANDAL  
Quantity: 1 Serial Number:  
Brand: REEF Model:  
Size: 8 Color: Brown  
Found Location: WAYFARERS PARK ON THE ROCKS

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$250.00 Input Date: 09/04/2009 @13:14 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: SANDAL  
Quantity: 1 Serial Number:  
Brand: MANOLO BLAHN Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS

Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$10.00 Input Date: 09/04/2009 @13:15 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: SANDAL  
Quantity: 1 Serial Number:  
Brand: MERRELL Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$200.00 Input Date: 09/04/2009 @14:43 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: GLASSES  
Quantity: 1 Serial Number:  
Brand: RAY BAN Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: NO LENS

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 8  
Report Date: 09/04/2009 @13:06

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$0.01 Input Date: 09/04/2009 @14:44 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: BLACK SOCK  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: CUT OFF VICTIM

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$25.00 Input Date: 09/04/2009 @14:44 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: SHOES  
Quantity: 1 Serial Number:  
Brand: AAASICS Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS

Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$10.00 Input Date: 09/04/2009 @14:45 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: JACKET  
Quantity: 1 Serial Number:  
Brand: AVIA Model:  
Size: Color: Tan & Black  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: BLOODY

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$10.00 Input Date: 09/04/2009 @14:46 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: JACKET  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color: Black  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: BLOODY  
Addl Info: MICROFIBER JACKET

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 8  
Report Date: 09/04/2009 @13:06

== Property -- Type: Seized ==  
Article Type: Purses / Handbags / Wallets  
Value: \$100.00 Input Date: 09/04/2009 @14:47 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: PURSE  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color: Black & White  
Found Location: INSIDE CABIN AREA OF BOAT

== Property -- Type: Seized ==  
Article Type: Other  
Value: \$50.00 Input Date: 09/04/2009 @15:17 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: STEERING WHEEL  
Quantity: 1 Serial Number:  
Brand: MIRAGE Model:  
Size: Color: Black  
Found Location: REMOVED FROM STEERING COLUMN OF BOAT  
Damage: BENT SEVERELY

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880    Follow-up: 8  
Report Date: 09/04/2009 @13:06

== Narrative -- Page: 1 =====

On August 28, 2009 I was contacted by Det. Sgt. Dave Leib and Deputy Allen Brooks. They requested I respond to Wayfarers State Park in Bigfork to assist in collecting and documenting the scene of the boat crash.

I arrived on scene and met with Sgt. Leib, several Fish and Game Officers, MHP Troopers Dustin Lerrette and Jim Hawkins. Sgt. Leib and I went out onto the water with Fish and Game to take overall photographs from the water, then took several from shore as well. (See CD in Evidence).

I then collected all the personal property that was strewn across the rocks as I found them. I was also given the two jackets and shoes by a member of Bigfork Ambulance.

I then met with Marvin Giclem Jr of the Bigfork Ambulance. He assisted me in placing victims in a drawing I sketched of the scene, as he was one of the first responders the night previous. (See Attached Sketch).

On September 1, 2009 I assisted in the search warrant of the boat. I took photographs of the boat again, inside and out. I collected the black and white purse believed to belong to Mrs. Barkus as well as the steering wheel from the boat.

Disposition: Information Only

Attachments: Sketch

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 8  
Report Date: 09/04/2009 @13:06 Officer: JARED LAKO

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

== Property -- Type: Seized ==  
Article Type: Other  
Value: \$200.00 Input Date: 09/04/2009 @13:06 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: CELLULAR PHONE  
Quantity: 1 Serial Number: 07614320626  
Brand: BLACKBERRY Model: 8830  
Size: Color: Silver / Aluminum  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: APPEARS TO HAVE TAKEN ON WATER  
Addl Info: VERIZON

== Property -- Type: Seized ==  
Article Type: Other  
Value: \$200.00 Input Date: 09/04/2009 @13:10 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: CELLULAR PHONE  
Quantity: 1 Serial Number: 808EA9D0  
Brand: BLACKBERRY Model: 8320  
Size: Color: Silver / Aluminum  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: APPEARS TO HAVE GOTTEN WET  
Addl Info: FLIP PHONE

== Property -- Type: Seized ==  
Article Type: Other  
Value: \$200.00 Input Date: 09/04/2009 @13:11 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: GLASSES  
Quantity: 1 Serial Number:  
Brand: KENNETH COLE Model:  
Size: Color:  
Found Location: WAYFARERS PARK, ON THE ROCKS  
Damage: BROKEN

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 8  
Report Date: 09/04/2009 @13:06 Officer: JARED LAKO

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$10.00 Input Date: 09/04/2009 @13:13 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: SANDAL  
Quantity: 1 Serial Number:  
Brand: REEF Model:  
Size: 8 Color: Brown  
Found Location: WAYFARERS PARK ON THE ROCKS

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$250.00 Input Date: 09/04/2009 @13:14 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: SANDAL  
Quantity: 1 Serial Number:  
Brand: MANOLO BLAHN Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$10.00 Input Date: 09/04/2009 @13:15 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: SANDAL  
Quantity: 1 Serial Number:  
Brand: MERRELL Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$200.00 Input Date: 09/04/2009 @14:43 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: GLASSES  
Quantity: 1 Serial Number:  
Brand: RAY BAN Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: NO LENS

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 8  
Report Date: 09/04/2009 @13:06 Officer: JARED LAKO

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$0.01 Input Date: 09/04/2009 @14:44 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: BLACK SOCK  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: CUT OFF VICTIM

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$25.00 Input Date: 09/04/2009 @14:44 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: SHOES  
Quantity: 1 Serial Number:  
Brand: AAASICS Model:  
Size: Color:  
Found Location: WAYFARERS PARK ON THE ROCKS

Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$10.00 Input Date: 09/04/2009 @14:45 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: JACKET  
Quantity: 1 Serial Number:  
Brand: AVIA Model:  
Size: Color: Tan & Black  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: BLOODY

== Property -- Type: Seized ==  
Article Type: Clothes/Furs  
Value: \$10.00 Input Date: 09/04/2009 @14:46 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: JACKET  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color: Black  
Found Location: WAYFARERS PARK ON THE ROCKS  
Damage: BLOODY  
Addl Info: MICROFIBER JACKET

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 8  
Report Date: 09/04/2009 @13:06 Officer: JARED LAKO

== Property -- Type: Seized ==  
Article Type: Purses / Handbags / Wallets  
Value: \$100.00 Input Date: 09/04/2009 @14:47 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: PURSE  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color: Black & White  
Found Location: INSIDE CABIN AREA OF BOAT

== Property -- Type: Seized ==  
Article Type: Other  
Value: \$50.00 Input Date: 09/04/2009 @15:17 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: STEERING WHEEL  
Quantity: 1 Serial Number:  
Brand: MIRAGE Model:  
Size: Color: Black  
Found Location: REMOVED FROM STEERING COLUMN OF BOAT  
Damage: BENT SEVERELY

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 9  
Report Date: 09/08/2009 @12:47

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: DAVE LEIB

Officer Number: 7-10

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 9  
Report Date: 09/08/2009 @12:47

== Property -- Type: Evidence =====  
Article Type: Recordings - Audio / Visual  
Value: \$0.00 Input Date: 09/08/2009 @12:47 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: DAVE LEIB  
Article: CD  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 9  
Report Date: 09/08/2009 @12:47

== Narrative -- Page: 1 =====

On 09032009, I went to The Docks Restaurant to interview Savannah Hollopeter, the server who attended table 23 on 08272009. Savannah served Greg Barkus, Dennis Rehberg, Kristin Smith, Dustin Frost and Kathy Barkus at their table during the function that they attended at The Docks on the night of August 27, 2009.

Francois Zanni, the manager of the Docks, w as with Savannah and provided a brief written statement in which he confirmed the events described in Savannah's statement. Savannah had prepared a type written statement which described the activities of the group as well as what they ordered for beverages and food during the course of the evening. I discussed her statement in depth with Savannah. In Savannah's last paragraph, she stated that she bussed the table, removed every item on it and could state with certainty that the group had consumed only those items to drink that were listed in her statement.

After reviewing the statement. I asked Savannah if she could tell me what time the party left the Docks. Savannah stated that they left the restaurant at 2149. She stated that she waited until they got up from their table before printing receipts (see attached) for their meals and drinks. The receipts were printed at 2149. I asked Savannah if she knew what time they left the area in their boat. She stated that she was busy at the time and had no idea.

I asked Savannah if any of the party, specifically Greg Barkus, had consumed any beverages other than what was listed on the receipts. Savannah stated that she could say with certainty that they had not.

After leaving the Docks, I contacted Kristin Smith via phone and asked if she could remember Greg Barkus drinking at the Docks. Kristin stated that she remembered Greg having two drinks that she believed were Cutty Sark's and then having some red wine during dinner. I asked if she was sure about the wine and where Greg might have purchased the wine. Kristin stated that the wine came from another bar that was not part of the bar at the Docks. Kristin stated that the wine was furnished by a private party and had been set out for anyone at the party. That statement was consistent with the statement that Kristin made at Kalispell Regional Hospital.

I recontacted Savannah at the Docks after speaking to Kristin. I advised her what Kristin had said and then asked whether she was certain Greg could not have had any wine. Savannah stated that she was not certain and supposed that Greg could have had red wine but she did not see him drink any. I advised Savannah that I would file a report with her statement attached and asked that she contact me if she remembered anything further regarding that night.

DISPOSITION: REPORT FOR INFORMATION. REFERRED TO COUNTY ATTORNEY  
ATTACHMENTS: WRITTEN STATEMENTS FROM SAVANNAH HOLLOPETER AND FRANCOIS

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 9

Report Date: 09/08/2009 @12:47

== Narrative -- Page: 2 =====

ZANNI.

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 9  
Report Date: 09/08/2009 @12:47 Officer: DAVE LEIB

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

== Property -- Type: Evidence ==

Article Type: Recordings - Audio / Visual

Value: \$0.00 Input Date: 09/08/2009 @12:47 NCIC Entry? N

Where Secured: Locker (Basement) Secured By: DAVE LEIB

Article: CD

Quantity: 1 Serial Number:

Brand: Model:

Size: Color:

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 10  
Report Date: 09/10/2009 @13:09

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: DAVE LEIB

Officer Number: 7-10

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 10  
Report Date: 09/10/2009 @13:09

== Property -- Type: Evidence =====  
Article Type: Recordings - Audio / Visual  
Value: \$0.00 Input Date: 09/10/2009 @13:09 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: DAVE LEIB  
Article: CD  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:  
Addl Info: ONE CD OF 3D IMAGES FROM THE TOTAL STATION 6 PAGES OF MEASUREMENTS FR  
OM THE TOTAL STATION

== Property -- Type: Evidence =====  
Article Type: Recordings - Audio / Visual  
Value: \$0.00 Input Date: 09/10/2009 @13:16 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: DAVE LEIB  
Article: CD  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:  
Addl Info: ONE CD OF PICTURES TAKEN BY MONTANA FISH AND GAME OF THE ACCIDENT SCEN  
E

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 10  
Report Date: 09/10/2009 @13:09

== Narrative -- Page: 1 =====

This report is to add the Total Station 3d images created by the Montana Highway Patrol and their measurements used to create the images. Reports received from F&G Officers Nathan Reiner and Sgt Jon Obst are added along with their pictures of the accident taken at during the night of August 27, 2009. A copy of the case report card from the 911 call into Lake County is also added to this report. The two CD's will be placed in evidence and the measurements, Fish and Game reports and Lake County CR card will be attached to this report.

DISPOSITION:- REPORT FOR INFORMATION ONLY.

ATTACHMENTS:- REPORT FROM NATHAN REINER

- REPORT FROM SGT JON OBST

- 6 PAGES OF MEASUREMENTS FROM THE MHP TOTAL STATION.

- COPY OF CR CARD FROM LAKE COUNTY.

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 10  
Report Date: 09/10/2009 @13:09 Officer: DAVE LEIB

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between:

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

== Property -- Type: Evidence =====  
Article Type: Recordings - Audio / Visual  
Value: \$0.00 Input Date: 09/10/2009 @13:09 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: DAVE LEIB  
Article: CD  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:  
Addl Info: ONE CD OF 3D IMAGES FROM THE TOTAL STATION 6 PAGES OF MEASUREMENTS FR  
OM THE TOTAL STATION

== Property -- Type: Evidence =====  
Article Type: Recordings - Audio / Visual  
Value: \$0.00 Input Date: 09/10/2009 @13:16 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: DAVE LEIB  
Article: CD  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:  
Addl Info: ONE CD OF PICTURES TAKEN BY MONTANA FISH AND GAME OF THE ACCIDENT SCEN  
E

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 11  
Report Date: 09/13/2009 @15:27

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between: 8/27/2009 and 8/27/2009

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only

Prosecute? N Attachments? N

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: JORDAN WHITE

Officer Number: 7-30

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 11  
Report Date: 09/13/2009 @15:27

== Narrative -- Page: 1 =====

On August 27, 2009, at approximately 0200 hours, I responded to the Wayfarers Park with the white sheriff's boat to assist OES with setting boom for haz-mat containment.

I returned with FCSO dive team member Sam Fussell on August 28, 2009, to perform a cursory search of the area near the boat crash scene after the boat had been removed and placed on on the barge. We returned with additional members on September 1, 2009, to perform an expanded grid search of the area. The additional members of the dive team included Chuck Curry, Rich Schuster, Chris Roberts, and Wendy Stefaniak. We were tasked with searching for personal property that may have been ejected from the boat crash on impact. We were particularly requested to search for a GPS unit. No personal property was located or collected during the search.

ATTACHMENT: NONE

CASE DISPOSITION: INFORMATION ONLY

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 12

Report Date: 09/17/2009 @13:33

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between: 8/27/2009 and 8/27/2009

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only Prosecute? N Attachments? Y

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: DAVE LEIB

Officer Number: 7-10

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 12

Report Date: 09/17/2009 @13:33

== Narrative -- Page: 1 ==

This report is to add the Toxicology Drug Screen report to this file. The report was received on 09172009 and documents the alcohol results received on blood and serum belonging to Greg Barkus.

DISPOSITION: REPORT FOR INFORMATION ONLY.

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 13  
Report Date: 09/24/2009 @13:01

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between: 8/27/2009 and 8/27/2009

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only Prosecute? N Attachments? N

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

=====  
Reporting Officer: JARED LAKO

Officer Number: 7-E1

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 13  
Report Date: 09/24/2009 @13:01

== Property -- Type: Evidence ==

Article Type: Recordings - Audio / Visual

Value: \$0.00

Input Date: 09/24/2009 @13:01

NCIC Entry? N

Where Secured: Locker (Basement)

Secured By: JARED LAKO

Article: CD

Quantity: 1

Serial Number:

Brand:

Model:

Size:

Color:

Addl Info: PHOTOGRAPHS OF BOAT PRIOR TO RELEASE, PHOTOGRAPHS OF SCENE AT WAYFAYER  
S, PHOTOGRAPHS OF SEARCH WARRANT AT COUNTY SHOP

== Property -- Type: Evidence ==

Article Type: Recordings - Audio / Visual

Value: \$0.00

Input Date: 09/24/2009 @13:09

NCIC Entry? N

Where Secured: Locker (Basement)

Secured By: JARED LAKO

Article: CD

Quantity: 1

Serial Number:

Brand:

Model:

Size:

Color:

Found Location: 7-10

Addl Info: LABELED 5 WITNESS INTERVIEWS

== Property -- Type: Evidence ==

Article Type: Recordings - Audio / Visual

Value: \$0.00

Input Date: 09/24/2009 @13:09

NCIC Entry? N

Where Secured: Locker (Basement)

Secured By: JARED LAKO

Article: CD

Quantity: 1

Serial Number:

Brand:

Model:

Size:

Color:

Found Location: 743

Addl Info: INTERVIEWS

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 13  
Report Date: 09/24/2009 @13:01

== Narrative -- Page: 1 ==

This report is to add 3 disks into evidence. See property screen  
for descriptions.

Disposition: Information Only

Attachments: None

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 13  
Report Date: 09/24/2009 @13:01 Officer: JARED LAKO

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between: 8/27/2009 and 8/27/2009

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

== Property -- Type: Evidence ==

Article Type: Recordings - Audio / Visual

Value: \$0.00 Input Date: 09/24/2009 @13:01 NCIC Entry? N

Where Secured: Locker (Basement) Secured By: JARED LAKO

Article: CD

Quantity: 1

Serial Number:

Brand:

Model:

Size:

Color:

Addl Info: PHOTOGRAPHS OF BOAT PRIOR TO RELEASE, PHOTOGRAPHS OF SCENE AT WAYFAYER  
S, PHOTOGRAPHS OF SEARCH WARRANT AT COUNTY SHOP

== Property -- Type: Evidence ==

Article Type: Recordings - Audio / Visual

Value: \$0.00 Input Date: 09/24/2009 @13:09 NCIC Entry? N

Where Secured: Locker (Basement) Secured By: JARED LAKO

Article: CD

Quantity: 1

Serial Number:

Brand:

Model:

Size:

Color:

Found Location: 7-10

Addl Info: LABELED 5 WITNESS INTERVIEWS

== Property -- Type: Evidence ==

Article Type: Recordings - Audio / Visual

Value: \$0.00 Input Date: 09/24/2009 @13:09 NCIC Entry? N

Where Secured: Locker (Basement) Secured By: JARED LAKO

Article: CD

Quantity: 1

Serial Number:

Brand:

Model:

Size:

Color:

Found Location: 743

Addl Info: INTERVIEWS

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 14  
Report Date: 10/08/2009 @08:41

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between: 8/27/2009 and 8/27/2009

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only Prosecute? N Attachments? N

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: DAVE LEIB

Officer Number: 7-10

Dissemination: Detectives

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 14  
Report Date: 10/08/2009 @08:41

== Property -- Type: Evidence ==

Article Type: Other

Value: \$0.00

Where Secured: Locker (Basement)

Article: MEDICAL RECORDS

Quantity: 1

Brand:

Size:

Input Date: 10/08/2009 @08:41

NCIC Entry? N

Secured By: DAVE LEIB

Serial Number:

Model:

Color:

== Property -- Type: Evidence ==

Article Type: Other

Value: \$0.00

Where Secured: Locker (Basement)

Article: TRIP SHEETS

Quantity: 1

Brand:

Size:

Input Date: 10/08/2009 @08:53

NCIC Entry? N

Secured By: DAVE LEIB

Serial Number:

Model:

Color:

Addl Info: AMBULANCE TRIP SHEETS AND VOLUNTARY STATEMENTS FROM BIGFORK AMBULANCE  
AND FIRE DEPARTMENT

== Property -- Type: Evidence ==

Article Type: Recordings - Audio / Visual

Value: \$0.00

Where Secured: Locker (Basement)

Article: CD RECORDING

Quantity: 1

Brand:

Size:

Input Date: 10/08/2009 @08:55

NCIC Entry? N

Secured By: DAVE LEIB

Serial Number:

Model:

Color:

Addl Info: CD RECORDING OF RYDER JUNTUNEN INTERVIEW

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 14  
Report Date: 10/08/2009 @08:41

== Narrative -- Page: 1 =====

On 10072008, I served a search warrant at the records department of Kalispell Regional Medical Center for the medical records of Greg Barkus. The medical records received were record #K000187701. That record documented treatment received for the boating accident that occurred on 08272009.

I also served a search warrant at the Bigfork Ambulance and Volunteer Fire Department for voluntary statements of responding fire department members and ambulance personnel for the same boating accident.

All of the records were placed in evidence. This report is also to attach a statement by Ryder Juntunen to the file. Ryder was the person who called 911 after finding the boating accident. The written transcription of Ryders interview will be attached to this report while the CD of the interview will be placed in evidence.

DISPOSITION: REPORT FOR INFORMATION ONLY.

ATTACHMENTS: TRANSCRIPTION OF INTERVIEW WITH RYDER JUNTUNEN.

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 14  
Report Date: 10/08/2009 @08:41 Officer: DAVE LEIB

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between: 8/27/2009 and 8/27/2009

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

== Property -- Type: Evidence ==

Article Type: Other  
Value: \$0.00 Input Date: 10/08/2009 @08:41 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: DAVE LEIB  
Article: MEDICAL RECORDS  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:

== Property -- Type: Evidence ==

Article Type: Other  
Value: \$0.00 Input Date: 10/08/2009 @08:53 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: DAVE LEIB  
Article: TRIP SHEETS  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:  
Addl Info: AMBULANCE TRIP SHEETS AND VOLUNTARY STATEMENTS FROM BIGFORK AMBULANCE  
AND FIRE DEPARTMENT

== Property -- Type: Evidence ==

Article Type: Recordings - Audio / Visual  
Value: \$0.00 Input Date: 10/08/2009 @08:55 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: DAVE LEIB  
Article: CD RECORDING  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:  
Addl Info: CD RECORDING OF RYDER JUNTUNEN INTERVIEW

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 15  
Report Date: 01/08/2010 @10:15

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between: 8/27/2009 and 8/27/2009

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

Case Status: Information only Prosecute? N Attachments? N

Total Value of ALL Properties: \$1,265.03

Persons Involved:

- Victim - REHBERG, DENNIS RAY
- Victim - SMITH, KRISTIN MCKENZIE
- Victim - FROST, DUSTIN EIVIND
- Victim - BARKUS, KATHY
- Witness - ZANNI, FRANCOIS PIERRE
- Witness - TERNES, TARA
- Witness - REID, TAMI
- Witness - GODOWSKI, KEN
- Witness - GODOWSKI, KAY
- Witness - GODOWSKI, LAURA
- Witness - FREDERIKSON, THOMAS JAMES
- Other - BARKUS, GREG D

Reporting Officer: JARED LAKO

Officer Number: 7-E1

Dissemination: Detectives; County Attorney

Processed By \_\_\_\_\_  
Copied \_\_\_\_\_ E/MUCR \_\_\_\_\_ Searched \_\_\_\_\_ Filed \_\_\_\_\_

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 15  
Report Date: 01/08/2010 @10:15

== Property -- Type: Evidence =====  
Article Type: Recordings - Audio / Visual  
Value: \$0.00 Input Date: 01/08/2010 @10:15 NCIC Entry? N  
Where Secured: Locker (Basement) Secured By: JARED LAKO  
Article: CD  
Quantity: 1 Serial Number:  
Brand: Model:  
Size: Color:  
Addl Info: PHOTO'S AND VIDEO

Flathead County Sheriff's Office  
Investigative Report

Case No: 200936880 Follow-up: 15  
Report Date: 01/08/2010 @10:15

== Narrative -- Page: 1 =====

On January 7, 2010 Det. Sgt. Dave Leib, Det. Alan Brooks and I went back to Wayfarers State Park in Bigfork along with Flathead County GIS representatives to get photographs and measurements needed by the Flathead County Attorneys Reconstructionist.

A disk of the photos and videos was placed into evidence.

Disposition: Information Only

Attachments: None

Flathead County Sheriff's Office  
Evidence Sheet

Case No: 200936880 Orig./Follow-up: Follow-up: 15  
Report Date: 01/08/2010 @10:15 Officer: JARED LAKO

Offense(s): OTHER - Other  
BOAT ACCIDENT

Occurred on or Between: 8/27/2009 and 8/27/2009

Location Occurrence: BIGFORK, MONTANA 59911  
WAYFARER'S PARK

== Property -- Type: Evidence =====

Article Type: Recordings - Audio / Visual

Value: \$0.00 Input Date: 01/08/2010 @10:15 NCIC Entry? N

Where Secured: Locker (Basement) Secured By: JARED LAKO

Article: CD

Quantity: 1 Serial Number:

Brand: Model:

Size: Color:

Addl Info: PHOTO'S AND VIDEO



2009 36880  
#12

**FORENSIC SCIENCE DIVISION**  
**DEPARTMENT OF JUSTICE**  
**STATE OF MONTANA**  
2679 PALMER  
MISSOULA, MT 59808  
(406) 728-4970



DAVE LEIB  
FLATHEAD COUNTY SHERIFF  
COUNTY COURTHOUSE  
800 SOUTH MAIN  
KALISPELL, MT 59901

Lab Case #: FSD-09-003691

SUBJECT: BARKUS, GREG D

CC:  
ED CORRIGAN  
JON OBST

**TOXICOLOGY DRUG SCREEN**

**EVIDENCE:**

The laboratory received the following evidence for analysis:

Item

001 DUI KIT - BARKUS, GREG D.

**ALCOHOL RESULTS:**

|                 |               |                                                                                                                                                                                        |
|-----------------|---------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ETHANOL - BLOOD | 0.12 GM/100ML | QUANTITATED IN THE BLOOD AT THIS CONCENTRATION BY NATIONAL MEDICAL SERVICES INC.<br>ITEM T-01 - BLOOD FROM MONTANA FISH WILDLIFE & PARKS                                               |
| ETHANOL         | 0.19 GM/100ML | QUANTITATED IN THE SERUM AT THIS CONCENTRATION BY NATIONAL MEDICAL SERVICES INC.<br>(WHOLE BLOOD EQUIVALENT: 0.16 GM/100ML)<br>ITEM T-03 - SERUM FROM FLATHEAD COUNTY SHERIFF'S OFFICE |

Date of Report: 09/16/2009

JAMES D. HUTCHISON, JR., MS, ABFT-FTS  
Chief Forensic Toxicologist/ Lab Supervisor  
(or designee)

Comment: The signor (author) of this report may, or may not be, the individual(s)/person(s) needed to testify to the results contained in this report. Please call or e-mail the following individuals to determine who needs to be subpoenaed: Office: (406) 728-4970 jhutchison@mt.gov or sschlueter@mt.gov or lkurtz@mt.gov.

**PLEASE NOTE:** All biological specimens or other items that were submitted to the Toxicology Section in this case will be retained at this Laboratory for a period of one year at which time they will be destroyed; unless or until we receive a letter from your office stating what other action you may require.

**CERTIFICATION:** The undersigned, as Custodian of Records for the Department of Justice, Forensic Science Division, hereby certifies that this document, when signed and dated, is a true and correct copy of the original of said document on file in the offices of the Forensic Science Division.

Dated this 16th day of SEP, 2009

James A. Hutchins  
Custodian of Records, Forensic Science Division

# State of Montana

## v. Barkus

DC-09-468(A)  
Collision Analysis  
Of Boat With Cliff

Accident Date: August 27, 2009

Report By:

Miles Beam, P.E.  
Raleigh, NC

[mb@boatcrash.com](mailto:mb@boatcrash.com)  
[www.BoatCrash.com](http://www.BoatCrash.com)  
919-773-4478

Report Date: May 31, 2010

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## SUMMARY

On Thursday, August 27, 2009, at approximately 9:25 pm, a 24' (registered length) cuddy cabin cruiser, operated by Mr. Greg Barkus, struck a rocky shoreline on Flathead Lake. The accident location was on the shore of Wayfarer's State Park near Big Fork, Montana. Details regarding the vessel can be found in Table 1 of the main report. The cruiser's bow struck a series of rocks and the sterndrive of the vessel was ripped from its mountings. The boat launched into the air, over a small ravine, and onto the edge of a rock ledge. The vessel landed on a surface that sloped downward toward the water. Consequently the vessel slid backwards some distance after having reached its position of maximum height along the rocky slope.

Barkus was traveling with passengers Dennis Rehberg, Kristin Smith, Dustin Frost, and his wife, Kathy Barkus. All on board survived, but several sustained serious injuries.

The primary focus of this investigation was to provide an estimate of the vessel's speed as it made first contact with the shoreline. Several methods were utilized to provide an indication of the vessel's speed. The first method was to establish the free flight path of the boat and to calculate a minimum possible speed based on trajectory motion concepts. The second method was to perform simple calculations based on engine and propeller data, combined with comments from an occupant regarding RPM readings. The third method was to relate the damage to the sterndrive to manufacturer's testing at known speeds. A marina's test data of this boat was also reviewed which provided information on this vessel's speed at certain engine RPMs.

In summary, it was concluded that the minimum possible speed of the vessel was at least thirty mph at the time of first contact with the rocks, and the most likely speed was over forty mph. Mr. Barkus also failed to maintain a proper lookout (see Rule 5 – Lookout) and was traveling too fast for conditions (see Rule 6 – Safe Speed).

Collision Analysis: State of Montana vs. Barkus

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## Collision Analysis: State of Montana vs. Barkus

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Collision Analysis: State of Montana vs. Barkus

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## 1. Introduction

This consultant was contacted by the Office of the Flathead County Attorney in Kalispell, MT, in October 2009, regarding a boating accident that occurred on Thursday, August 27, 2009, at approximately 9:25 pm. A 24' cuddy cabin cruiser, operated by Mr. Greg Barkus, struck a rocky shoreline on Flathead Lake, injuring Mr. Barkus and the four passengers on board. The accident location was on the shore of Wayfarer's State Park near Big Fork, Montana.

This consultant traveled to Montana and conducted a physical examination of the vessel involved and of the accident site from May 5<sup>th</sup>, through May 7<sup>th</sup>, 2010. Dave Leib of the Flathead County Sheriff's Office provided access to the boat and to the site. Mr. Ron Schlagenhauser, GIS Survey Analyst, from Geographic Information Systems, assisted by providing total station data of the boat and the accident site.

A description of the accident sequence follows. The vessel was traveling at night and struck a series of rocks at the shoreline. The bow of the vessel struck a large rock formation, which crushed the bow near the bow eye, bent the bow eye to port and ripped a large section of fiberglass from the lower bow. The impact of the bow with the sloped rock formation caused the boat to begin a launch into the air. At about the same time or possibly a split second later, the Mercruiser sterndrive and propeller came into contact with a submerged rock formation. Marks from the skeg and propeller were left behind on this rock, shown in Figure 5.

In the early stages of contact with the shore, prior to the boat going airborne, the leading edge of the gearcase (the "torpedo") on the sterndrive struck a rock with great force. This impact resulted in a flattened portion on the starboard, lower side of the leading edge of the torpedo. The sterndrive rotated upwards with such a speed and energy that the mountings of the sterndrive failed. The boat proceeded to travel airborne, taking the sterndrive with it. The sterndrive at this point was only connected loosely by cables or hoses, as its structural mountings had failed. The boat made contact with the rocky shoreline again after its airborne journey of approximately 30 feet from its launch point (see Figure 7). The boat landed in an area where only the starboard side was supported. The boat continued to slide forward and likely rolled to the port side as it slowed. The vessel's forward momentum stopped, and it then slid down the ravine backwards towards the water. The boat came to rest with its stern near the water and with the sterndrive underneath the transom, laying on its side.

Figure 1 provides a view of the boat on the rocky shoreline, the morning after the accident. A man is using a long rod to point to the general area of initial impact with the rocks.

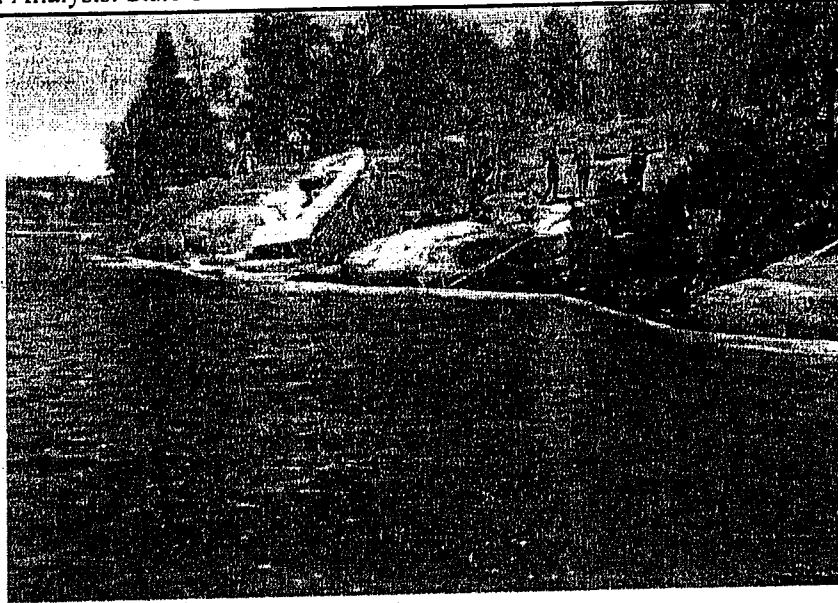


Figure 1

Cruiser On The Rocks The Morning After the Accident

## 2. Scope, Purpose, and Method of Investigation

The scope of this investigation included the physical examination of the vessel, the accident site, and documents provided by the Flathead County Attorney's Office, as listed in Section 3.

The primary purpose of this investigation was to provide an estimate of the vessel's speed as it made first contact with the shoreline.

Several methods were utilized to provide an estimation of the vessel's speed. The first method was to establish the free flight path of the boat and to calculate a minimum possible speed based on trajectory motion concepts. The second method was to perform calculations based on engine and propeller data, combined with comments from an occupant regarding RPM readings. The third method was to relate the damage to the sterndrive to manufacturer's testing at known speeds.

A marina's recent test data of this boat was also reviewed which provided information on the vessel's speed at certain engine RPMs.

### 3. Information Reviewed

The following items were reviewed:

Notebook of documentation, provided by the Office of the Flathead County Attorney (and enumerated as described in their letter to this consultant, dated 10/16/09):

1. Five CDs (two of taped interviews and two of photos of the crash scene; and total station);
2. Flathead County Sheriff's Office Report #200936880;
3. Montana Fish Wildlife & Parks Report;
4. Transcription of interview with Denny Rehberg (passenger in the boat);
5. Transcription of interview with Kristin Smith (passenger in the boat);
6. Charging documents;
7. Bigfork Quick Response Unit Volunteer Ambulance Reports;
8. (comments regarding total station data);
9. Bathymetric Chart for Flathead Lake.

Additional data reviewed includes:

10. Total station data shot at scene;
11. Cadzone drawing of scene;
12. Supplemental total station data acquired in Jan 2010;
13. Elevation data for Flathead Lake, provided by Mr. Ron Schlagenhauser, GIS;
14. GPS coordinates for accident site and departure points, provided by Mr. Ron Schlagenhauser, GIS;
15. Report from Recreational Boating Consulting LLC, by Mr. Richard Snyder, dated May 26, 2010;
16. Video of Mercury Marine's Bravo I Sterndrive Impact Testing;
17. Total station data of vessel and accident scene shot in May, 2010 by Mr. Ron Schlagenhauser, GIS.

Physical Examinations included:

- 1998 Mirage Fiberglass vessel (details found in Table 1)
- Accident Site at Wayfarer's State Park and Flathead Lake

Extensive photographs were taken by this consultant of the vessel and the accident site and are available upon request.

#### 4. Accident Fact Summary

##### 4.1 Accident Date and Time

Accident Date: August 27, 2009

Accident Time: Approximately 9:25 pm

##### 4.2 Vessel Information Summary

Vessel information is found in the table below.

Table 1  
Vessel Information

| Item                  | Value                                                                   |
|-----------------------|-------------------------------------------------------------------------|
| Manufacturer          | MIC code MCJ (corresponds to Mirage Holding Inc. per USCG MIC database) |
| Model                 | SL2 or SL237BR (note 1)                                                 |
| Year                  | 1998                                                                    |
| Displayed Reg No:     | MT1107 AT                                                               |
| HIN                   | MCJ24059J798                                                            |
| Length Overall (LOA): | 23' 2 1/2" (measured value)                                             |
| Engine / Drive:       | 7.4L Mercruiser V8 / Mercruiser Sterndrive                              |
| Engine SN:            | 0L035808 (see note 2)                                                   |
| Drive SN:             | 0L154259                                                                |
| Max WOT:              | 4200-4600 RPM                                                           |
| Gear Ratio:           | 1.50R                                                                   |
| Propeller Type:       | 3 blade SS                                                              |
| Propeller Data:       | Mercury Marine Mirage Plus, 48-13700 A45 19P                            |
| Propeller Diameter:   | 14"                                                                     |

Note 1: Vessel registration lists model number as SL2. A repair order from Jesco Boat Center, LLC, repair order #7093 lists model as SL237BR

Note 2: Engine specifications are from engine mounted specifications plate

##### 4.3 Persons On Board

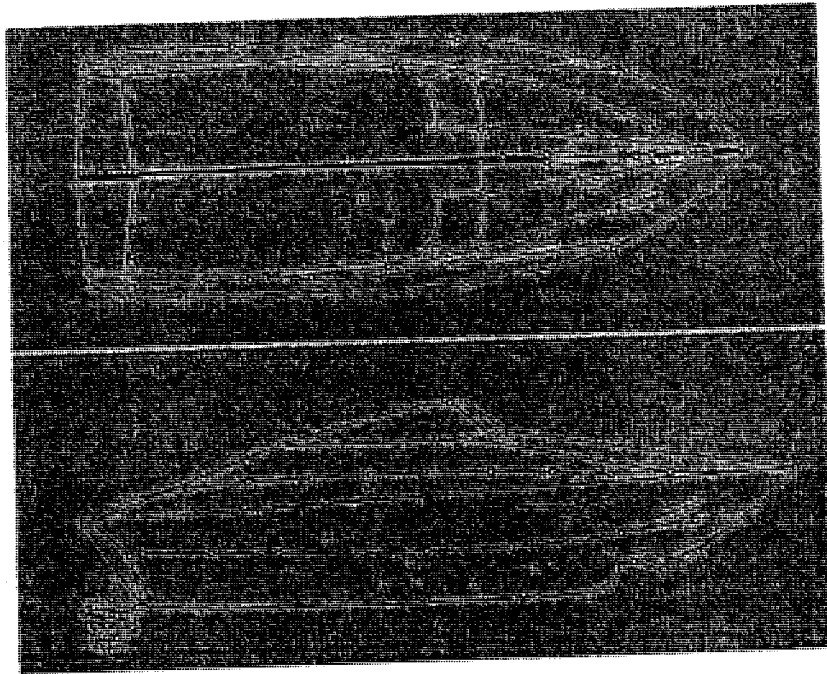
- 1) Greg Barkus (operator)
- 2) Kathy Barkus
- 3) Dennis Rehberg
- 4) Kristin Smith
- 5) Dustin Frost

## 5. Speed Estimate Based on Physical Evidence

The physical evidence examined consists of the following:

- a) Damage to the cruiser
  - i) including physical damage to the hull
  - ii) damage to the sterndrive and propeller
- b) Evidence at the accident scene

Physical damage to the boat, including the hull, sterndrive, and propeller was documented. A 3D outline model was created of the boat, showing critical damage locations. The sterndrive is positioned in a straight ahead orientation and provides an approximate location of the propeller relative to the boat prior to the impact. The boat diagram was generated based on manual measurements and data from a total station, a laser based instrument which is capable of determining the location of specific points in 3D space. The vessel diagram is shown in Figure 2.



**Figure 2 - Cruiser Damage Diagram**

The accident scene was carefully examined and markers were placed at points where significant impact was known to occur, either through the transfer of paint to the rocks, or scrapings, indentations, or other physical marks on the ground. The scene was also shot with a total station and a 3D drawing was generated of critical data points. Figure 3 shows this diagram from a profile view, and Figure 4 from a top down view.

## Collision Analysis: State of Montana vs. Barkus

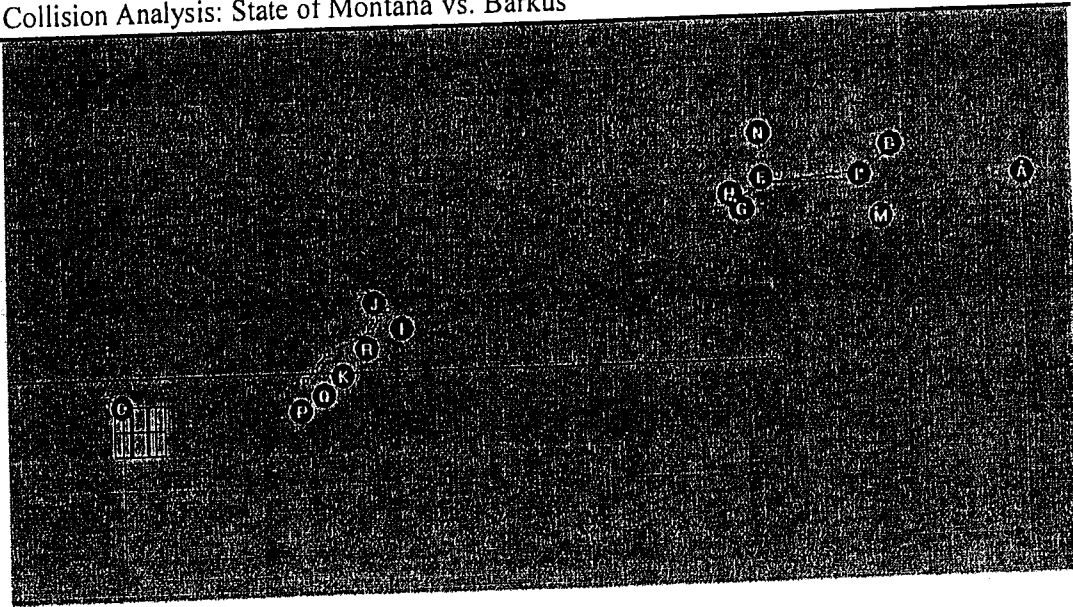


Figure 3 - Profile View of Contact Points at Accident Site

Figure 3 shows us the size of the accident scene. The horizontal distance from point O to Point A is 62.46'. The vertical distance between these points is 14.41'. Point N is the highest marked point above point O, and is 16.61' above point O. The elevation change and the distance between points I and N are shown because they are relevant to the airborne trajectory calculations.

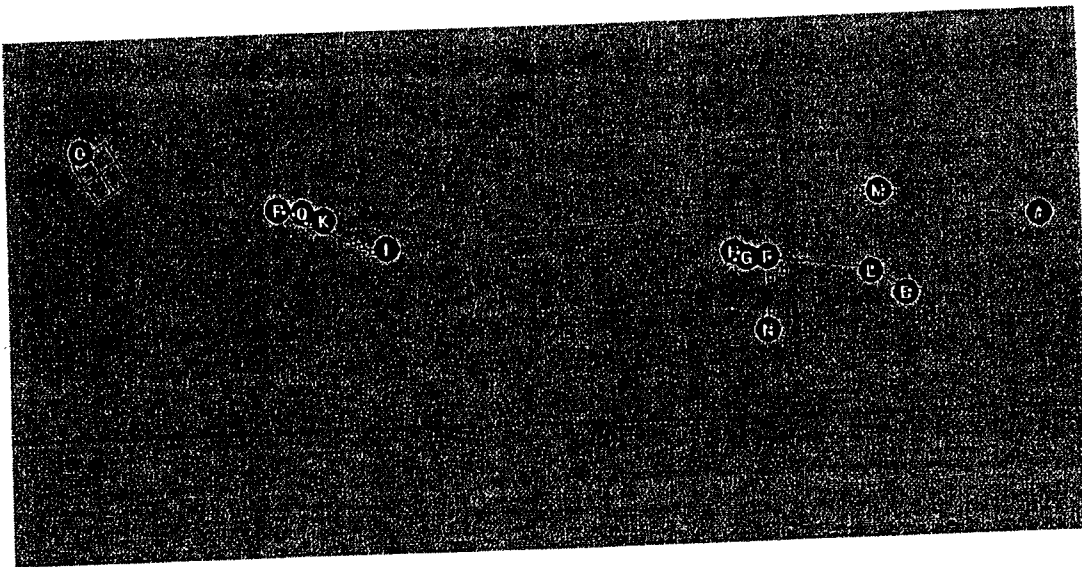


Figure 4 - Top View of Accident Site Data

## Collision Analysis: State of Montana vs. Barkus

Significant points of contact are:

Point O – first contact of the sterndrive with a submerged rock. Evidence of propeller strikes and a scrape of the sterndrive across this rock are evident. It is likely that the skeg was broken off on this rock.

Points P-Q-K – contact of the lower portions of the bow with a rock close to the waterline

Points R-J-I – contact with the upper portions of the bow near the bow eye made contact here. Point I is significant in that it is the boat's last contact with the ground before going airborne.

Point N and G – two potential locations that mark first contact with the ground after the boat went airborne. Point N is higher and farther to the right (as seen from the operator of the boat's view). Because of its higher elevation, and its location relative to point G, point N is the most likely point of first contact with the hull that ends its airborne trajectory.

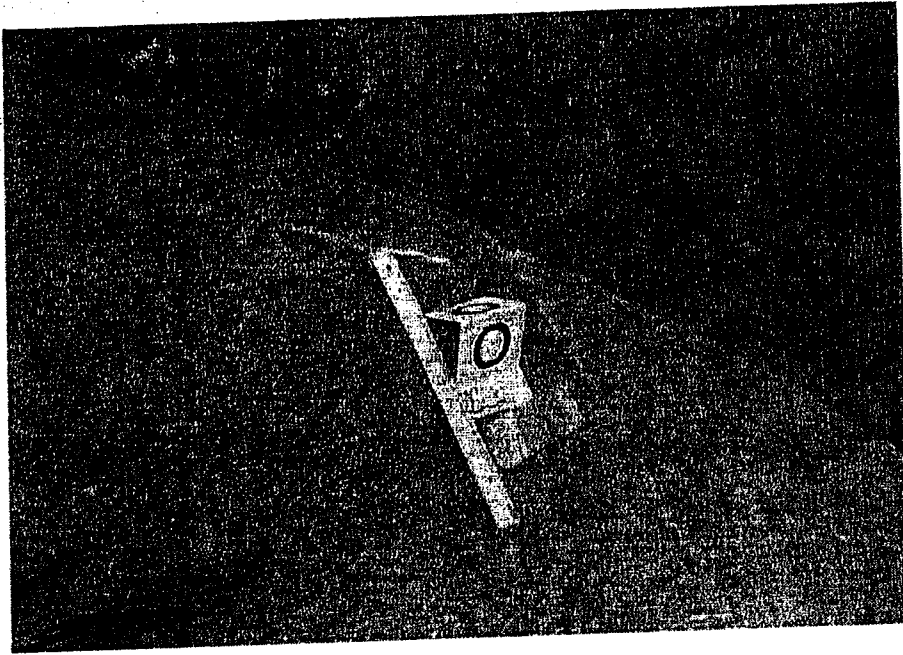
Point A – the farthest point in the general direction of travel where paint transfer was located.

In the diagram shown in Figure 4, a ravine is present between the red line, which connects points on the left side of the diagram (as you face the direction of travel of the vessel) and the green line on the right side of the diagram. As viewed from a top down perspective, the flight path of the centerline of the vessel was between these two lines.

The sterndrive first made contact with point O, shown in Figure 5. This rock was submerged at the time of the accident. The sterndrive made contact with this rock, as evidenced by propeller and skeg marks on this rock.

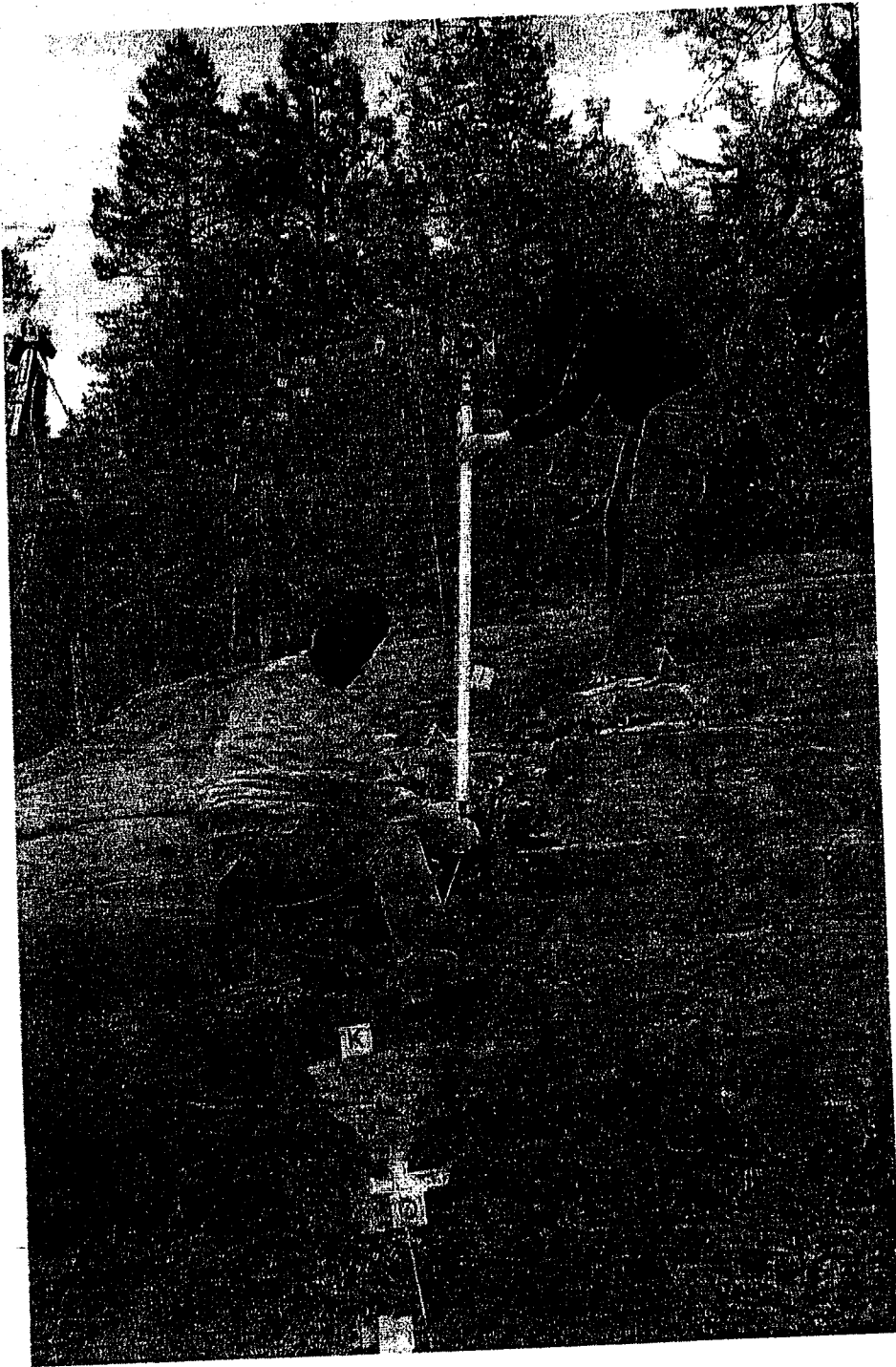
#### Collision Analysis: State of Montana vs. Barkus

The sterndrive was broken from its mountings by an impact with a rock prior to going airborne. It remained connected loosely to the boat by cables or hoses and traveled with the boat on its airborne journey.



**Figure 5 - Point "O" Is The Rock Which Was Struck By The Sterndrive**

The next series of points of interest in the line of travel is shown in Figure 6. The orientation of these points relative to the line of travel and point "O" suggests that the boat may have been in a right turn at the time of impact. Contact marks at POK and RJI can be seen in Figure 6. Point "P" is just below point "Q" in the photo. The outline of a cross section of the "V" of the bow can be clearly seen in this photograph. The orange string indicates a path to point N, where the boat likely made first contact with the ground after being airborne.



**Figure 6 - Points of Contact of the Bow of the Vessel**

If an object is thrown from a known point and lands a known height and distance away from its launch point, it is possible to calculate the minimum theoretical speed necessary to have the object reach that point. This is known as trajectory analysis, as the path or

---

### Collision Analysis: State of Montana vs. Barkus

trajectory of an object, is a predictable mathematical event. Trajectory analysis ignores wind resistance, and applies to the center of gravity (CG) of an object. Since the boat in this accident flew through the air for a considerable distance, it is possible to calculate a minimum theoretical launch velocity. To do so requires that the height and distance that the CG of an object flew through the air be determined.

The points to utilize in a trajectory analysis were determined by placing the 3D model of the boat on the 3D site data diagram. Diagrams of the boat were then utilized to track the change in height and in horizontal distance of the CG of the boat.

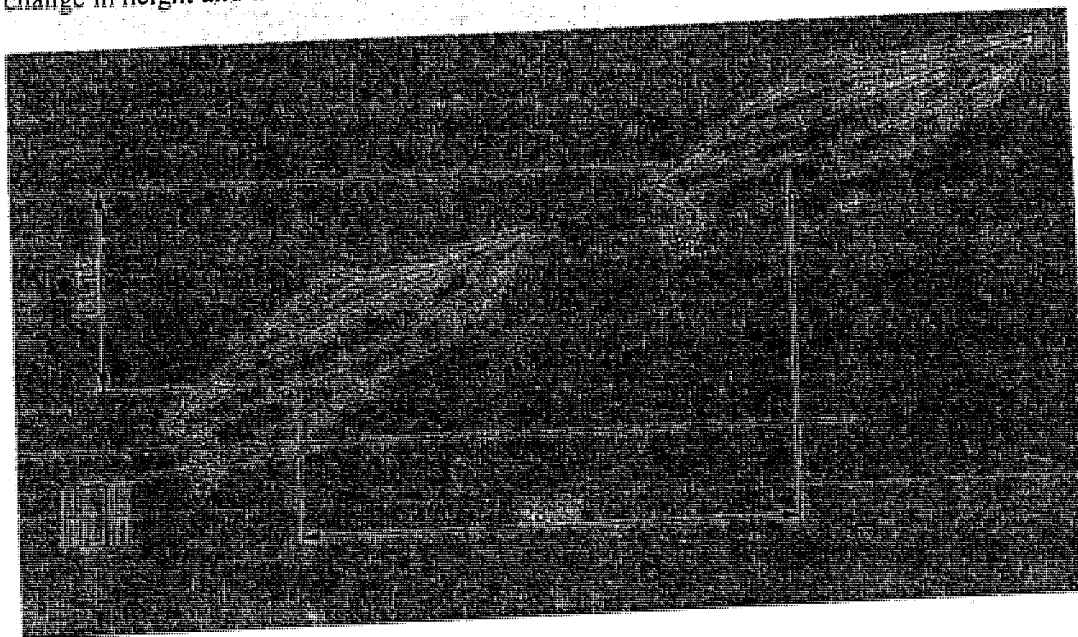


Figure 7 - Trajectory Analysis of Vessel

The launching point and end points of the airborne trajectory were based on the locations of physical damage to the vessel, where it was in contact with the rock surfaces. From Figure 7 we can see that the most likely trajectory results in a change in height of the CG of approximately 11 feet and a horizontal launch distance of the CG of just over 28'. Using the values from Figure 7, the optimum trajectory angle and launch speeds were calculated as shown in Table 2.

Table 2  
Minimum Theoretical Speed Based on Change in CG Location

| Point | Change in CG Distance (ft) | Change in CG Height (ft) | Optimum Launch Angle | Speed (mph) |
|-------|----------------------------|--------------------------|----------------------|-------------|
| N     | 28.32                      | 11.12                    | 55.7                 | 24.9        |
| G     | 26.18                      | 7.65                     | 53.1                 | 22.9        |

The formula showing the calculations is found in Figure 8.

## Collision Analysis: State of Montana vs. Barkus

### Trajectory Calculations

Worksheet for calculating the min speed it takes to launch an object to a known height and distance. This formula assumes the optimum angle is used. If h is below the take off point, it's value is negative.

|              |                                  |                                                        |
|--------------|----------------------------------|--------------------------------------------------------|
| $d := 28.32$ | ft                               | horizontal distance of landing point from launch point |
| $h := 11.12$ | ft                               | vertical distance of landing point from launch point   |
| $g := 32.2$  | $\frac{\text{ft}}{\text{sec}^2}$ | acceleration due to gravity                            |

Formula for optimum launch angle using above values:

First calculate line of sight angle, for reference:

$$\theta_L := \text{atan}\left(\frac{h}{d}\right)$$

atan is the symbol for arc tangent, or  $\tan^{-1}$

$$\theta_L = 21.438^\circ \text{deg}$$

$\theta_L$  is line of sight angle, just for reference

Calc optimum launch angle now:

$$\theta := 45^\circ \text{deg} + \frac{1}{2} (\theta_L)$$

$$\theta = 55.719^\circ \text{deg} \quad \text{optimum launch angle}$$

$$V := \sqrt{g \cdot \left[ h + \sqrt{d^2 + h^2} \right]}$$

$$V = 36.575 \quad \frac{\text{ft}}{\text{sec}}$$

$$S := V \cdot 0.6818$$

$$S = 24.937 \quad \text{mph}$$

Figure 8 - Trajectory Calculations

## Collision Analysis: State of Montana vs. Barkus

The most likely point at which the hull first contacted the ground to end the boat's airborne trajectory was point N. Trajectories were also calculated for point G, as it is closer to point O, and lower than point N.

Derivations for the calculations in Figure 8 are found in Reference 1. The trajectory calculations for this boat accident provide the theoretical minimum speed to accomplish the required change in height and distance of the center of gravity. This speed is well below the actual speed of the boat prior to impact because the following factors are not taken into account:

- the energy required to penetrate the fiberglass hull and create the damage to bow
- the energy required to get the center of gravity to the location where the airborne trajectory begins
- the energy lost in shearing the sterndrive from its mountings

The boat has a certain amount of kinetic energy, due to its mass and its speed, prior to striking the shore. Each of the above acts requires significant energy. Unfortunately, the data is not available to allow a precise calculation of the amount of energy required to create the damage to the hull or to rip the sterndrive from its mountings. It is possible however, to relate speed, based on laboratory testing, to the damage to the sterndrive. The latter will be discussed in more detail in section 7.

The trajectory equations in Figure 8 calculate a minimum theoretical speed by assuming the most ideal launch angle. Launch angles in real accidents are rarely the same as the optimum angle. This even further contributes to a calculated minimum speed value that is likely well below the actual value.

### **6. Speed Estimate Based on RPM Observations**

A more accurate method for estimating speed can be performed if we know the RPMs (revolutions per minute) of the engine prior to impact. The speed of a boat can be calculated based on the variables of engine RPM, propeller pitch, gear ratio, and propeller slip values.

Passenger Kristin Smith observed that the speedometer was broken but the RPMs were "around 4000" as the boat was "coming back" prior to the accident. (Smith, Kristen, Interview with Dave Leib, CR#200936880, p7).

The necessary data to calculate the boat's speed follows:

Prop pitch: 19"  
Gear Ratio: 1.5  
RPM: 4000  
Propeller slip: 12% to 15% (estimated)

## Collision Analysis: State of Montana vs. Barkus

The formula for Boat Speed, S, is as follows:

$$S \text{ (mph)} = \frac{(\text{propeller pitch} + 1" \text{ for cup}) \times (\text{Engine RPM} / \text{Gear Ratio}) \times (1 - \text{slip})}{1056 \text{ (constant)}}$$

$$S = \frac{(19 + 1) \times (4000 / 1.5) \times (1 - .12)}{1056}$$

$$S = 44.4 \text{ mph (at 12\% slip, used in above formula)}$$

$$S = 42.9 \text{ mph (at 15\% slip)}$$

Dave Leib of the Flathead County Sheriff's Office has documentation from the Jesco Boat Center where the boat was tested and found to operate at 4600 RPM at 56 mph (repair order #7093, 9-1-09). The repair order states "Complaint: (Lake Test-Prop / RPM's Record Data)", and has the same HIN as the accident vessel, recorded for the boat being serviced. Dave Leib states that in a conversation with Bart Hanson at Jesco Boats, "it was determined with the weight of approximate fuel and the 5 occupants at 4000 rpm the boat would have been traveling at approximate speeds of no less than 45 mph." (see also Flathead County Sheriff's Office, Investigative Report, Follow Up: 4, Case No: 200936880, Report Date: 9/2/2009 @14:57).

When conducting speed calculations, it is important to realize that propeller pitch and propeller slip values can be slightly subjective. Such calculations, unless supported by specific testing in controlled conditions, are to be considered as estimates. Formulas used in speed calculations in this section are found in Reference 2.

### **7. Speed Estimate Based on Sterndrive Impact Testing**

This consultant was aware of industry tests conducted by Mercury Marine whereby a sterndrive strikes a test object to simulate a boat striking a submerged object, such as a log. Mr. Richard Snyder has access to test data that can help to establish the speed a boat must be traveling to fracture a sterndrive from its transom mountings.

This consultant reviewed the report from Mr. Snyder where he states, in regards to the specific damage to the boat in this accident, that this damage "would only occur at a speed over 40 mph." Please refer to Mr. Snyder's report for details on his conclusions (see item 15, section 3).

## 8. Rules of the Road

In a review of Inland Navigation Rules, known as COMDTINST M16672.2D, NAVIGATION RULES (International-Inland), two rules that are of special interest are as follows:

- Rule 5 – Lookout
- Rule 6 – Safe Speed

Rule 5 states:

### *Rule 5*

*Every vessel shall at all times maintain a proper look-out by sight and hearing as well as by all available means appropriate in the prevailing circumstances and conditions so as to make a full appraisal of the situation and of the risk of collision.*

In a review of passenger statements, comments made by Denny Rehberg and Kristin Smith make statements regarding how Mr. Barkus was paying attention to the GPS, explaining to them how things worked and being very interactive with his guests. His attention appeared to be divided between maintaining a proper look out and interacting with his guests.

Rule 6 – Safe Speed states in part the following:

### *RULE 6 SAFE SPEED*

*Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.*

*In determining a safe speed the following factors shall be among those taken into account:*

*(a) By all vessels:*

- 1. The state of visibility;*
  - 2. The traffic density including concentrations of fishing vessels or any other vessels;*
  - 3. The manageability of the vessel with special reference to stopping distance and turning ability in the prevailing conditions;*
  - 4. At night, the presence of background light such as from shore lights or from back scatter from her own lights;*
  - 5. The state of wind, sea and current, and the proximity of navigational hazards;*
  - 6. The draft in relation to the available depth of water.*
-

Rule 6 basically means that the operator of a vessel is expected to operate his vessel at a speed that allows sufficient time to take action to avoid a collision. This rule requires good judgment by the vessel operator, which means that the environment in which he is operating must be considered. The first item mentioned in the rule, as factors to be taken in to account, is visibility. The reference to visibility simply means how well objects can be seen under the present conditions. This includes not only weather related factors such as rain or fog, but ambient lighting, i.e. night time or day time. Operating vessels at night requires an awareness of the limitations imposed on the ability of the vessel operator, and/or a designated lookout, to see objects at a distance. Simply stated, it is generally advisable to proceed at slower speeds at night than those which may be acceptable during daylight.

Kristen Smith and possibly Denny Rehberg as well, recognized that they were about to hit the rocks. Ms. Smith says in her statement:

*"...I remember seeing the rocks ahead of us. And it took me a second to register, and – and both – I think it was kind of at the same time. Denny and I both said, um, 'Oh my God. We're gonna hit the rocks.'"*

Even if Mr. Barkus was maintaining a lookout, this statement provides a strong indication that what Mr. Barkus needed was more time to identify and recognize the hazard.

Directly related to having sufficient time to avoid an accident is the distance from which an object can be seen. At a speed of 40 mph, which is 58.7 ft/sec, a boat covers the distance of a football field in approximately 5.1 seconds. On this rather dark night, it is not clear at what distance the rocks could have been seen prior to impact, but the statement from Ms. Smith provides evidence that they could indeed be seen. What was needed was additional time for Mr. Barkus to react to the hazard in front of him. Traveling at a sufficiently slower speed would have provided more time.

## **9. Conclusions**

1. There is no doubt that Mr. Barkus' vessel was traveling at a speed of at least 30 mph at the point of first contact, based simply on trajectory analysis data.
2. It is probable that Mr. Barkus' vessel was traveling at a speed of over 40 mph, at the point of first contact, based on Ms. Smith's observations of 4000 RPM, and a review of Mr. Snyder's report regarding stern drive impact data. Mr. Snyder's conclusions regarding speed are generally consistent with the trajectory calculations, considering the energy losses that are not taken into account with the trajectory analysis approach.
3. Mr. Barkus was likely in violation of Rule 5 – Lookout. His attention was too divided between his guests, viewing his GPS, and his duties of operating the vessel. He also chose not to take advantage of other persons on board in that there is no record that he asked anyone else to assist with lookout duties.

4. Mr. Barkus was in violation of Rule 6 - Safe Speed. Mr. Barkus' vessel's speed did not allow sufficient time for him to visually acquire the shoreline, recognize it as a hazard, and take sufficient action to avoid the hazard in front of him.

#### 10. References

1. Beam, M.A., Recreational Boat Collision Accident Research, Volume 1. Research Triangle Park, NC: Underwriters Laboratories Inc., Oct 1992.
2. Everything You Need To Know About Propellers, Third Edition, Mercury Marine, Fond du Lac, Wisconsin 54935, 1987.

#### 11. Closing

This report is based on information and evidence presented as of the date of this report. The submittal or discovery of additional information may result in a review and amendment of the findings presented.

Report prepared and submitted by:



Miles Beam, P.E.  
[mb@boatcrash.com](mailto:mb@boatcrash.com)  
5-31-2010



**Recreational  
Boating  
Consulting LLC**

Richard H. Snyder, P.E.  
5326 Fond du Lac Rd  
Oshkosh, WI 54902-7554  
920-233-6407  
FAX 920-233-6355

e-mail: dick\_snyder @mercmarine.com

May 17, 2010

**DRAFT**

Ed Corrigan, County Attorney  
Office of the Flathead County Attorney  
P.O. Box 1516  
920 South Main Street  
Justice Center, Second Floor  
Kalispell, MT 59903-1516

Re: State of Montana v. Barkus  
DC-09-468(A)

Dear Ed:

In response to your request that I send you a report on my findings, particularly related to the broken off MerCruiser Bravo I sterndrive involved in this 27 August 2009 boating accident, I submit the following.

On 6 January 2010 I was contacted by Miles Beam asking me if I would be interested in assisting in this accident analysis, more specifically focusing on the broken Bravo I sterndrive, and how it might shed light on the speed of the boat in question at the time of its collision with shoreline rocks. I readily agreed to assist given my lengthy experience with MerCruiser sterndrives and recreational boating accidents.

Although my updated CV is attached to this report, I will mention some pertinent details not included. I was part of the small group of engineers that designed, prototyped and tested the first MerCruiser sterndrive in 1960, 50 years ago. Later, I was responsible for performance testing and impact testing of outboards and sterndrives. For 35 years, I was Mercury Marine's primary boating accident investigator and testifying expert witness. I have had several cases where Bravo I sterndrives broke off from high speed accidents, either from striking something or from launching off a wave, going airborne, and reentering the water somewhat sideways. I have directed a number of staged boat-on-boat crashes with most boats in the 20 feet range and speeds up to and including 30 MPH. Participating in these staged crashes were personnel from the U.S. Coast Guard, U.S. Navy, Underwriters Laboratory, Florida Marine Patrol, Wisconsin DNR and other interested companies. I know of no one who has had as much experience in this specific area.

Miles sent me a copy of his file, which I reviewed. Later, I contacted Ron Jendro, Montana's State Boating Law Administrator, to see if there was an official state BAR (Boating Accident Report) on this accident. He said there was and I eventually received a copy of this report, as well as, a copy of the Montana state boating law booklet to add to my file.

My file now contains the 3 ring binder from Miles Beam which contains:

1. One DVD entitled "Barkus Accident Docs & Photos as of 2-1-10"
2. Flathead County Sheriff's Report #200936880
3. Montana Fish, Wildlife, and Parks Report

4. Transcription of interview with Denny Rehberg (passenger in boat)
5. Transcription of interview with Kristin Smith (passenger in boat)
6. Charging documents
7. Bigfork Quick Response Unit Volunteer Ambulance Reports
8. Various documents, under the title "1<sup>st</sup> Responders"

It also includes:

1. A judicial "Order to Continue" date stamped 2010 Feb 16
2. A copy of the "Montana Boating Laws 2009-2010" booklet
3. A copy of the official Montana state BAR (Boating Accident Report)
4. A CD containing several photos of the broken sterndrive taken by Detective Dave Leib at my direction on May 4, 2010
5. A copy of Mercury Marine's video entitled "Bravo I Impact Tests"

On May 4, 2010 I travelled to Kalispell, Montana to inspect the broken sterndrive, boat and crash site, which I did on May 4<sup>th</sup> and 5<sup>th</sup>.

As I viewed the Bravo I fracture surfaces, I asked Detective Dave Leib to take a photo of each fracture surface that I deemed pertinent.

They included:

1. Both right and left bell housing hinge pin ears that were fractured, leaving the hinge pins still attached to the gimbal ring.
2. The fracture of the gearcase skeg missing from the underside of the gearcase torpedo
3. The dented in gearcase torpedo nose to the right of center along with the first few inches of hammered skeg fracture
4. The broken away left side support flange at the lower left side of the gimbal ring
5. The fractured off forward support flanges for the shock absorbers, at the lower, forward end of the gimbal ring
6. The back side of the sterndrive

I viewed all fracture surfaces both by eye, as well as, using a 20x glass, looking for any signs of metal fatigue. None was found. All fractures were created by an instantaneous overload.

At the crash site I discovered, to our benefit, that the water was several feet lower than it was at the time of the accident. Most importantly the rock submerged by about a foot at the time of the accident and which was initially struck by the sterndrive skeg and prop, was now clearly visible above water at the water's edge. I could further easily identify the next boulder that was struck by the keel of the boat, but more importantly to me, by the nose of the gearcase torpedo, which was dented in on the forward, lower right side of the torpedo. It was pointed out to me where the boat finally stopped its forward motion, fell over onto its left side against another boulder, crushing in the top of the left gunnels and railing just forward of the windshield, dumping out 4 of the 5 occupants and then settling back into a more upright, nose up the slope, position. Until the final stage of the boat's motion, the occupants would have been thrown forward and down as the boat rapidly decelerated and veered up the rocky slope.

The following is a description of how I see the crash unfolding, with particular reference to the sterndrive, recognizing that Miles Beam's investigation, assessment, and report will cover the boat movement in much more detail.

The boat made contact with the shore at about a 45° angle, the bow abruptly rising up as it rode up shore line boulders. The initial strike was at a speed in the 45-50 MPH range. The first part of the sterndrive to make any rock contact was the skeg striking a rock just under the water. The skeg was immediately broken off, probably to the left, now leaving a 3 blade, stainless steel, propeller, following about 2 feet

behind the leading edge of the skeg, unprotected. The first blade to strike the rock made a very distinct cut into the rock and folded the leading edge of the blade back.

There are a couple more following marks on this rock, but it is not clear to me if they were made by succeeding blades. What is clear is that the prop would not have touched the rock had the skeg not been broken off approximately 0.02 seconds earlier.

Several feet further up the slope is the boulder of primary interest. Here, the keel of the boat struck the boulder, launching the boat upward. But for my purposes, it is this rock which shows the impact of the gearcase torpedo nose, particularly the right underside. The force of the impact dented in the torpedo, something I have not seen before, and hammered briefly on the adjacent, first few inches of the skeg fracture. As the sterndrive hit this rock, it began to tilt up, as designed, but with such energy/force that the hinge pin support system was fractured, the shock absorber rods were bent partially extended, and the front shock absorber mounting system on the gimbal ring was fractured off. In addition, there was just enough force to the left to fracture off the left side support flange at the aft lower end of the gimbal ring. This type of damage would only occur at a speed over 40 MPH as illustrated by our test video.

Mercury's impact test uses a replaceable lead piece that strikes the gearcase at the juncture of the torpedo and strut and dents slightly on impact. In this accident, the rock did not dent, but the gearcase torpedo did. In either case, the denting helps soften the impact energy. The initial boat speed would have been slightly higher when in the water, as some speed would be lost as the boat initially struck the first rocks, before the sterndrive reached the rock in question. Mercury's standard impact test for a Bravo sterndrive consists of an initial pass at 30 MPH, followed by one pass at 35 MPH, then immediately followed by three passes at 40 MPH. The sterndrive must remain completely functional after all five impacts. Impact tests conducted at 45 MPH always result in a fractured bell housing and gimbal ring as occurred in this boat crash.

The sterndrive did not break off when the boat partially slid back down the slope. There was absolutely no damage to the back side of the sterndrive and the missing skeg would not have been in place, having broken off at the first contact with the submerged rock.

Of additional interest is a comment by passenger Kristin Smith noting that she observed the tachometer needle to be pointing at about 4000 RPM. A quick calculation of the engine RPM, the sterndrive gear ratio (1.5:1), the prop pitch (21") and an assumed 12-15% prop slip, results in a speed of 45.1 MPH to 46.7 MPH.

Finally, in all my recreational boat crash experience, I don't recall ever seeing a crash with such violence as to rip the V-8 engine from its mounting stringers, certainly not in any of my 30 MPH staged crashes where one boat launched over the top of a similarly sized stationary boat.

This completes my report. I reserve the right to amend my comments should any new information become available.

Sincerely,

Richard H. Snyder, P.E.

Encl.  
RHS705

**RICHARD H. SNYDER, P.E.**  
***RHS Recreational Boating Consulting, L.L.C.***

**Home Address:** [REDACTED]

**Bus. Address:** Mercury Marine - Retired [Consulting]  
W6250 W. Pioneer Rd.  
P.O. Box 1939  
Fond du Lac, WI 54936-1939  
Phone: (920) 929-5503  
Fax: (920) 929-5436  
E-mail: dick\_snyder@mercmarine.com

**Date of Birth:** [REDACTED]

**Education:**

B.S. Mechanical Eng., Jan. '59, University of Illinois. Many University of Wisconsin, Engineering Department Extension courses and other seminars including such subjects as:

- A. Boat Accident Investigation '97, '94, '92
- B. Biomechanics of Impact Trauma '91, '90, '88
- C. Vehicle Accident Reconstruction '89
- D. Product Safety and Liability Prevention '87, '85
- E. Product Warnings '82
- F. Propellers/Propulsion '97, '94, '91, '88
- G. Manufacturing Cost Estimating '76
- H. Computers '83, '81
- I. Marketing for Nonmarketing Mgrs. '74
- J. Hi-speed Industrial Photography '72

**Employment:** Employed since graduation (42½ years) by Mercury Marine.

- '59-'61 Design Engineer - Outboard lower units, water pumps, first sterndrives.
- '62 Started performance test lab - outboard and sterndrives testing responsibility.
- '64 Took over propeller engineering - outboard and sterndrives.  
(This combination became known as the Hydrodynamics Dept. with a managing title of Chief Engineer - Hydrodynamics.)
- '73 Ten month special project working with Yamaha engineers on new line of Yamaha/Mariner joint venture outboards.
- '74 Resumed responsibility as Chief Engineer - Hydrodynamics with a staff of 23 and the following major responsibilities.
  - 1. Outboard & sterndrive propeller design.
  - 2. Outboard & sterndrive water pump design.
  - 3. Outboard & sterndrive external gearcase design.
  - 4. High performance, outboard, & sterndrive boat performance testing, including impact testing (log strike).

**Employment:** (continued)

- '84 Promoted to the position of Director of Racing and High Performance Products.  
Responsible for all national and international racing involvement including television and other related promotional activities, and the design, manufacturing and partial distribution of all racing, high performance and special products.
- '87 Accepted position of Principal Engineer - Product Evaluation. Consultant to engineering, marketing, service, legal, performance products on such matters as hydrodynamics, warnings, product features, accident investigation and analysis, Corporate boating safety advisor.
- '96 Changed title to Director - Product Safety Engineering to more accurately reflect job content.
- '01 July 7<sup>th</sup> Retired (42 ½ years). Continue to consult for Mercury Marine by contract.

**Professional Engineer:**

Registered with the State of Wisconsin #28927.

**Professional Organizations:**

Wisconsin Boating Safety Advisory Council (WBSAC) - Member  
Society of Naval Architects & Marine Engineers (SNAME) - Full Member (past)  
American Society of Naval Engineers (ASNE) - Member (past)  
American Boat & Yacht Council (ABYC) - Member  
(Responsible for most of the recreational boating voluntary safety standards)  
National Association of State Boating Law Administrators (NASBLA) - Associate Member

**Boating Organization Memberships:**

Boat U.S.  
National Safe Boating Council  
Delegate for American Power Boat Association (member) (past)  
and Mercury Marine (member) (past)  
National Boating Federation  
American Canoe Association  
American Power Boat Association (APBA) (past)  
[Sanctioning body for most U.S. power boat racing]

**Other Memberships:**

Winnebago Lakes Council  
Board of Directors 2007, Elected Vice President 2009  
International Council of Motorsport Sciences (Composed primarily of physicians who deal with high speed racing crash injuries) [retired - '97]  
Marine Index Bureau Foundation (created to improve the level of recreational boating accident reporting by securing insurance company cooperation) Organization now inactive.  
National Recreational Boating Safety Coalition - Advisory Comm. (now inactive)

**Other Boating Organizational Involvement:**

National Boating Safety Advisory Council (NBSAC)  
Have attended all council meetings since 1987  
Contribute regularly at subcommittee meetings

**Appointments:**

American Boat & Yacht Council (ABYC) since 1979  
Technical Board (Emeritus)  
Hull Performance Committee  
Occupant Protection Subcommittee - Chairman (Past)  
Mini Jet Boat Subcommittee (comm. inactive)  
President (elected - past)  
Senior Vice President (elected - past)  
Technical Vice President (elected - past)  
Board of Directors (past)  
Nominating Committee - Chairman (past)  
Executive Committee (past)  
Technical Information Division Director (past)  
Finance and Strategic Planning Committee (past)  
Engineering Standards Committee - Chairman (past)

American Power Boat Association (APBA)  
Outboard Performance Craft (OPC) Engine Technical Committee (past)  
National Safety Committee - Chairman (immediate past)  
OPC Boat Technical Committee - Chairman (past)  
OPC Board of Commissioners - Member (past)  
Inboard Board of Commissioners - Member (past)

International Council of Motorsport Sciences [retired - '97]  
Accident Data Acquisition Committee (past)

National Association of State Boating Law Administrators (NASBLA)  
NASBLA revised its committee structure in late 2007. There is no longer a BAIRAC or a Boats & Associated Equipment Committee. They have been combined to make a new Engineering Reporting Analysis Committee (ERAC) of which I am a member.  
Boat & Associated Equipment Committee (Committee structure revised in 2007)  
Boating Accident Investigation Reporting & Analysis Committee (BAIRAC)  
(Committee structure revised in 2007)  
Personal Watercraft Committee (Committee discontinued in 2000 - Subject matter shifted to Boats and Associated Equipment Committee)

Marine Index Bureau Foundation  
Recreational Boating Accident Register (R-BAR) Task Force (organization is inactive)

Florida Manatee Avoidance Technology Selection Committee  
Appointed by Allan L. Egbert, Ph.D., Executive Director of the Florida Fish and Wildlife Conservation Commission (18 Oct 2001)

Winnebago Lakes Council  
Board of directors (2007)

**Awards:**

2006 Inducted into the APBA Region Seven Hall of Fame

2004 Inducted into the Boating Safety Hall of Fame

Induction held at the National Association of State Boating Law Administrators' National Conference Awards Banquet on September 15<sup>th</sup> by the National Safe Boating Council. 21<sup>st</sup> inductee overall, first inductee from a recreational boating manufacturer.

2003 Mercury Marine Patent of the Year Award

Patent #6,393,347 was voted best Mercury Marine patent for the year 2002.

2001 Wisconsin Department of Natural Resources (DNR) Special Award

"In recognition of your dedicated service to the Boating Safety Program"

2001 NBSAC Honorary Lifetime Member

Appointed an Honorary Lifetime Member of the National Boating Safety Advisory Council by the U.S. Coast Guard. Presented by Admiral Kenneth T. Venuto at the spring NBSAC meeting in Cleveland for 14 years (28 consecutive meetings) of invaluable service to the Council. This is the first and only presentation of this honor.

2000 NASBLA Lifetime Achievement Award

Presented by the National Association of State Boating Law Administrators "for a lifetime of efforts on behalf of boating safety." First time 4 year old award presented to an employee of a recreational boating industry manufacturer.

2000 NASBLA Special Recognition Award

Presented by the National Association of State Boating Law Administrators "for his work on behalf of boating accident reconstruction training."

1999 ABYC G. James Lippman Memorial Award

Presented to the ABYC member "who best exemplified the life of Jim Lippmann (ABYC's first Executive Director) through hard work, personal sacrifice, and contributions to the goals of boating safety."

1996 ABYC Horizon Award

Presented by the American Boat & Yacht Council "for conspicuous contributions to the future success and growth of ABYC."

1992 NASBLA Award

Presented by the National Association of State Boating Law Administrators for outstanding contributions toward the advancement of recreational boating safety. First time 23 year old award presented to an employee of a recreational boating industry manufacturer.

1984 Caesar's Marine Academy Award

Presented by Vapor Trails magazine to the non-racing "Man of the Year" in the world of power boat racing.

1958 Outstanding Senior

ROTC, Ordnance Branch, University of Illinois.

1954 National Athletic Scholarship Award

York Community High School, Elmhurst, Illinois

**Awards:** (continue)**1954 National Honor Society**

York Community High School, Elmhurst, Illinois

**Personal Outboard/Sterndrive Design Innovations That Were First in the Industry :**

1. First to move water intake from separate pickup above propeller to cast into the side of the strut. Eliminated 5 parts, added one gasket.  
The rest of the industry followed (1960's).
2. First to go to all 3 blade standard props (from 2 blade).  
The rest of the industry followed.
3. First to produce factory cupped props(hammered).
4. First to produce cast cupped props.  
The rest of the industry followed.
5. First to design high rake into standard prop line.  
The rest of the industry followed.
6. First to design pitch progression into many standard props for better surfacing operation.
7. First to design sweptback strut and skeg on gearcase.  
Most of the industry followed.
8. First to design speedometer pickup (pitot tube) into lower leading edge of strut.
9. First to recommend elevating outboard installation on faster boats. Created easy to follow chart.
10. First to move outboard and sterndrive racing propeller technology into all classes of inboard hydroplane racing including unlimiteds (i.e. Miss Budweiser) - slower turning, 3 blade, hi-rake. Became the standard.

**Inventions:**

Holder of the following patents:

1. 3,871,324 - High Reverse Thrust Propeller
2. 4,080,099 - High Performance Propeller (in production)
3. 4,295,835 - High Speed Blow Out Inhibition for Gearcase (in production)
4. 4,539,452 - Safety Stop Switch Assembly (in production)
5. 4,642,057 - Shock Absorbing Propellers
6. 4,843,990 - Retainer for Marine Drive Steering Linkage
7. 4,955,963 - Improved Outboard Motor Retainer
8. 4,957,459 - Propeller Shroud with Load Bearing Structure
9. 4,966,347 - Outboard Motor Retainer
10. 6,393,347 - Data Recording Method for a Marine Propulsion Device
11. 6,450,845 - Passive Occupant Sensing System for a Watercraft

**2002 Charter Member of the Kiekhaefer Club**

Inducted as a charter member into the Kiekhaefer Club, an organization for the recognition of Mercury Marine inventors and most prolific patent holders.

**Lectures Given:**

To NASBLA Advanced Boat Accident Class 4 Oct 2005 to present  
Propeller hydrodynamics, propeller strike accidents - interpretation and research,  
propeller guards, high speed boat instability issues

**Lectures Given:** (continued)

To IAMI (International Association of Marine Investigators) National Conference 1 Feb 2007  
Propeller hydrodynamics, propeller strike accidents - interpretation and research,  
propeller guards, high speed boat instability issues

Propellers-Outboard Engine and Sterndrive

Warning Labels

Accident Investigation-Recreational Power Boats

Injury Causation - Recreational Power Boats

**Personal Boating Experience:**

- presently own a family 50 MPH runabout powered by 125 HP outboard, 2 small aluminum fishing boats with 15 HP hand-tilled outboards, an 8' inflatable and 3 aluminum canoes.
- have owned 4 other runabouts with top speeds up to 60 MPH; a small wooden fishing boat and a Class B utility race boat.
- have water-skied a little as a teenager and have towed four generations of skier s & tubers from my uncle to my grandson.
- have towed a water skier over 50 MPH
- have driven race boats up to 115 MPH
- have driven boats over logs and sand or mud bars
- have jumped boats over ramps
- have been thrown from boats accidentally on 4 occasions
- have spun boats out, hooked chines, and plunged a boat into a severe "bowsteer"
- have driven in strong currents
- have driven in large offshore waves
- have jumped wakes, going completely airborne
- have driven over ice
- have towed other boats
- have driven V bottoms, flat bottoms, catamarans, tunnel boats, 3 point hydros, inflatables, pontoon boats, houseboats
- have driven outboard engines from 1/2 hp to 300 hp
- have driven sterndrives with engines ranging from 60 hp to 800 hp
- have driven inboards and water jets, including mini jet boats
- have driven personal water craft
- have driven 30', twin diesel powered, state police rescue boat
- have driven boats equipped with hand-tilled outboards, remote stick steering, push button power steering, and steering wheels using push-pull cable, rope and pulley, hydraulics, and wire.
- have driven outboard powered boats equipped with various designs of mechanical and hydraulic no-feed-back steering
- have driven outboard and sterndrive powered boats equipped with and without various designs of power steering, including a 200 hp outboard equipped with hand-tilled power steering.
- have driven outboard and sterndrive powered boats equipped with anti-ventilation plate mounted horizontal fins
- have driven boats equipped with cages and rings surrounding propeller
- have driven boats that can severely roll to one side while going straight
- have driven inflatable jet propelled fire boat; operated boat to 40 MPH & 1200 GPM water discharge
- have driven 42' Maxum - Zeus pod drive / Hybrid (diesel/electric) with joystick

**Boat Collision Experience:**

- have co-sponsored, co-supervised 5 remote controlled collisions at Mercury's Florida, Lake X test facility. Test performed for U.S. Coast Guard through NASBLA. Assisted by U.L., U.S. Navy, Florida Marine Patrol, 10 cameras (3 hi speed - 500 fps), Dec 99.
- have co-sponsored remote controlled collision testing with UL and the Wisconsin Department of Natural Resources near the Mercury Marine Oshkosh, WI test facility, 30 MPH, Jun 95.
- have participated in an Underwriter's Laboratories (UL)/Florida Marine Patrol (FMP) series of remote controlled collisions from 5 MPH to 30 MPH. Tallahassee, FL Apr 89 and Tallahassee, FL Jun 90.
- have witnessed live collisions between race boats from 1965 through 1987. I estimate the number to be over 500. Boats were made of wood, fiberglass or a combination. Relative speeds were from 5 MPH to 100 MPH. A video replay was often available and reviewed by me. The crashed boats were normally examined by me.
- have on file and have studied video of a UL/FMP series of remote control collisions from 5 MPH to 30 MPH. Tampa, FL 90.
- have on file and have studied video of numerous collisions contained in the U.S. Coast Guard video library.
- have on file and have studied video of numerous collisions performed by Dr. William Chilcott, Truckee, Cal.

**Publications:**

Forensic Methods For Characterizing Watercraft from Watercraft -Induced Wounds On The Florida Manatee - Co-author with five others, who were all employees of the Florida Fish & Wildlife Conservation Commission, Fish & Wildlife Research Institute, three with the Marine Mammal Pathobiology Lab, one with the Marine Mammal Health Program. St. Petersburg, Florida. Sentinal A. Rommel was lead author.

Everything You Need to Know About Propellers - (55 page booklet)  
First Edition 1978, Second Edition 1982, Third Edition 1984, Fourth Edition 1992 - Published by Mercury Marine

Hi-Performance Boat Operations - (13 page booklet originally - now 28 pages)

First Edition 1978, Second Edition 1981, Third Edition 1984, Fourth Edition 1995 - Published by Mercury Marine

"Boating" Magazine Article, January, 1979, "Powering, The Case For The Single Outboard" - Published by Ziff-Davis Publishing Co.

**Video Productions:**

Boating Safety - 25 minute Recreational Boating Safety Video - 1993  
Served as Technical Director - This videotape production received a top "Telly" award in the '94 annual selections made from 7900 international entries.

Directed the production of the following videotapes:

Simulated Underwater Flesh Impact Test - (SUFIT) 1980 - 4.5 minutes.  
Underwater impact of outboard engine gearcase, propeller, cage guard and ring guard against special sausages. High speed film.

**Video Productions:** (continued)

Simulated Underwater Limb Impact Test - (SULIT) 1988 - 23 minutes.  
Underwater impact of outboard engine as produced and with ring guard against artificial arms and legs made by Pacific Research Laboratories.

Simulated Underwater Basket Impact Test - (SUBIT) 1989 - 14 minutes.  
Underwater impact of Snyder - U.S. Marine Corps cage against artificial arms and legs made by Pacific Research Laboratories.

Cadaver Leg (& Hybrid III Dummy Head) Underwater Basket Impact Test - (CLUBIT) 1990 - 22 minutes.  
Underwater impact of Snyder - U.S. Marine Corps cage against cadaver legs and Hybrid III dummy head. Testing performed at State University of New York at Buffalo (centrifuge tank).

**Religious Affiliations:**

[REDACTED]

**Military Experience:**

May '59-Nov.'59 U.S. Army Ordnance Corps. Officer Training - Aberdeen Proving Grounds, Maryland  
'66 Retired from active Army Reserve - rank of Captain

**Civic Involvement:**

Boy Scouts of America  
-hold Eagle Scout rank  
-past explorer post adviser

Provide piano sing-along entertainment at Park View Mental Health Center, Oshkosh, WI, twice a month since 1973, monthly at Evergreen Retirement Community, Oshkosh, WI 1989-2005 (17 years), monthly at Arborview Manor, Oshkosh, WI 1999-2005 (7 years), Fond du Lac County Care Home (Harbor Haven) since 2006, Woodland Senior Park since 2006, and (on vacations [about 12 times a year, each]) at Maplewood Nursing Home, Sauk City, WI since 1984, at Maplewood Village, Sauk City, WI since 2000 and St. Clare Meadows Care Center, Baraboo, WI since 1996.

Chaired civic committee to create Glatz Nature Park in Oshkosh, Wisconsin 1976 -77.

Citizen's Advisory Committee on Juvenile Restitution - Winnebago County, Wisconsin  
- appointed by Judge Robert Hawley 1982 - 1990.

Jan-07-11

02:44pm

From-MONTANA HIGHWAY PATROL

14064444168

T-178 P.001/002 P-255

**F A X**

**Montana Highway Patrol**

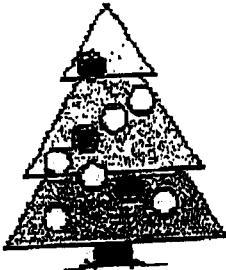
2550 Prospect Avenue

Helena, MT 59601

Phone: 406-444-3780

Fax: 406-444-4169

Season's  
Greetings!



[www.doj.mt.gov](http://www.doj.mt.gov)

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

**Message:**

I will forward on to you anything  
we get from retired off duty Mike Kent

Aut

Date:

1-7-11

To:

Keely Absalonson

From:

Aut Rueman

Attention:

RE:

No. of pages including cover:

2

Jan-07-11

02:44pm

From-MONTANA HIGHWAY PATROL

14064444188

1-118 P.002/002 P-200

# MONTANA HIGHWAY PATROL

## OFFICER'S DAILY LOG AND ACTIVITY REPORT

NAME: Kent I.D. 1178 DATE: 01/03/2014  
 RADAR SN: 00714 RADAR VERIFIED: Yes END MILEAGE: 37,660  
 WEATHER: Clear + 40° 80° START MILEAGE: 37,576  
 ROADS PATROLLED: 93 TOTAL MILES: 84

### DAILY LOG

| START TIME | STOP TIME | ACTIVITY                                               |
|------------|-----------|--------------------------------------------------------|
| 1403       |           | In Service                                             |
| 1404       |           | DO. EDU / Elder Dailies / CARE / open container / STEP |
|            | 1845      | Reports / Kai Mail / Monthly Evls.                     |
| 1845       | 1915      | Home - Break                                           |
| 1935       | (V)       | FO92876 USN3D 77/65 495 \$40 Eric I. Thune or/         |
|            |           | 5/17/50 WA / 874 SJ74 US 93 67 SB                      |
| 1950       |           | out w/ APT 158 - NBD Jason Anthony Kouske              |
|            |           | 12/1/77 said girlfriend was driving - caught ride w/   |
|            |           | someone else to come back to get him                   |
|            |           | Shelly Mc 23                                           |
| 2020       |           | 7A6676 US 93 89 NB - veh. problems                     |
| 2030       | (V)       | FO92877 USN3D 75/60 495 William D Davis WA 10/24/62    |
|            | TW        | 006591 or VAPS287 US 93 80 SB                          |
| 2051       |           | Stopped DREAM IT - 84/65 - Strong alcoholic beverage   |
|            |           | eyes blood shot NGN = 6 WWT = 4 OLS = 0                |
|            | 2109      | PBT = Refused Gregory D Backus 11/25/96                |
| 2142       |           | LC So Refused Inter                                    |
|            |           | FO92878 US100D 495                                     |
|            | 2249      | FO92879 US143D 84/65 495                               |
| 2255       |           | Fuel 14.2 gals - Blown Bay Ginery                      |
| 2325       | 2354      | Do Email / LC So - Notice - Dat                        |

| HOURLY ACTIVITY |     |         | ENFORCEMENT ACTIVITY |     |     | SPECIAL ENFORCEMENT ACTIVITY |     |     | ACTIVITY DATA |     |          |
|-----------------|-----|---------|----------------------|-----|-----|------------------------------|-----|-----|---------------|-----|----------|
| CODE            | HRS | O/T NO. | CODE                 | WAR | CIT | CODE                         | WAR | CIT | CODE          | NO. | CODE NO. |
| 01              | 3.2 |         | 111                  |     | 2   | 301                          |     | 3   | 314           | 3   | 351      |
| 21              | 1.1 | 1       | 109                  |     | 1   | 302                          |     |     | 325           |     | 352      |
| 49              | .5  | 1       |                      |     |     | 303                          |     |     | 326           |     | 353      |
| 20              | .2  | 1       |                      |     |     | 304                          |     |     | 327           |     | 354      |
| 40              | 4.7 | 5       |                      |     |     | 305                          |     |     | 328           |     | 355      |
| 67              | .3  | 1       |                      |     |     |                              |     |     | 329           |     | 357      |
|                 |     |         |                      |     |     |                              |     |     | 330           |     | SGT INT  |
|                 |     |         |                      |     |     |                              |     |     | 331           |     |          |

# **LAKE COUNTY JUSTICE COURT**

106 Fourth Avenue East  
Polson, Montana 59860  
(406) 883- 7260  
(406) 883-7343 fax

From the Desk of Amy Haddick  
Justice Court Clerk

TO: Keely Absolonson  
Fax Number: 755-5124

RE: Gregory Barkus

Attached please find the information requested. Please call if you need any additional information

Thanks,  
Lake County Justice Court

2 Pages

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If there are any problems in receiving this fax transmission, please call 406-883-7260.

**CHANGE OF PLEA**

Defendant

Greg Barker

☒ Guilty to Count(s)

1st Degree Murder  
II degree for CIA

Officer:

Kend

Case #:

TK-04-1435

Defendant advised: by counsel

☒ By pleading guilty the Defendant gives up the following rights:

1. Right to be represented by an attorney at every stage of the proceeding (if the court retains imprisonment as a sentencing option;
2. Right to appointment of an attorney if the Defendant is unable to employ an attorney;
3. Right to plead not guilty or to persist in that plea if it has already been made;
4. Right to a jury or bench trial;
5. Right to confront and cross-examine witnesses;
6. Right to remain silent and not incriminate self;

and there will not be a trial of any kind and no right to appeal to or trial de novo in District Court.

☒ If plea of guilty is pursuant to a plea agreement, the Court is not required to accept the agreement. If the Court does not accept the plea agreement the Defendant will be permitted to withdraw his/her guilty plea.

**DEFENDANT'S ACKNOWLEDGEMENT**

I acknowledge that in entering my plea of guilty to Count(s)

1st degree

I am: (check one)

☒ Acting under the advice of competent counsel.

☐ Not represented by an attorney and knowingly and intelligently waive my right to counsel, I understand the rights I am waiving by entering my guilty plea(s) and no threats or promises were made to cause me to enter my plea(s) of guilty.

Date

8/23/04

Defendant

**Fine and or Sentence:**

Count 1: \$ 300.00 all but \$            suspended/deferred. \$ 35.00 surcharge Total \$ 335.00  
20 days/months in the Lake County jail with all but            suspended/deferred.  
Conditions of suspended/deferred sentence: Obey all laws, Complete ACT and follow all recommendations

Count 2: \$ Dismissed all but \$            suspended/deferred. \$            surcharge Total \$             
           days/months in the Lake County jail with all but            suspended/deferred.  
Conditions of suspended/deferred sentence: Obey all laws,           

Count 3: \$            all but \$            suspended/deferred. \$            surcharge Total \$             
           days/months in the Lake County jail with all but            suspended/deferred.  
Conditions of suspended/deferred sentence: Obey all laws,           

Total Due: \$ 335.00

Total Jail Time:           

Dated this 23 day of August, 200 4.

Chuck Wall  
Chuck Wall, Justice of the Peace