

COUNTY OF BERRIEN
OFFICE *of the* PROSECUTING ATTORNEY
MICHAEL J. SEPIC
Prosecuting Attorney

JENNIFER L. SMITH
Chief Assistant Prosecutor



STEVEN P. PIERANGELI
Chief Trial Attorney

Press Release

December 7, 2017

No charges sought in the April 1 death of Bryan Watts at the Niles Quality Inn

Prosecutor Michael Sepic has announced that there will be no criminal charges sought in connection with the death of 13 year old Bryan Watts of Niles. Watts was with a group of friends swimming at the Quality Inn located at 1265 S. 11th Street in Niles on Saturday morning, April 1. The medical examiner determined the cause of death was carbon monoxide toxicity. Watts' exposure to carbon monoxide was likely a result of a pool heater ventilation pipe disconnecting from the pool heater. This likely caused carbon monoxide to leak into an enclosed pool maintenance room adjacent to the pool. An exhaust system in the pool maintenance room vented air out of the room and into the enclosed pool area.

Most crimes are a result of an intentional, knowing act. It is rare, but not unheard of, in the criminal law that an omission or failure to act results in a criminal charge. In order to determine if a criminal charge is warranted, various Michigan cases give us the following definitions:

- Manslaughter occurs where a death results “from negligence that is gross, wanton or willful, indicating a culpable indifference for the safety of others.”
- The legal definition of involuntary manslaughter is “the killing of another without malice and unintentionally, by the negligent omission to perform a legal duty.”
- Criminal negligence is also called gross negligence. It is something more than ordinary negligence.
- “Ordinary negligence is based on the fact that one ought to have known the results of his acts; while gross negligence rests on the assumption that he did know but was recklessly or wantonly indifferent to the results.” Determination of gross negligent is case dependent and based on a totality of the circumstances.

The prosecutor has reviewed the facts and the law with respect to the current owner, the owner in 2012 when the pool heater was replaced and the person replacing the pool heater and find that while ordinary negligence may have played a role in the death of Bryan Watts, the degree of negligence did not reach the definition of gross negligence. Therefore the prosecutor will not seek criminal charges. Obviously this decision has no impact on potential of civil liability.

Press release available at County Web site:

<http://www.berriencounty.org/ProsecutingAttorney/pressreleases>